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## States of mobilisation?

A comparison of modes of interaction between states and social actors in India, Brazil & South Africa

Edited by Ranjita Mohanty, Lisa Thompson  
& Vera Schattan Coelho

African Centre for Citizenship and Democracy

# **States of Mobilisation?**

A comparison of modes of interaction between states and social actors in India, Brazil and South Africa

**Ranjita Mohanty, Lisa Thompson & Vera Schattan Coelho**

African Centre for Citizenship and Democracy

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# Introduction

**Ranjita Mohanty, Lisa Thompson  
& Vera Schattan Coelho**

## 1. Introduction

Democracy is considered the common 'currency' of state and civil society interaction in middle-economic-power states such as India, Brazil and South Africa. In fact the IBSA (India, Brazil, South Africa) link, as it is understood in international relations, is premised upon certain political and economic similarities between these three states in the South, not least their democratic political foundations.<sup>1</sup> In this paper we are looking at the IBSA states from a citizen-centric point of view, embarking upon a comparative analysis of how states deal with citizens' demands from within. Given the broad

similarities of democratic political structures, the emerging economies that make the three states middle-income and the persistent socio-economic inequalities in these countries, such an analysis of society-state relationships in the IBSA countries will have value for understanding how democracies can be deepened in order to make states responsive to citizens' demands.

This paper consolidates and synthesises the insights from an international research project that has investigated citizen participation and the deepening of democratic processes in the southern countries, including the IBSA countries.<sup>2</sup> The aim of this synthesis paper is to revisit the research findings from this project to explore the interaction between mobilisation and the state as they continue to respond, influence and reconstitute each other in the three formal democracies under study in India, Brazil and South Africa.<sup>3</sup> In drawing attention to this feature we expect to shed light on the trajectories and mechanisms of state-society engagement that may strengthen democracy (or democracies) in order to make it more capable of overcoming the historic inequalities that are so pronounced in these three states.

The central question the paper addresses is: *In what circumstances is citizen mobilisation for claiming rights and entitlements addressed, responded to and dealt with by the three different types of democratic states in ways that deepen democracy?* The question we pose above is located within the comparative frame of three democratic states that are comparable in terms of their history, their institutions, their processes and cultures, and their socio-economic settings.<sup>4</sup> We draw a distinction between the 'political' and bureaucratic faces of the state and show how different faces of the state influence forms, strategies and outcomes of engagement.

In pursuing the above, this paper focuses on an underexplored political feature – *the modes of interaction between the state and civil society* – that is different in each of these three democracies. 'Modes of interaction' in this paper refer to interactions between forms of societal mobilisation and state action. We are treating modes of interaction as an independent variable, the democratic potentials and outcomes of which are what we will explore in greater detail in the paper. In adopting a political process approach, we expect to shed new light over a series of interrogations concerning how, to what extent and in which directions democracy is becoming more inclusive; put another way, we examine the extent to which democratic practices are contributing to reducing the gap between

the formal equality guaranteed by representative democracy and the extremely pronounced socio-economic inequalities present in the three states under scrutiny.

We examine modes of interaction from a perspective that emphasises both historical processes and selected contemporary cases of mobilisation/state interaction, though the aim of this paper is not to compare either cases or contexts. Accordingly, we link the concept to the range of literature on Political Opportunity Structures (POS), where these are conceptualised both as moments of engagement and as conditioned by institutions and historical conditions that enable certain types of action and activism over other types and forms. We refer also to the social opportunity structures that are required in order to take advantage of political opportunity structures.

To anchor the analysis in each IBSA state's context we examine the broad trajectories of social mobilisation in each state and six specific cases of modes of interaction from the three states. The cases do not always tie in neatly with broader trends, showing both the observable trends and the variable nature of modes of interaction. It is important to emphasise that the paper does not attempt to argue that there are homogenous patterns or trends either between (or even within each of) the states discussed; but there are certain broad patterns of engagement between different types of social actors and the state in the three countries that emerge from certain similarities in the ways the states deal with their citizens. For example, one finding was that mobilisations are often concerned with issues of recognition of excluded identities such as poor, indigenous and women, and with the redistribution of state resources to such people. Another was that all three states have shown willingness to engage with the social actors pursuing more 'participatory/collaborative' engagements with them than with those adopting the 'critique/protest' approach.

The cases analysed are less about social transformation than about resource allocation, and the socio-economic rights of particular groups mobilising on the basis of shared identities. However, in the struggles for rights, one of the possible outcomes of modes of interaction is 'footprints' of democratic engagement; that is, besides small gains in resource distribution – and, at times, big gains in policy change – the interface between mobilisation and state can be critical for making democracy work for the poor. This point is consistent with much of the critical



thinking on state-societal interaction in the global South, as is emphasised by Kothari and others (Kothari, 2005; Thompson & Tapscott, 2010).

In the next section we critically review literatures that suggest that the problems of democracy can be addressed exclusively by the state or by civil society. In our view, democracy should be understood as constitutive both of actors and of their actions, as neither can be understood in isolation from the political and social opportunities which condition interactions. Section 3 presents a historical overview of the political trajectories of democratisation in the three countries. In section 4 we explore six cases of mobilisation that are less about social transformation than about resource allocation, and the socio-economic rights of particular groups that mobilise on the basis of shared identities. In section 5 we systematically compare the political and social opportunities (as well as the mechanisms of engagement) that make up the modes of interaction described in the earlier sections. And in section 6, after exploring how citizen mobilisation for claiming rights and entitlements is addressed, responded and dealt with by the three 'emerging' democratic states, we present the outcomes from different modes of interaction. In conclusion, section 7 sums up the lessons learned about building inclusive democracies in IBSA countries.

## **2. Theoretical frame(s) for understanding 'modes of interaction'**

By the end of the 20th century there was overwhelming evidence that the mere implementation of democratic policies and democratically constructed institutions is not enough to overcome the historic challenges that bedevil the South, such as poverty, social inequality and economic underdevelopment. In addressing this evidence, some authors have dug into the 'black box' of the state, hoping to find the roots of democracy's inefficiency in overcoming these challenges in the malfunctioning of state bureaucracies, or in the inadequacy of their institutional designs (Skocpol, 1985; Ostrom, 1990). Other observers have chosen to blame capitalism and the unequal opportunities available to the poorest countries in the newly globalised division of labour (Amin, 1976). A third group has moved in yet another direction, finding the origins of democracy's imperfections in civil society's lack of organisation or absence of 'democratic culture' (Putnam, 1993). These approaches have in common the shared belief that democracy can be strengthened from

a single one of the following entry points: the state, the market or civil society.

In contrast with these three familiar approaches, we argue that the results of inclusive democracy depend mainly on transformations in the dynamics and structures of interaction between state and society actors that occur through mobilisation and state interaction – for example, new alliances between state and society and new participatory spaces. From this angle we still acknowledge the importance of state and civil society actors in making democracy happen; but we believe that these factors should be taken into account together, through a model that highlights the specificity of the interactions in question. As so many critical theorists writing in the South have concluded, participation in democratic institutions does not necessarily yield democratic outcomes. Contestation (sometimes illegal, and even conflictual) may result in more responsive state action than so-called democratic ‘invited’ spaces. Yet not all forms of contestation are necessarily supportive of broader rights claims on the part of impoverished or resource-denied groups. Broadly speaking, then, we can take neither the democratic design of state institutions nor the civility (or lack of it) of societal mobilisations as an indication that democratic modes of interaction are taking place (see for example the wide range of discussion on spaces of participation and mobilisation in the Zed volumes edited by Cornwall and Coelho, 2007; Thompson and Tapscott, 2010a; and Coelho and Von Lieres, 2010 (forthcoming)). Modes of interaction are contextual and complex – framing institutional and societal histories and locating the actors, the POS and social opportunity structures enable us to examine exactly what dynamics are taking place at any given time, as well as the short-, medium- and long-term implications of such interactions; bearing in mind that successes might not be linear, and that the boundaries between state and society are porous, with constant movement and mediation occurring between the constitutive actors.

Hence, looked at from the perspective of the resource-deprived, the critical issue is not a choice between state patronage or empowerment, but both; not fear or aspiration for closeness, but both; and not desiring a provider of services (welfare state) or an enabler of empowerment, but both. Mobilisation and state interaction illustrate how these two paradoxical trends – taking place simultaneously, and with reference to each other – shape state-society relationships in the three countries.

In this sense, neither civil society nor the state are isolated entities capable of promoting democracy on their own; actors from both fields are constantly engaging with each other, thus shaping and reshaping the society-state relationship.

In defining political opportunity structures we borrow from Tarrow (1994), Gaventa and McGee (2009), and Thompson and Tapscott (2010). As these authors have shown, political opportunity structures are particular political environments in which social and state actors define their struggle; yet political structures are not structures given from 'above', to which social actors merely respond. Rather, such political opportunity structures are themselves conditioned by – and therefore, are a result of – historical processes (including struggles) that shape the behaviour of social and state actors. Hence, what may appear as a 'given' political opportunity structure at a particular instant may have evolved over time through historical struggles. As such, political opportunity structures refer to what political mechanisms are available (for example, constitutions, policies, institutions, legislation) as well as historical opportunities, or moments at which political coalitions are challenged – before and after elections, or around international events such as summits on the environment that have helped to strengthen the environmental movement in all three contexts. These conditions, which can be created both by the state and by civil society, not only constrain the activities of some actors but also stimulate and strengthen the activities of others (see for example Alonso et al, in Thompson and Tapscott, 2010a).

Likewise, social opportunity structures are those enabling or constraining conditions for mobilisation which are socially located, such as social inequalities, cultural features, the nature of associational life and the history of mobilisation in the region (Thompson and Tapscott, 2010). In this sense, from society's point of view, aspects such as religious disputes or historic exclusion of certain groups may work as bonds or impediments, determining the capacity of these groups to form networks of solidarity that are fundamental for their mobilisation in relation to the state.

In adopting a more process-oriented approach, we argue that features of representative democracy and social mobilisation are building blocks of state-society relations; and we explore how they are conditioned over time, by different historical contexts and forms and strategies of engagement. We examine how forms of mobilisation and engagement

with the state lead to a process of ongoing contestation and mutual re-constitution. In our view, this process is critical in understanding how democracy can be understood as constitutive of actors as well as of their actions, and neither can be understood in isolation from the political and social opportunities which condition interactions.

### **3. The interface between the state and forms of mobilisation: The historical context**

There are obvious difficulties in comparing three states with differing historical and political trajectories of democratisation and participation. India's democratisation process began in 1950, while Brazil had a democratic 'window' between 1946 and 1964 and then again from 1984. South Africa's democratisation is but 16 years old, beginning officially in 1994 with the first non-racial democratic elections. The three countries are different in terms of their 'age' of democracy, South Africa being the newest or youngest of the three, and therefore the respective societies and polities have gone through stages (Brazil with an intervening period of military rule) of state formation and democracy. The nature of the ruling coalitions is also very different in each case, perhaps reflecting the specific historical trajectories of these states.

The international or global contexts in which democracy was established in each country are also different. India became a democratic state at a time long before globalisation, in the cold war era, when the nation-state was still the sovereign authority in deciding the issues pertaining to development and economic growth. Brazil's second phase of democracy coincided with what is called 'the triumph of democracy', with the fall of the Berlin wall and the collapse of communism and beginnings of the free market. South African democracy is very much part of the post-cold war, 'there is no alternative' (TINA) phase of global history: democracy is established as the desirable political system, and globalisation and the free market influence the economic settings and internal governance of the country. We can see the signs of India transforming into a neo-liberal state, and the corresponding changes in mobilisation as Indians grapple with new issues. The Brazilian democracy was born at the start of neo-liberalism and struggled to balance the liberalisation of the economy with the maintenance of welfare policies; and South African democracy was born squarely in the neo-liberal period. At the time of writing the three countries have broadly

similar contexts, in which the state in each case must manage the socio-economic development and interests of the poor and at the same time respond to the global contexts of economic growth.

The three countries have shown strong political mobilisation, which has led to the end of colonisation (and in the case of South Africa, the end of apartheid) and the formation of democratic states. But their trajectories have differed afterwards. What follows is a snapshot of aspects of the modes of interaction that are important to our analysis.

### **3.1 India**

The democratic state that was formed after freedom from colonial rule was expected to remain an independent and autonomous actor that would reform society, create opportunities for the poor and promote growth, but would remain above the diversity, complexities and divisiveness of Indian society. But as the subsequent years revealed, the state could not remain an independent actor. The socio-economic transformation agenda was subverted by the same forces against which it was planned. The landed elite, the industrial class and the higher castes – historically placed in a dominant position – applied pressure to the state to mould the democratic polity and appropriate developmental benefits, thereby undermining the purpose of democratic institutions and a developmental agenda (Kothari, 2005; Bardhan, 1984, 1988; Kohli, 1987, 1988; Dhanagare, 1987). However, there were no major stirrings in the social sphere for almost two decades after independence, due to what is elusively called the phase of ‘nation building’. Since the state assumed the role of provider, protector and regulator there was a consensual expectation on the state to deliver. The general belief among the people was that the state was responsible for framing the best way to govern its citizens. But in the 1960s it became increasingly clear that the state had not been able to live up to its democratic promises.

The 1970s marked the emergence of social movements in India. The Naxalite movement in West Bengal mobilised poor peasantry to demand land reforms; the Chipko movement in Uttaranchal mobilised women to protect the forests against commercial encroachment; and Sampoor Kranti (‘total revolution’) mobilised students to critique the very foundation of governance, which had turned in favour of the ruling elites (Tandon and Mohanty, 2002). How the state responded to these movements is significant. It crushed the peasant movement with brute force; student movements were dealt with by putting the leaders in jail.

Only the Chipko movement emerged as successful, for two reasons: the movement was peaceful and did not make a radical critique of the state; but in addition, it coincided with the Stockholm conference on the environment – the international context meant that the state was obliged to take ecological safeguards. As our case studies in the next section will illustrate, the pattern of state response remains the same today. It is hostile to contestation, but will tolerate and talk with mobilisations that subscribe to state ideology.

The 1970s are also significant because they witnessed one of the periodic shifts in the nature of the Indian state; in this case, one which led to the redefinition of the relationship between civil society and the state in India. The national emergency declared in 1975 by the ruling Congress party was in operation for 19 months (June 1975 to March 1977), during which time the democratic system was undermined. Declared on 25 June 1975, against a backdrop of social and political agitation, the emergency revealed the democratic state's hidden potential to turn dictatorial. The period saw the curtailment of people's fundamental rights, the power of the judiciary, and freedom of the press. Dissident political leaders were jailed. The state of emergency and the subsequent restoration of democracy not only redefined and extended the boundaries of civil society; by redefining the relationship of the citizens with the state, they also restructured civil society in a significant way and made it more alert to transgressions of its boundary by the state. The most important consequence for civil society were the questions raised concerning the collapse of state institutions and their inability to protect citizens' rights. Until then, the civil rights movement had remained confined to the piecemeal addressing of issues such as the suppression of the Naxals. The state of emergency galvanised the movement – democracy, citizenship and constitutional protection of fundamental rights became important issues for public debate and several organisations promoting these ideals were formed in the post-emergency phase. The People's Union for Civil Liberty and the People's Union for Democratic Rights were two such organisations (Tandon and Mohanty, 2002).

The 1980s saw the growth of voluntary development organisations (mostly NGOs), which were formed to address issues of rural development, ecology, education and health. The organisations occupied space both at grassroots and at provincial and national level. Grassroots activist groups were supported by urban-based research and advocacy

organisations. In the late 1980s the policies of the government, particularly at the national level began to treat the 'voluntary sector' as a source of policy engagement. This is when committees and consultations between NGOs and government began. The legitimacy of grassroots knowledge for informing policy began during this period (Pant, this volume).

With the advent of globalisation and the liberalisation of the economy, a complex interplay between society-state and market began in the 1990s. Several critical trends emerged and continue to exist: social movements contesting economic growth (particularly in the form of industrialisation and special economic zones) have met the brute force of the state (Mohanty, 2010); where NGO representation is sought in policy matters, collaboration is increasingly facilitated through various consultative forums created by the government; and local governance institutions are reinvigorated through constitutional declarations promoting the participation in democracy of people at the grassroots. NGOs are now on the forefront, working with both rural communities and state officials in promoting the participation of the socio-economically deprived poor in local governance. Thus, at the time of writing, two dominant modes of mobilisation are social movements that contest the economic growth processes followed by the state under a neo-liberal agenda and NGO intermediation to interface between citizens and the state in a manner which is less threatening to the state.

### **3.2 Brazil**

The notion of 'citizenship' in Brazil has usually been associated with adjectives such as 'conceded', 'regulated' or 'negative' (Carvalho, 1997). Historically at least, citizenship has been regarded as a 'favour' from the state to society rather than a genuine 'right' of all Brazilians. Brazil was the last American country to abolish slavery, in 1888 – yet it did so without establishing the minimal conditions for the social integration of freed slaves on an equal footing. Black people remained largely marginalised from the productive system, forming clusters of poverty in the urban peripheries or joining the landless peasant communities. Something similar occurred to indigenous peoples, who have traditionally been regarded as 'relatively incapable' and submitted to a regime of state tutelage (Fausto, 1981; Franco, 1969; Ramos, 1997).

The country has changed its political institutions often. In less than 200 years of independent history, Brazil has been a monarchy (1822–1889), an oligarchic republic (1889–1930), an authoritarian civil

state (1930–1945), an autocratic democracy (1945–1962), a parliamentary democracy (1962–1964), an authoritarian military state (1964–1985) and finally a liberal democracy (fully established in 1988). Such institutional fluidity has marked the dynamics of state-society relations across time and has certainly affected the full implementation of civil, political and social rights.

Brazil started its late but ‘accelerated march’ (Carvalho, 1997) towards modernity only in the 1930s. After four decades of an oligarchic republican system (1889–1930), the country adopted a centralised and authoritarian political apparatus, which allowed it to implement a fast industrialisation process based on import substitution and a new immigrant labour force. The state was the central agent of this transformation, and the model of state-society articulation revolved around the political incorporation of the social actors engaged in the productive process – industrial employers and urban workers – within a single corporatist structure controlled by the state. In this context, access to social rights was extended to urban workers who were legally registered in the state-controlled unions. However, civil and political rights remained strongly restricted, and rural and undocumented workers remained unable to access these rights at all. Between the 1930s and the 1950s, state-society relations were characterised by populism and paternalism, which to this day are still a notable legacy of the top-down approach tendencies of the state towards society (Santos, 1987).

After a short democratic period (1946–1964), military dictatorship was established, in 1964. The following decades were marked by fast economic growth and fierce suppression of political opposition. The so-called ‘Brazilian Economic Miracle’, based on foreign investment, centralised economy and state control over production and salaries, stimulated the concentration of wealth, uncontrolled urbanisation and an extreme rise in social inequality.

Ironically, although civil liberties were severely confined during the military period, political rights were only partially restricted and social rights were even increased. Welfare benefits were expanded to include rural workers and other excluded sectors of the population. Housing, basic sanitation and several social assistance programmes were implemented by federal agencies during the 1970s. Although these initiatives represented new forms of state control of the rural areas, they also contributed to the establishment of new channels for social



mobilisation among the rural population (Arretche, 2002). Another distinguishing feature of Brazilian dictatorship was that it maintained some political institutions from the previous democratic regime. The Federal Congress continued to function and indirect elections for states and municipal governments were permitted throughout the military years. Of course, those allowances were very limited. But they proved to be fundamental during the democratic transition of the late 1970s, when the official opposition channelled the growing popular discontentment with the military regime (Lamournier, 1988).

However, in the last 30 years this picture has gradually been transformed. Firstly, the end of 21 years of military rule and the promulgation of a new democratic constitution in 1988 put important institutional changes in place. General elections were re-established, amnesty was given to exiled leaders and political parties were liberalised in the early 1980s. The new constitution took almost three years to be written and received important contributions from diverse sectors of civil society, including health movements, indigenous organisations and representatives of the black movement. The 'Citizen Constitution', as it was called, was guided by the principles of *institutional decentralisation* and *popular participation*. Broad fiscal reform was also initiated, which determined that state and municipal governments would receive greater shares of tax revenues and would consequently acquire new responsibilities in areas such as health, education and security.

Secondly, in addition to decisive macroeconomic reforms that helped the country to regain stability and control super-inflation, the social policy sector was largely transformed after the inauguration and expansion of social policies for poverty reduction, initiatives for popular participation in decision-making and the emergence of affirmative action and recognition policies. Motivated by the global and national renaissance of ethnic identity claims, movements of all sorts proliferated in post-democratised Brazil, demanding public recognition for specific marginalised groups such as family farmers, indigenous and slave-descendent populations. These new movements, although historically associated with movements from previous decades, present characteristics that are generally distinct from those of the civil organisations of the pre-democratisation period. Contemporary movements are mostly locally based, with well-defined, popular, grassroots bases and identities; they favour short-term goals and pragmatic strategies; they act in multiple arenas of negotiation and

their political ties reach national and international networks that go far beyond the alliances of the movements of the pre-democratisation era. The new guidelines in policy-making are redefining actors, strategies and the patterns of interaction between state and society.

### 3.3 South Africa

South Africa's social history has been characterised by high levels of state authoritarianism and state-societal conflict; from colonial times, through to the beginning of fully representative democracy in 1994, until now. Ironically, while its Constitution is one of the most democratic in the world, and South Africa boasts some of the most democratic and progressive rights-based policies and legislation in existence (the free basic water and public housing policies being cases in point), state-societal relations still manifest a large degree of direct contestation and conflict, most acutely demonstrated through what have come to be known as 'service delivery' protests (Thompson and Nleya, 2010).

The development of the South African state from the Union of South Africa in 1910 (a political outcome of the Anglo-Boer war of 1898–1902) to the official policies of 'apartheid' under the National Party in 1948 can be seen as directly linked to cultural nepotism and racism. Under the Union agreement, all non-whites (as they were called –including the racial categories 'coloured', 'Indian' and 'African') were considered culturally separate from the white nation and were thus systematically denied both political and economic rights, including the right to own land in 'white' areas. The 1913 Land Act consigned African blacks to tiny areas of rural land, later to become known as the Bantustans. These policies of segregation were intended to stratify South African society spatially in order to prevent political and ideological allegiances (Piper, Tapscott and Thompson, 2010, this volume). Nonetheless, strong social movements opposing the apartheid state arose in the 1960s, 1970s and 1980s. The African National Congress (ANC), a liberation movement operating from both within and outside the country, as well as other fragments of the liberation struggle such as the Pan African Congress (PAC) and South African Communist Party (SACP), formed alliances with township-based movements such as the South African National Civics Association (SANCO), Black Sash and others. The formation of the United Democratic Front (UDF) in 1984, and later the Mass Democratic Movement (MDM), united the NGOs and social movements in a broad alliance of resistance to the increasing repressiveness of the apartheid state.

Post-1994, the nature of social movement activity changed dramatically. The liberation struggle movements lost many of their leaders to government, and labour-related social movement organisations such as the Congress of Trade Unions (COSATU) received greater prominence through their involvement in negotiating a new economic strategy for South Africa through the National Economic Development and Labour Council (NEDLAC). While these alliances and the mood of collaboration did not last long, the initial phase of absorption into government structures served to weaken and disorganise civil society organisations (CSOs) and co-opt many NGOs into the new developmental paradigm (Ballard et al, 2006). SANCO has continued to function, but perhaps best characterises the problems involved in renegotiating a political platform and socio-economic position at grassroots level separate from the ANC (Zuern, 2006).

While social movements have grown in strength again post-2000, the broad-based resistance and coherence of pre-apartheid mass-action platforms remain a thing of the past. Some social movement organisations, notably the Treatment Action Campaign (TAC) have gained both grassroots, national and transnational prominence, and others have seen temporary prominence – the South African Homeless Peoples Federation (SAHPF) is a case in point. Broadly speaking, issue-based social movements have had more success mobilising support than movements such as the anti-globalisation campaign. Alliances between broader social movements and developmental NGOs remain weak, partly because, as Ballard et al (2006) point out, funding to these NGOs has taken place through the state-regulated National Development Agency (NDA). Substantial contracts for development services have also been subcontracted to developmental NGOs through the NDA, effectively silencing critical opposition to government policies. Criticism of South Africa's home-grown structural adjustment programme, the Growth, Employment and Redistribution policy (GEAR), was left to labour-based social movements such as COSATU, with little impact on changing the course of government's economic policies because of the narrow social support base of the organisation – most of SA labour is not unionised.

Thus the South African civil society-state relationship remains contested by organisations and social movements who claim that the South African government 'talks left and acts right' (Bond, 2001; Mehta

et al, 2010), referring to the dichotomy between pro-poor policies such as free basic water combined with a strongly neoliberal macroeconomic strategy overall. Yet much of the resistance remains fragmented between more organised social movements with narrow support bases (such as COSATU) and more broad-based forms of resistance that lack social organisation (for example, grassroots movements protesting poor service delivery). Social unrest over service delivery is commonplace, but to date has not been sufficiently organised into an articulated strategy of resistance to specific policies. The state has remained oppressive to social opposition in the post-apartheid era, with government responses to service delivery protests mimicking the apartheid state's responses to unrest in African 'townships' (settlements). The authoritarianism of the apartheid state has been replaced with a call to political loyalty and political-party allegiance which the ANC has imposed as the ruling power since apartheid. Criticism of the state is treated as disloyalty to the ANC, with very negative consequences for social contestation.

Looking at the historical trajectories of the three states, we find that while India and Brazil have had strong mobilisation since their respective democratic states were created, such mobilisation is weak in South Africa, where social organisation among the poor is often fragmented and episodic. Hence, unlike in India and Brazil, where both mobilisation and the state have evolved through their interaction (though such interactions are not always successful) and in contemporary times we even find alliances between the two in certain cases, this is not the case in South Africa, where the state appears to be more closed. In Brazil (and, it must be said, over a much longer time period) social movement organisations have built up strong forms of networking and collective action; thus, formal engagement through SMOs has become the dominant form of engagement. In India – much like Brazil, with a history of both strong social movements and of the role of NGOs in mediating the claims of the poor and discriminated-against – mobilisation takes place at many levels, spanning both the grassroots and the national spheres. However, India still does not match the scale of Brazil's participatory spaces. In South Africa (where social movement organisations remain, by and large, fairly weak and/or disorganised) spontaneous forms of social mobilisation and protest – led by small and mobilised political movements, such as the housing movement *Abahlali baseMjondolo* – dominate as a form of participation.

Evidence from case study work undertaken in the three countries shows some consistency with the dominant patterns presented above, as well as some important differences.

#### **4. Modes of interaction in India, Brazil and South Africa**

The historical trajectories discussed above highlight the following: despite the fact that all three states offer a number of opportunities for civil society to engage in politics, these opportunities do not only differ in nature, but social actors seem to use them differently in each country. To better understand these specificities we have selected six case studies that cover recurrent forms of mobilisation that make claims for both redistribution and recognition.

##### **4.1 India**

We examine two cases in the Indian context: the first one deals with issues of identity of nomadic tribes and their land rights (the claims in this case concern identity, recognition and redistribution); and the other deals with issues of rehabilitation and resettlement of communities whose land has been appropriated for industrial development (here, the claims concern redistribution of developmental gains, as well as claiming one's own resources from the state). In both cases, the dominant form of social mobilisation is NGO intermediation on issues and understandings of development and of how state policies ostensibly aimed at developmental progress can negatively affect political rights. Marginalised groups themselves are often 'spoken for' as a result.

As the traditional lifestyle and livelihood of nomadic communities living in Rajasthan (a province in western India) were progressively threatened by changes in the economy, the need for such communities to claim land titles and alternative living space became a survival need. Conflict with other local communities began as soon as the nomads tried to settle in any specific geographical area. A recurring point of conflict was land rights. Even when the nomads sought to camp in demarcated government land near or within villages they came into direct conflict with the villagers – often supported by the administrative officials of the government themselves – all of whom accepted the stereotypical social belief that nomads are criminals and therefore to be kept outside the villages. In certain instances the local community reacted violently, demolishing the huts of the nomads or engaging the local administration to evict them from the village.

To make matters worse, the nomads' invisibility as citizens deprived them of developmental benefits from the state (such as housing, water, electricity, sanitation, health, entertainment and education), marginalising them even further.

The nomads are too poor and disorganised to be able to make claims to their rights and entitlements. Muktidhara Sansthan (MDS), a local NGO, intervened to address them as a collective and facilitated the articulation of their concerns to the state. The right to ownership and control of land, the right to a settled life and the right to live with dignity were included in a comprehensive demand encompassed by the right to life as a fundamental human right. MDS also provided much-needed legal aid and direct legal services, provided mobilisation support through public hearings, processions, and highlighted issues in the media in order to put pressure on the state to act. It also lobbied for the nomads by sending them in delegations to present their petitions to government officials at the district administration. The local administration acceded to granting land rights (in some settlements) and other accompanying rights such as ration cards and voters' identity cards. However, the NGO's intervention was not welcomed by all and created friction, particularly when it organised nomads to campaign against the local administration (Pant, 2005).

In the other case of land claims in another region – Andhra Pradesh in southern India – poor communities affected by large-scale land acquisition and displacement caused by the public sector industry Simhadri Thermal Power Project (STPP) (under the aegis of the National Thermal Power Corporation (NTPC)) were mobilised to claim compensation and resettlement from the state. STPP acquired prime agricultural land, which meant that farmers lost their livelihood; it also affected the livelihood of a number of families who worked as agricultural labourers. Loss of grazing land meant loss of livelihood for those villagers who maintained livestock such as buffalo, cows, sheep and goats. Fish populations were wiped out by effluent discharge, which affected the livelihood of fishermen. The acquisition of salt pans led to thousands of people from the coastal areas losing their livelihood. While resettlement and rehabilitation policies are put in place, claims by poor people who lose their agricultural land and habitat to industry are often ignored.

Local NGOs have tried to advance the cause of these communities in many ways. In Vizag, where STTP is located, Sadhana (a local NGO)

has been the frontline organisation in the campaign dealing with the STTP/NTPC plant. It has conducted surveys of villages most affected by the plant in order to compile data as evidence of the impact on their lives, and has recorded their demands and how they would like see them met. The findings were shared at local *gram sabha* as well as *panchayat* meetings and were fed into a people's development plan.

As part of the process of resettlement, the industry is required to hold public hearings where people can make their claims. A notice must be placed in one local English newspaper and one regional language (Telugu) newspaper, a month in advance. Details are also required to be submitted to local *panchayat* offices to allow people to look over the documents. But NTPC deliberately placed announcements in the least widely-read local newspaper in the area and the announcement was made for one edition on one day (Rao and Kumar, 2004).

The challenge for the NGOs was to ensure that people heard about public hearings and were aware of the implications of development on their livelihood. Local NGOs (including Sadhana) used multiple mobilisation strategies – media exposure, direct dialogue with industry and government officials, public hearings, etc – to negotiate fair deals for the communities that were to host the industrial projects. Persuading the NTPC to attend public meetings organised by NGOs was a difficult task. Direct appeals by NGOs on behalf of communities have consistently been refused or not acknowledged at all. Despite these communities building alliances with sympathetic elements within the government, as well as with groups within civil society such as trade unions, NGOs, the media, medical practitioners and scientists, the district administration ignores and refuses to meet their land entitlement claims.

## 4.2 Brazil

In the Brazilian context we have two examples of modes of interaction. The first deals with issues of territorial development and links to claims to do with the *quilombola* identity, the debate about sustainable development and the political dynamics involving state bureaucracies, parties and participatory forums; and the second deals with health policy and the problems of universal rights and access to health, discussing the tensions between the public universal health system (SUS) in Brazil and the indigenous health subsystem. The case focuses on universal rights, indigenous identity and political dynamics, involving health

professionals, the indigenous movement, state bureaucracies, parties and participatory forums. In both cases the dominant form of mobilisation is social movements; both also feature elements of constitutional rights, public policies and tensions between universal and target policies.

#### 4.2.1 *Territorial development policies in Vale do Ribeira*

This case focuses on territorial development policies in the region of Vale do Ribeira and how they have reshaped the modes of interaction between state and civil society actors. Adopted in several parts of the country, territorial development (TD) policies gained ground in the late 1990s, as they translated the widespread rhetoric of sustainable development into concrete acts. Initiatives such as the Program for Familiar Agriculture (Pronaf) and Territories of Citizenship (*Territórios da Cidadania*), both recently implemented in Vale do Ribeira, combine essential 'beliefs' of the post-democratisation era – such as the belief in popular participation in decision-making and the belief that development plans should take regional integration, territorial sustainability, attention to territories' specific needs and cultural embedded features into account – in opposition to strictly localised development projects or centralised top-down initiatives. TD policies have also attracted innumerable actors – from state bureaucrats to community leaders – who have had to reframe their collective identities in order to have their interests heard, with inevitable results for the democratic process.

The region of Vale do Ribeira, despite its location between two of the richest metropolises in the country, is known for its low human and economic development indicators. It hosts the largest preserved area of Atlantic Forest in Brazil and is the home of many traditional populations, small farmers and ethnic minorities. Numerous conflicts exist in the region, making TD a real (yet urgent) challenge. Strict environment-preservation laws have prevented the local population from developing traditional economic activities and have diminished the region's attractiveness for investments; large infrastructural projects (especially roads and dams) have increased the competition for land. On top of that, only half of Vale do Ribeira's territories are regularly demarcated and the majority of rural communities currently working and living in Vale do Ribeira do not have legal possession of their lands. In reaction to these grievances, popular mobilisation in Vale do Ribeira has taken off, particularly since the 1980s. Several grassroots movements (originally organised by Catholic activists) have emerged, such as the



mobilisation of historically significant *quilombo* communities and the new family farmers' union (Sintravale).

The rapid expansion of these movements, their unique strategies of mobilisation and their particular ways of interacting with the state through various and new mechanisms display the common trends of state-society interactions in contemporary Brazil. Therefore, in order to illustrate these recent trends in state-society relations in Vale do Ribeira and how they relate to similar processes occurring in the whole country, this case study asks: are the new TD initiatives helping to combat historic inequalities and structural social problems? Are the new invited spaces contributing to a more 'effective' interaction between social and state actors? Which mechanisms and strategies have been invented and used by civil society actors in order to have their interests heard? What modes of interaction have emerged since democratisation and what do they tell us about the limits and possibilities of current democratic processes in Vale do Ribeira – and possibly in all of Brazil?

Our findings suggest two major trends. The first is the difficulty in overcoming the 'poor policies for poor people' conundrum. Territorial policies have reproduced the existing dichotomy between 'urban' and 'rural' policies: when dealing with rural impoverished areas, the state accesses only those parts responsible for agricultural and social policies, while infrastructural project and economic stimulus policies remain focused on urban areas. Also no infrastructure department or large-budget state secretaries with their 'powerful state bureaucracies' have been involved in these policies, which have remained the 'monopoly' of the social sector bureaucracy (Abramovay, 2006; Favareto, 2006). This dynamic contributes to keeping investors, companies and individual shareholders away from the region, leaving it as the arena for politicised civil society groups and party coalitions.

On the civil society side, once social movements perceive that their claims are constantly ignored by 'developmental' sectors, they turn their attention to the 'social' sectors. This means that every time movements need to access the state, they look for the same partners, the same people and the same channels within the state bureaucracy. This mechanism ends up consolidating the state's institutional split between the 'social' (and less dynamic) sectors and the economic (and more 'developmental') sectors.

The second trend is the limited inclusive capacity of participatory

forums. When we observe which actors have actually engaged in discussing the path of territorial development in the region, we notice that only collective and historically organised sectors of civil society have managed to correspond to the technical requirements of state programmes and to follow the numerous bureaucratic negotiations taking place in simultaneous arenas of debate. Limited deliberation and the need to be collectively organised to be heard both contribute to expanding the social, economic and political gap between mobilised and de-mobilised social actors.

#### 4.2.2 Health care policies in São Paulo and Acre

The second case study analyses new forms of political engagement in the area of health policies. The public health sector was profoundly transformed by the 1988 Constitution, which established health service provision as 'the right of all and the duty of the state'. The Constitution and subsequent Basic Health Law (1990) also provided for participation and *controle social* (or 'citizen oversight') of health policy through the institutionalisation of management councils. A large number of these councils were created over the course of the 1990s, at national, state and municipal level. In the largest Brazilian cities (such as São Paulo), sub-municipal or district health councils have also been established. Besides participation and social control, another key principle of the new unified health care system (SUS) is decentralisation, which has led to the progressive transfer of responsibility for managing primary care to the municipalities and their Municipal Health Councils. At the local politics level, these councils have come to play a key role in health service planning and provision, becoming important arenas for participation, decision-making and public accountability for government actions. At the macro-institutional level, this autonomy gained by the municipalities meant that larger public resources were transferred to and controlled by lower spheres of state bureaucracy.

Despite achieving quite satisfactory results overall, both in terms of a more equitable distribution of resources between regions and in terms of health indicators, SUS exposes some paradoxes of the post-democratisation era. The system – which is an achievement of social movements from the democratisation era – is based on the idea of 'universal' health provision and on a highly interconnected structure of shared responsibilities between municipal, state and federal levels of government. However, the SUS's structure is increasingly being

confronted by recent claims for differential treatment, such as those related to special provisions for indigenous populations and other ethnic and minority groups. Investigating this paradox – between universal care and ethnic group demands – and its consequences to social mobilisation and state action is fundamental to understanding the current challenges of Brazilian democracy.

In order to provide a more general overview of the complexity of these processes, this second case study presents evidence from two distinct realities: the indigenous health subsystem in Acre (in the Amazon region) and the experience of the health councils in the populous metropolis of São Paulo. Without doubt, the challenges faced by health policies in these scenarios are quite different. Acre lies in the far west of Brazil, in the heart of the Amazon Forest, and borders the countries of Peru and Bolivia. With a total population of 680 000, Acre is known for its indigenous minorities, which currently account for less than 3% of the state's population. São Paulo, on the other hand, is the largest metropolis in South America, with approximately 18 million people living in its greater metropolitan area.

Despite their differences, both São Paulo and Acre are part of SUS, having their own management participatory councils and following the same national health guidelines. Hence a comparison between such diverse contexts may provide us with clear insights into the current political processes guiding state-society interaction in Brazil.

In the case of São Paulo, data from 2001 to 2008 show that in the early 2000s there were important differences in access to services, with basic services and high-complexity services concentrated in the central areas of the city where average education and income levels are higher, leaving the poorer inhabitants of peripheral areas with the burden of travelling to the centre of the city to seek access to these services. Nevertheless, more recent data indicates that the number of health facilities and the consumption of services are increasing at a faster rate in the poorest areas (Coelho, 2010).

In the case of Acre, the distribution of health services was completely reshaped after 1999, when an alliance between local indigenous movements and health reformers succeeded in pushing through a law mandating the creation of an 'indigenous health sub-system', to be coordinated as part of SUS. The law ordained that the subsystem should be organised around special indigenous health districts (*Distritos*

*Sanitários Especiais Indígenas*, or DSEIs) and should respect the cultural differences of indigenous peoples.

In contrast to the realities of other poor Brazilians also living in rural areas, overall spending on indigenous health has risen fivefold in the decade since the creation of the indigenous health subsystem. This has contributed to overall improvements in health indicators, although indigenous Brazilians continue to have by far the worst health status of any group of citizens (Shankland, 2010).

In this case – unlike with broader SUS policy, where there was a systematic refusal to aim services at the poorest – it has been argued that inclusion is not enough: the SUS itself would have to change to take indigenous Brazilians' very different understandings of health and forms of social and political organisation into account, and consequently a special system (the subsystem) is better tailored to matching ethnic and cultural specificities. But how far can the process of institutionalising a system to deal with these differences take us in the attainment of universalistic goals of social justice? What are the risks of a perverse crystallisation and reinforcement of institutions that in a near future could block changes concerned with more universalistic and less specific goals? This case points to some of the tensions and trade-offs that appear when society decides to work towards equality by prioritising the necessities of the neediest members of the population through a target system.

### **4.3 South Africa**

The two case studies of modes of interaction in South Africa highlight the obstacles facing the urban poor in lobbying government for public goods, either through formal spaces of participation or by other forms of mobilisation, including protest action. The case studies highlight the South African trend towards a formalistic form of inclusion into state policy formulation and implementation processes, as well as the resistance of the state (both politically and bureaucratically) to activism and social protest. In an examination of forms of interaction and aspects of mobilisation concerning service delivery in Khayelitsha the limits to both types of engagement are clear, with the state at local level allowing only certain kinds of engagement and input and repressing forms of social activism that openly challenge the state, especially protests. The second case study examines the case of social movements accessing

formal participatory spaces, in particular the ward committee structures in KwaZulu-Natal. This is linked to a broader critical discussion of these formal invited spaces as a viable mode of interaction for civil society to address issues relating to poverty alleviation and socio-economic redistribution.

Currently the dominant form of mobilisation in South Africa is protest action by citizens. The reason for this becomes clearer through examining the specifics of the two South African case studies: the first deals with public participation processes at local government (municipal) level in two KwaZulu-Natal municipalities (Msunduzi and eThekweni), and the second examines forms of social organisation and perceptions of governance in an African township (Khayelitsha) in the Western Cape.

The insights gained by examining public spaces for engagement at local level reveal the empty promise of democratic participation in the new South Africa. Piper and Nadvi (2007) have examined the operation of the formal 'invited spaces' of participatory local governance and how these are linked to forms of popular mobilisation. In spite of progressive legislation such as the Municipal Systems Act of 2000 (which defines the municipality as consisting of elected councillors, administration and residents) there is very little to suggest that much has changed at local government level. Indeed, while Piper, Tapscott and Thompson (this volume) point out that these institutions are functioning very badly, civil society in general has yet to take a stance which is clearly articulated and well organised. The case studies from eThekweni and Msunduzi show that social movements do have a presence, in the form of movements such as *Abahlali baseMjondolo* in eThekweni, yet their organisational strength and popular base vary greatly.

This conclusion is enforced by the Khayelitsha case study, which focuses on the popular perceptions of citizenship and popular mobilisation in this Western Cape township. By employing both quantitative methods (a survey) and qualitative methods (interviews and focus groups) the Khayelitsha case study illustrates a 'view from below' with regard to state-society relations in South Africa. The study highlights the high levels of social cohesion in the township (which is comprised almost entirely of migrants from two of the former Bantustans in the Eastern Cape – Transkei and Ciskei – who thus share a great deal of political and social history and forms of social organisation).

The Khayelitsha study highlights parallel forms of governance; communities engage in forms of community organisation that date back to pre-apartheid days, in the form of street committees linked both to SANCO (who used street committees as a way of organising grassroots resistance to the apartheid state pre-1990s) and to new forms of community governance like the Khayelitsha Development Forum (KDF), as well as Ward Committee structures (called Ward Forums in the Western Cape). The study highlights a continuum of participation: from more collaborative (through representative structures) to more conflictual (protests). The survey data shows that those who participate in formal channels of participation are also more likely to protest (Thompson and Nleya, 2010). Mirroring national social movements, societal disaffection seems to be moving from collaboration to more contested forms of engagement – although the Khayelitsha study shows that, like SANCO itself, communities may sometimes choose to ally themselves strategically with government, and take to the streets at other times.

As Piper, Tapscott and Thompson (this volume) point out, it is worth noting that the Constitution outlines specific commitments to participatory democracy, which include as a requirement a responsiveness on the part of local government to the needs of local communities; and sections 151, 152, and 195 carry an explicit commitment to encouraging community involvement. This is underscored by the Municipal Systems Act of 2000.

The case study material from both KwaZulu-Natal and the Western Cape shows the limits to the ward committee system, which is the cornerstone of inclusive local governance in practice. In both cases communities have had to confront representative democracy that is insufficiently responsive to local needs. Piper, Tapscott and Thompson (this volume) point out that participation at ward level is often seen as a form of information sharing,

*...and unidirectional at that, with information transmitted from the community to the council. The idea that residents may want to participate in debate – over how the needs should be prioritised, what strategies should be adopted, what form implementation should take and the like, is clearly not part of [local government's] vision.*

Thus, in the case of eThekweni and Msunduzi, rather flimsy public participation policies emerged only after more than five years of consultation. Similarly, ward committees have failed to deliver, and Piper and Deacon (2009) have concluded that these structures have

made practically no difference to either community participation or decision-making at local government level. While consultation regarding development planning and the municipal Integrated Development Plans (IDPs) has been marginally better through the organisation of the series of what came to be known as the 'Big Mama' workshops aimed at identifying community needs, overall the public participation process has shown little direct benefit to communities. On the contrary, the expression of community needs appears to have been superseded by what Piper refers to as growing managerialism, especially in eThekweni.

Similarly, residents in Khayelitsha, Western Cape indicate that public participation through formal structures of local representation is only occasionally a successful strategy. Although formal channels are not eschewed, and there are high levels of community association, it is clear that local communities are becoming increasingly disaffected with formal channels.

If we examine the continuum of participation in protest, the surveys conducted in Khayelitsha indicate that due to the failure of the formal institutions in identifying and meeting community needs, many citizens have participated in protest action. In 2007, approximately 45% of respondents had attended at least one march in the preceding year and nearly 80% said they would join a protest if they had a chance. Not surprisingly, shack dwellers have a much higher participation rate in marches (50%) than the 37% of house dwellers (shacks make up 70% of housing stock in Khayelitsha). Since 2007, the number of protests in Khayelitsha has continued to rise, indicating that the disaffected (and politicised) segment of the community increasingly prioritises protest as the most effective form of participation, underlining the ongoing failure of formal channels of participation to meet the needs of the very poor.

In Khayelitsha, the high levels of protest indicate the potential for forming more organised social movement activity in time to come, should local governance structures continue to fail to meet community expectations relating to the supply of public goods and development programmes. Khayelitsha, the largest township in the Western Cape with approximately a million inhabitants (and in a similar way to the city municipalities of eThekweni and Msunduzi), shows how local communities have already come to terms with the failed promise of participatory democracy at local level. Forms of more organised mobilisation and social movement activity still need to catch up with

this groundswell of disaffection. The resurgence of street committees as important channels of community organisation indicate that social movements such as SANCO are indeed reinventing themselves, although SANCO has not associated itself with protest about service delivery in any substantive way at the time of writing.

## 5. Comparing cases of mobilisation-state interaction

### 5.1 Issues that trigger mobilisation

Our study of the three countries shows that mobilisation occurred concerning issues of recognition (that the state recognises the particular identities of the poor and marginalised) and redistribution (that the state makes provision for fair distribution of material or developmental goods to the poor). However, we find that in societies as characterised by a high level of socio-economic inequality as the three countries under study, recognition and redistribution are not two distinct categories or interests; they are often two aspects of the same interest that are in constant reference to each other.

The struggle for the recognition of certain identities (for example, the *quilombolas* in Brazil) is to put pressure on the state for the distribution of certain developmental resources to the bearers of those identities; in other cases (in India, for example) the existing nomadic identities help in accessing land resources from the state. In the case of the nomads, the identities that are mobilised are those of the Scheduled Castes (low castes) and Scheduled Tribes (indigenous) to which the nomads belong. This is a strategic advantage for redistribution of resources, as the two identities are recognised by the state. In South Africa, too, black identities and redistribution of resources are interlinked.

Hence we can say that new (and persistent) claims in the three countries are arising concerning the recognition of identities and the redistribution of resources to the bearers of those identities. Mobilisation strategies therefore use both identities and interests as part of a two-pronged approach to interactions with the state.

Our cases indicate that mobilisations are more pronounced and visible when concerned with existing policies that deal with the distribution of resources to the poor. From a mobilisation perspective, we get the picture that existing policies are potential triggers for mobilisation, either due to inadequacy in their provisioning for the poor (as the cases from Brazil and South Africa point out), or inadequacy in their implementation



(as the Indian cases show). They provide mobilisation with an already existing base of state-action upon which to raise their demands. The trend in IBSA countries also proves that merely formulating policies does not guarantee that they will be beneficial to the poor, or will be implemented to the advantage of the poor. People need to mobilise and engage with the state to make the policies real.

However, this does not mean to suggest that the state should formulate policy and then social mobilisation will take place to guarantee access to benefits. Policy outcomes in themselves are interactive processes between political opportunities and social opportunities that have occurred through historical, institutional and social processes over a period of time. Democratic foundations such as constitutions, policies and institutional settings are the results of mobilisation and state interaction, which in turn produce opportunities for new policies and new mobilisation.

## **5.2 Political and social opportunity structures**

These cases show that political opportunity structures that collectivise identities and interests and cause mobilisation to take place have the following primary characteristics: affirmative action provided by the state to a certain section of people; socio-economic policies for poverty eradication; participatory spaces created by the state; and above all, a political environment in which claims can be made and a functional bureaucracy or public administration system where all social actors can interact.

Social opportunities are created by mobilising actors and bringing people together to make claims, issue demands, forge collective identities, and – by strategising – interface with the state. India and Brazil show strong trends towards social opportunities shaped by historical factors. In South Africa, social opportunities for the poor are fragmented and episodic. Looking at the historical trajectories of the three states, we find that, while India and Brazil experienced strong mobilisation after their respective democratic states were created, such mobilisation is weaker in South Africa. Hence, unlike in India and Brazil where both mobilisation and the state have evolved through their interaction (though such interactions are not always successful) and where at the time of writing we find alliances between the two in certain cases, this is not the case in South Africa, where the state appears to be closed and oppressive. As a result, when the state creates institutions for participation in the

form of invited spaces, it still remains at a distance from the people. In the absence of social organisations, as well as of bureaucrats, politicians and professionals to mediate people's interest and their participation in such institutions, they remain largely empty and are unable to meet the interests of the poor.

Our study reveals that political opportunity may not necessarily be created if strong social opportunity structures are lacking, as in the case of South Africa. But political opportunity can also create grounds for social opportunity to emerge in South Africa, though such social opportunity will take time to crystallise into effective mediating voices. Strong social opportunities can put pressure on the state to create new political opportunities (as seen in both the Brazilian cases) or make the state respond to existing political opportunities (as in the case of the Indian nomads).

However, political opportunities created by the state do not necessarily mean that the corresponding social opportunities will follow the norms set by the state. This is seen in South Africa, where the invited spaces of local governance created by the state reveal that ideologies of participation conceptualised by people may not be the same as ideologies of state participation. Strong social opportunities may not always result in strong political opportunities, as seen in the Indian case of claims made by people displaced by industry. Despite strong mobilisation by NGOs, the state may not listen to people's demands.

### **5.3 Mechanisms of interaction**

Social actors mobilising for rights use a number of strategies. Even when the dominant form of mobilisation is not overtly critical but merely raising awareness, building capacity, or pursuing state officials to fulfil people's demands, a certain amount of pressure is exerted on the state, by way of campaigns or occasional protests or public hearings at which state officials are forced to meet people whose interests are articulated by social and political actors. It is also clear from the case studies that strategies of mobilisation change in response to state action at its different levels. This is evident in India (in the case of the nomads, the local administration accused the NGO of organising protests and was open to interaction only when the NGO adopted a negotiating position). The changing nature of collective action and social engagement occurs in a reflexive way and (where successful) often in relation to multiple strategies of engagement that are learned and internalised by social actors over time.

In the South African context, intermediaries are still struggling to define their ideological and political agendas and identities in relation to the state; for example, SANCO – as a largely ANC-created and -run civics organisation – has had to redefine its social movement role as a (previously revolutionary) movement now partly constituted by the state as well as representative of civil society (office-bearers in SANCO may be in government positions at the same time). At present SANCO is rather weak for an organisation lobbying government, although we know that street committees are alive and functioning effectively. In Brazil – over a much longer time period – social movement organisations have built up strong forms of networking and collective action, although they are not always as effective as might appear from outside the participatory spaces in which they function with government, as the Brazilian case study on the health movement illustrates. Nonetheless, the strength of the *quilomba* movement, for example, is not matched in South Africa, with the possible exception of that of the Treatment Action Campaign (TAC) – although the latter does not have the much wider base of representation throughout South Africa that the *quilomba* movement has in Brazil. In India, given a history of both strong social movements and strong NGO presence, mobilisations are indeed strong and well-grounded. Much like in Brazil, mobilisation in India takes place at many levels that span both the grassroots and national spheres. However, India still does not match the scale of the participatory spaces of Brazil.

#### **5.4 Dealing with different faces of the state**

The three countries present different profiles as to the interaction between political parties, bureaucracies and mobilised actors. In South Africa, because of the recent transformation of the state from apartheid to democratic, those who mobilised against apartheid are now in the ruling party and occupy positions in state administration. Membership of political party and bureaucracy therefore overlap in many situations, which means that mobilised actors seem to be engaging with the same set of people whether their engagement is with a political party or a bureaucracy. Depending on which province one is referring to, this happens to a greater or lesser extent. Where ANC rule has remained constant there is a large overlap between political party and bureaucratic roles, with the former being closely tied to obtaining the latter. In the Western Cape, successive rearrangements of the political status quo have

caused great instability at local government level, with the Democratic Alliance and the ANC hiring and firing top bureaucrats (and senior managers) whenever each wins electoral control over the province.

In Brazil there seems to be a constant migration between political parties, professionals and bureaucracy, indicating that mobilised actors are interacting with all three. Also, mobilised actors in Brazil may occupy seats inside the state, playing bureaucratic roles. In India, from the very beginning bureaucracies have remained distinct from political parties (though a certain amount of party influence on those at the higher levels of bureaucracy cannot be ruled out). Bureaucracy functions on its own as the executive wing of the state, as opposed to the legislative wing constituted by political parties. Hence, mobilisations wanting the state to implement policies which are already in place will interact with bureaucrats, whereas mobilisations wanting new policies or changes in existing policies must interact with political party members constituting the legislative wing, as well as with bureaucrats at the national level who are instrumental in making policy decisions. The political and social thus appear as two distinct spheres, with their own actors, norms and agendas.

The state levels at which interaction and mediation take place may differ: our case studies reveal that in India, mobilisation and state interact at district level (below the provincial level), as the execution of specific policies for which mobilisation is demanded is at district level even though the policies are of pan-Indian character. As for which face of the state the mobilisations interact with – in the Indian context, when it comes to the implementation of existing policies, it is the bureaucratic face. However, the social movements that contest state policies also interact with the political face of the state at the provincial and national level. We can perhaps say that the level and face of the state with which a mobilisation interacts depends on if the demands are for the execution of existing policies or the creation of new policies. In South Africa at the time of writing there still appears to be some disjuncture between the disaffections of local communities and more organised social movements at provincial and national levels. In Brazil, the growth of the participatory sphere has opened up opportunities for mobilisations that begin at the local level to interact at the state and national levels. In addition, national social movements find spaces at the sub-national level in which to communicate and fight for their agendas.

## **5.5 State responses to mobilisation**

As to how the states respond to mobilisation, the broad pattern in all three countries suggests that states respond positively when they perceive the framework and means of mobilisation to be legitimate – that is, the ideology of mobilisations and the strategies that they use synchronise with those of the state (see Oommen 2004). As our cases have shown, the present governments of the three states seem to be comfortable with strategies of mobilisation that do not directly threaten state power through protest. This is evident in India (in the nomads' case, the local administration accused the NGO of organising protest and was open to interaction only when the NGO adopted a negotiating position) and also in South Africa, where the state resisted protest about service delivery. In Brazil the more visible pattern of mobilisation and state interaction is collaboration, though protests have sometimes happened, even in the cases analysed. States are open when mobilising actors work on a dialogue or negotiating platform, or are ready to form alliances with the state. However, there is no straightforward relationship between negotiating strategies and state response. In India, while we have examples of worst-case state oppression to suppress protest against state-led development-by-industrialisation, there is no evidence that the state will listen if mobilising actors use strategies other than protest, as the case of resettlement of displaced people by the National Thermal Power Corporation illustrates. In South Africa too, people have turned to protest after their efforts to engage with the state appeared to be futile.

What then will force the state to respond, even if selectively? Again, from looking at the case studies, the trend in India is that the state responds when issues (particularly those related to development and distribution of resources) fall within the ambit of a policy framework that is well laid out on paper, is doable and that does not threaten the interests of the state or of its allies. For example, in the case of land distribution to nomads, the state responds because there is a policy provision for it; but in another case of land distribution (the NTPC case in Andhra Pradesh) the state takes away resources for industrial development but does not make adequate provision for the resettlement of those whose resources it has taken away, even when the policies are in place for resettlement. The state does not respond because it is not possible to compensate people with land, as land is a scarce resource.

Besides, the lack of state response in this case also relates to how

industrialisation is perceived by the state. In India, industrialisation is called a 'public good', for which the state is entitled to take people's land under the Land Acquisition Act of 1894. Hence the state is entitled to prioritise development over people's resources. Even though in this paper we have dealt only with a single case, the history of industrial development in India is filled with stories of how the state has grabbed land from the poor using false promises, stealth and terror (Mohanty, 2007, 2010). The two Indian cases deal with the issues of land allocation to the poor, but it is the conceptualisation or framework of the development of the state that makes it respond differently to mobilisations for land distribution.

As the three states attempt to integrate with the global economy and pursue a path of economic growth which is not always compatible with the interests of the poor, there will often be clashes between democratic rights and developmental policies in practice. In such cases, the state defends its actions and ignores or suppresses the claims of mobilisation. In India, the new industrial policy allows the state to become 'investor friendly' – meaning that it will encourage foreign investment – and often this zeal to pursue industrialisation makes the state blind to the interests of the poor (Mohanty, 2007).

As a broad generalisation we can say that state response to mobilisation is often selective – states are protective about their frameworks, strategies and ideologies, and often it is the ideologies and strategies of mobilisation that are not radically different from those of the state that seem to elicit some response from the state. It is seldom that state actors go to mobilisation spaces to interact; they prefer interacting with the mobilising actors in their own sphere (an exception to this is public hearings which are organised by mobilisations and in which state actors sometimes participate). This explains why the state is open to interacting with social actors in the invited space it sets up, since all the structures, processes and ideologies of participation of that space are set by the state.

## **6. Outcomes of mobilisation-state interaction**

### **6.1 Successful, concrete and visible gains for the poor**

From these six cases we see that the more successful ones happened in India and Brazil, in situations where the state bureaucracy and politicians channelled resources such as land and health care facilities to groups

mobilised around cultural and ethnic identities that were already legally recognised. These situations also reinforced the recognition of cultural and ethnic identities by society and the state. However, it is to be noted that even in the more established democracies of India and Brazil, the gains for mobilisation are often selective depending on what the state prefers to grant, and there are also contexts in which no concrete gains occurred despite mobilisation (for example, people asking for better resettlement and rehabilitation from industries in India). From the point of view of deepening democracy and making it inclusive of the poor in terms of the poor gaining from state resources, the outcomes are indeed selective.

## **6.2 Progressive and regressive democratisation**

Historically we find several 'footprints' of democracy that have resulted from mobilisation and state interaction. As India and Brazil are the oldest democracies in this study, the footprints are more visible; in South Africa they are only beginning to emerge after a decade-and-a-half of democratic state formation. Though the states are selective in their response to mobilisation, preferring to interact within their own policy frameworks, their conceptualisation of development, their ideologies of participation and, within their own space, engagement with mobilisation makes the states open up to mobilising actors and the demands of the poor. In recent times the states in the three countries have opened up more by creating several participatory institutions in which people are invited to participate. The states have become open to forming alliances and collaborating with social actors in both the formulation and implementation of policies.

At the same time, the states have become more resistant to protest. This is visible in South Africa, where protest by citizens demanding effective service delivery has been met with opposition. In India, too, the state is often violent in its response towards social movements that resist the results of neo-liberal economic growth. This duality in the behaviour of the state towards mobilisation strengthens the point we made earlier, that states are only comfortable with participatory engagements. Hence we can say that, while democracy has progressed towards more participatory modes of engagement, it has also regressed as a consequence of state aggression to protest and contestation. Contestation is as much part of democratic politics as participation. Even when their engagement with the state is often unsuccessful, social movements contesting state

policies play a critical role in keeping democracy alive. Notwithstanding all the merits of participatory engagement, democratic politics cannot be reduced to participatory and successful modes of engagement only. Unsuccessful modes, and strategies other than negotiation are also essential in imprinting the footprints of democracy.

### **6.3 Construction of citizenship**

Modes of interaction enable the construction of citizenship in two significant ways: at the level of citizenship discourse, by getting the citizen's view from below; and by creating citizen agency and empowerment in a way that is valuable to citizens.

The cases of mobilisation discussed above indicate incompleteness and fractures in the state-led discourse of citizenship in liberal democracies. While the state conceptualises citizenship in universal terms, mobilisation brings citizenship issues of vulnerable identities to the citizenship discourse. Mobilisation thus reveals the issues of exclusion of certain identities and their interests from state action. The state action suggests that while the state (acting through the constitution) bestows universal citizenship, in practice that citizenship is selective of only certain identities and interests. When the state responds to the demands of mobilisation, it is an acknowledgement of that fractured citizenship. Hence, while there is a tenuous relationship between the state discourse of citizenship and the discourse of mobilisation, engagement between the state and mobilisation enables the evolution of a citizenship discourse that will include the identities and interests of poor and vulnerable groups.

Modes of interaction are also concerned with the construction of citizenship through agency and empowerment. Gaining knowledge and awareness creates a sense of agency and empowerment (Gaventa and Barrett, 2010). Such agency can be further enhanced when mobilised to interface with the state. A positive response from the state leads to reinforcement of agency, but agency and empowerment are not to be validated based on state response. Even in situations where the state's response is negative, agency created in the process of mobilisation and interaction with the state does lead to a greater sense of citizenship rights.

### **6.4 Building accountable state institutions**

As we found in our comparative analysis, the three democratic states do



provide certain political opportunities, but that does not guarantee that they will put them into practice until pressure is generated from below. However, as each state's response to mobilisation remains 'selective', making the state accountable can at best be partially successful and at worst have a negative outcome. As our cases and modes of interaction show, selective and partial gains have occurred in certain cases, but in others the state has remained completely closed to citizens' demands.

As the three states emerge into the global economy with a certain path of economic growth that is not always in the interest of the poor, but which the state defends, social actors find it hard to make the state accountable. The increasing closure of the public space for mobilisation to interact with the state in such situations is no longer mediated by the state alone, but also by the encroachment of neo-liberal market forces.

## **7. Conclusions**

Brazil, India and South Africa are useful sites for exploring discourses and realities of inclusive democratic practice through state-societal interaction. While much of what is evident here in terms of patterns of interaction is also present elsewhere in the global South, it is illuminating to focus on the patterns of engagement that emerge in three such different cultural, societal and geographical contexts, as it helps to establish whether or not there are similar patterns of engagement over time.

While the three states – by virtue of being 'formal' democracies – do provide certain democratic foundations in the form of constitutions, policies and institutions that create the space necessary for mobilisation to take off, it is evident that mobilisation is still required despite such democratic foundations and political opportunities. Formal democracy means little without action on the part of the citizenry. Often, debates about the 'nature of the state' or citizenry reify and ideologise both state and non-state actors, but it is evident that roles and identities are far more complex and variable, on both sides of the state/non-state equation. It is important to remember, as we have concluded elsewhere, that there is often a tendency for research to ignore or gloss over the mutually constitutive nature of state and non-state actors (Cornwall and Coelho, 2007; Thompson and Tapscott, 2010). The IBSA states are no exception. The nature of representation at both levels (state and civil society) is problematic here, as this exposes the true nature of participatory democracy (or the lack of it) in action. In the cases examined here it is

obvious that forms of interaction and engagement become more varied and sophisticated over time, yet the democratic gains are not always as clear. The political and socio-economic interests of the actors are particular to each case, thus making concepts such as POS and SOS extremely useful to understand how patterns of interaction emerge, although arguably the concepts do not adequately embrace the economic underpinnings of so many of the engagements which take place in these development-oriented democracies.

Recognition of excluded identities and redistribution of resources to poor, marginalised identities remain the critical issues around which mobilisation is taking place in all three countries. Such gaps point to the inadequacy of state responses to the poor, despite many pronouncements and policies proclaiming otherwise. Action is required to ensure delivery; however, not all action is taken by the poor themselves and the tensions between state and non-state actors and representatives are visible more frequently in the face of organised, large-scale, social-movement forms of mobilisation. While smaller-scale efforts at resistance (local protests in South Africa, for example) also evoke tensions, these are more readily addressed by the state, but not always in mutually satisfactory ways. Repression in different forms is not beyond the purview of the purportedly democratic developmental state.

Thus, from the point of view of concrete gains won by the citizenry from interaction with the state, such gains are selective and partial, depending on what the state in question prefers to respond to; and it is clear that these responses depend on a complex set of historical, institutional and situation-specific criteria, as well as political, economic and social opportunity structures.

We can conclude that since state responses and gains for citizenry are selective, building inclusive democracy through state-society relations is also selective, and certain groups are more likely to be included than others. Knowledge and access to resources are powerful leverage tools. However, as the literature on social movements has long maintained, the closer to the state the social movement gets, the less likely it will be to achieve major transformatory changes; co-optation is more likely, if not inevitable (Klandermans, 1984).

However, looked at from the citizen's point of view, action (as constitutive of the construction of citizenship) is important; and despite the potential lack of state response, a sense of agency and empowerment

is crucial in keeping the 'democracy debate' alive. Knowing the state will be held accountable – in other words, not letting the state off the hook – is in itself an empowering expression of citizenship and political identity. Furthermore, while the cases discussed here show only a fragment of the international component of such empowerment, other examples in all three states do illustrate this point: for example, HIV / AIDS resistance action in South Africa by the TAC. In the same way, the environmental movements in Brazil and India have raised international solidarity and support through struggles for more equitable development that is less damaging to the environment and to livelihoods.

Both the broader patterns of engagement and the cases analysed here show that, while the state can choose to adopt participatory modes and engage with forms of mobilisation that are perceived (from within its institutional ranks) to be closer to its ideology, the cases in which citizens raise legitimate protests and still meet with state resistance reveal 'the other side of the democratic state'; that is, the dynamic, non-linear nature of creating democratic participatory processes around formalistic structures.

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## Notes

1. The IBSA block came up as a state-led initiative when the foreign ministers of the three countries met and signed the IBSA declaration in 2003, with the primary aim of consolidating the economic powers of the South as a way of responding to global issues.
2. Development Research Centre (DRC) project on citizenship, participation and accountability, located at the Institute of Development Studies, Sussex, UK. Research conducted as part of this project shed light on the conditions under which mobilisation contributes to the deepening of democracy. Available at <http://www.drc-citizen.org>.
3. We draw from country papers written by teams of researchers in India (Pant, Mandakini), Brazil (Menino, Shankland, Favareto and Pompa) and South Africa (Piper, Tascott and Thompson). The papers were written specifically for the IBSA synthesis comparative project, drawing on existing case studies conducted under the DRC project. The papers were discussed and developed in two workshops held during 17–19 June 2009 in Rio, Brazil and 25–27 October 2009 in Brighton, UK.
4. In this sense, it is known that high levels of social inequality hinder the broad democratisation process. However, inequality (in addition to underdevelopment, poverty and discrimination) does not affect democratisation in the same way in every country (Kaplinsky, 2005). The particular manner in which these factors have an impact on democracy in each context depends on how social and state actors frame them; in other words, the way they are interpreted, negotiated and continuously disputed between civil society and the state – resulting, in the final analysis, in determining the outcomes of democracy in each particular country.



## India

Social mobilisations and the state

**Mandakini Pant**

### 1. Introduction

Studies on social mobilisations have typically addressed questions about mobilisation for collective action in order to understand its impact. Social mobilisation, when viewed as a transformational approach, takes into account the felt needs of the people and embraces the critical principle of community involvement for action; when viewed as a process, it enables marginalised communities to challenge the dominance of *elites*, *opponents* and *authorities* collectively and create desirable changes in their lived situations. Social mobilisations involve a continuum of activities: new or transformed collective action



frames; a combination of organised and unorganised participation; and sequences of intensified interaction between challengers and authorities, which either reforms, or represses, or leads to total transformation.

But the state's responses and influences have been somewhat under-researched. What are the conditions under which the state responds to social mobilisation? What are the intended and unintended consequences of state action on social mobilisations? In the absence of understanding on how the state responds to mobilisations, the understanding of citizen mobilisation and participation remains unbalanced. While mobilisations may have different trajectories of leadership and different styles of activism – ranging from direct action, to dialogue, to representation in participatory spaces – the state does influence their form and trajectory (Amenta and Zylan, cited in Amenta and Young, 1999: 153). Even when mobilisations target other societal actors such as the industrial corporates, they still use the state as leverage against their opponents. There are different types of states and different 'layers' within the state. Furthermore, there is a great deal of variation between the different 'actors' that constitute the state. Bureaucracy, for example, is the administrative arm of the government to deliver services, manage resources and implement laws and policies both at central, state and local levels. Thus the state needs to be unpacked and contextually situated for a deeper understanding of citizen mobilisation and democracy building.

This paper is about modes of interaction between mobilisations and the state as they continue to respond, influence and reconstitute each other in a formal democratic state. It aims to unravel how mobilisations for claiming rights and entitlements have been addressed, responded to and dealt with by the state. In particular, two DRC case studies by PRIA<sup>1</sup> have been explored in depth: *Meanings and expressions of rights and citizenship amongst nomadic communities in Rajasthan* and *Multi-party accountability for environmentally sustainable development in Andhra Pradesh*.

The focus is on the mobilisation of excluded and marginalised citizens through NGO intermediation for new or re-framed claims. The cases raise a crucial governance issue: the erosion of citizenship rights due to prolonged negligence by the state. Citizens, despite formal legislated policy for protecting the rights of marginalised citizens, have had to struggle for the inclusion and protection of their rights in situations where the developmental priorities of the state curbed their rights and entitlements. Civil society organisations have played an important role

in mobilising citizens to articulate their concerns through awareness-building and organising them to the point that they claim their rights.

The paper is organised as follows. The second section (following this introduction) describes the theoretical framework of the paper. The third section presents the trajectory of the state-mobilisation interface. It describes the nature of democracy in India; the cohesion, conflicts and contradictions within the state; and the ways in which civil society mobilisations have responded to the crises of democracy and governance. The fourth section describes case studies on rights claims. The fifth section describes the modes of interaction between the state and mobilisations. The sixth section draws outcomes from these modes of interaction. The seventh section concludes the paper.

## 2. Theoretical framework

The case analysis is formed around the following subsets of framing questions:

- (a) What are the issues of mobilisations?
- (b) Why do new or re-framed claims emerge? What are the contexts (policy environment, political and social opportunity structures) that create the conditions for mobilisation?
- (c) What are the different layers of actors which mediate the relationship between mobilisation and state? How do different strategies and configurations of actors within social mobilisations interact with different configurations of actors within state structures and institutions? What are the spaces of contestation?
- (d) What democratic outcomes follow, in terms of new or re-framed claims, new actors, state effectiveness and accountability?

The cases describe (a) *new or re-framed claims* that gave rise to mobilisation of the excluded or marginalised, and the forms of mobilisation that grew around the articulated claims; (b) the *modes of interaction* between the state and society as they responded to, influenced and reconstituted each other; and (c) both democratic and other *outcomes* that followed from these events.

## 3. State and mobilisations: Trajectory of interface

Mobilisation/state interaction in India has a long historical trajectory, ranging over the last few decades of democracy. India emerged as a sovereign democratic welfare state in January 1950. The modern Western

ethos led freedom movement leaders to believe that only democracy could meet the aspirations of the people of the new, independent India. Key institutions of modern states – liberal democracy, modern citizenship, universal adult franchise, democratic decision-making, the rule of law and an impartial judiciary – established the sovereignty of the state.

The agenda of the new, modern Indian state was: the national integration of an enormously diverse population; economic development; social equality of a population marked by hierarchies; and a vibrant political democracy (Kothari, 2001: 112). The most important priority was to weld together a nation-state from a culturally and linguistically heterogeneous society and economically disparate regions. In the pursuit of this goal, the political leadership followed the ideology of composite nationalism to integrate all strands of people. The linguistic reorganisation of states was a step towards the consolidation of federal democracy (Hasan, 2000: 17).

To fulfil the second objective of economic development, the political leadership committed to building a developmental state to stimulate growth in the economy. The government adopted the dominant development paradigm of the West to augment India's economic growth, albeit in the garb of a socialist state. The state assumed the role of provider, protector and regulator. It assumed responsibility for promoting economic growth, eradicating inequality, promoting social justice, generating employment and protecting citizens against the violation of their rights. Mixed economy and development with democratic ideals became the characteristic features of the socialist welfare state (Tandon and Mohanty, 2002: 30). Planning was adopted as the key instrument for attaining the twin objectives of growth and equity. A wide range of growth- and welfare-oriented policies and programmes came to be adopted. To attain growth, the emphasis fell on increasing national income through investments by the state in heavy industry, infrastructural facilities and agricultural development. The private sector was expected to participate in the development process with the active support, control and protection of the state. It was assumed that the growth outcomes would trickle down to the poorest sectors of society and help them to overcome their poverty and deprivation (Shylendra, 2009: 22).

The objective of equity was addressed through policies emphasising

the redistribution of resources, such as land reforms and positive discrimination policies in favour of socially backward communities. Recognising that people existed in unequal relationships in a society marked by multiple hierarchies on the basis of caste, class, tribe and gender, the state enacted legislation to provide equality of opportunity. The right to equality was supplemented with principles of protective discrimination and special welfare provisions. Scheduled lists of low castes and tribes were drawn up in order to establish their entitlement to the benefits of legal protection; access to welfare schemes (especially for scheduled castes); reserved seats in higher education, the legislature (both parliament and state assemblies) and institutions of local self-governance; reserved jobs in government employment; and special financial assistance for enterprise. The state also took measures to make special provision for the protection of tribal communities, by safeguarding against the transfer of tribal land to non-tribals.

However, as the developmental priorities of the government began to be guided by successive and different five-year plans, the country went through distinct phases of development, affecting and influencing the rights of vulnerable citizens in its journey. It emerged that the gulf between the rights enshrined in the Constitution (and ensured through legislation and policy provision) and the actualisation of those rights is widening, reflecting the inefficiency and unresponsiveness of the state towards its citizens. Reforms through rapid industrialisation, the building of dams, mechanised farming, etc. – and land redistribution, in the first phase of the planning period – were followed by political crises such as national emergencies and economic liberalisation; closed-door policy decisions in the second and third phases of development planning alienated the masses. By carving out a bigger role for industries and private capital investments in employment generation and economic growth, the government minimised the role of the state in the processes of development, which also affected the protection of the rights of citizens.

However, the principles of democratic equality and democratic rights of the political state are not in tune with the feudal and semi-feudal mindset based on religion and caste authority at social and regional levels. We find that the well-intentioned, state-directed technocratic development projects have ended up primarily as conduits of largesse for elite groups – middlemen, contractors, bureaucrats, politicians, upper

castes, big farmers and indigenous industrialists. Very little benefit has reached the intended groups. Development projects have added new dimensions of disadvantage to the already disadvantaged poor. As technocentric economic growth took off and heavy industry and huge irrigation and hydroelectric projects took shape, natural resources were exploited for commercial purposes. A large number of people directly dependent on nature for their subsistence lost their access to and control over their resources. Displacement became the inevitable fallout from development. Thousands of poor people were displaced from their original habitat – and without a comprehensive resettlement and rehabilitation policy (Tandon and Mohanty, 2002: 32).

A substantial proportion of laws and common practice is still rooted in colonial values and culture. A number of resources that existed communally have become state property over the years, with serious implications for indigenous and nomadic people. 'Equality' – as it was originally envisaged – has remained merely procedural and has not translated itself into substantive equality. The gulf between what is enshrined in the Constitution and ensured through legislation and policy provision and the lack of actualisation of those provisions reflects the inefficiency and unresponsiveness of the state towards its citizens. Though the Indian state has made inroads into all aspects of the human condition – there is a programme for all – it doesn't deliver. This has resulted in widespread apathy in the system.

From the late 1960s and 1970s, fissures in the relationship between state and society began to appear. The state – far from living up to its promise to be a guarantor of welfare and democracy – had undermined the survival base of large sections of its citizens and curtailed their democratic rights. In recent times, with liberalism and the predominance of corporate capitalism, the limited welfare function of the state has been eroded further. Dissatisfaction with the existing, oppressive socio-political and economic conditions (and the biased practices and/or indifference of the state) motivated individuals and groups to intervene, and question, challenge and change these conditions. The mobilisations, spearheaded through the intervention of civil society, worked primarily as watchdogs over the state's transgressions (Joyal, 2001: 27).

For instance, the Naxalite movement and Jai Prakash Narayan's *Sampoorna Kranti* or Total Revolution in the 1970s was a response to state failure to address the issues of rural poverty, uneven land tenureship,

unemployment, price rises, food scarcity and bonded labour. Though these movements were confined to certain geographical areas and the waves of protest came haphazardly and piecemeal, it became quite evident that CSOs had a role in mobilising citizens to make their demands directly to state bodies for implementing public policies and programmes. In fact, for the first time the state felt threatened by civil society and took to capturing the civil society space by clamping down by declaring a national emergency in 1975 (Tandon and Mohanty, 2002: 37).

With the declaration of national emergency by the Indira Gandhi-led Congress government in 1975, the dictatorial potential of a democratic state became evident. In order to seek legitimacy for its actions, the state took to promoting populist measures to accelerate the socio-economic upliftment of the poor, through actions such as strict implementation of land reform legislation, liquidation of rural indebtedness, abolition of bonded labour, participation of workers in management, prevention of tax evasion, special benefits to weaker sectors, etc (Tandon and Mohanty, 2002: 38). The emergency galvanised the civil society movements, as democracy, citizenship and constitutional protection became issues of public debate.

The next generation of civil society actors emerged in the late 1970s and early 1980s. Educated and research-oriented groups of people moved into this sector. In the late 1980s the policies of the government – at the national level – began to treat the ‘voluntary sector’ as a source of policy engagement. The mobilisations in the 1980s were a response to the violation of civil liberties and human rights; the degradation of the environment; large-scale displacement and threats to livelihood in the name of development; and the destruction of tribal cultures. These movements spoke of new concerns, reflected a new consciousness and gave rise to new identities. For example, the formation of the Bharatiya Kisan Union (and many regional parties based on local issues and caste-based politics) gave rise to large-scale debates about rights and democracy. Ecological or environmental movements such as Chipko, fishermen’s struggles against mechanised fishery in Kerala and Chilika, and tribal upheaval in Orissa were a result of livelihood struggles by people whose lives depend on natural resources such as forests and the sea. Large-scale mass movements such as the Narmada Bachao Andolan (NBA) challenged the hitherto ‘closed-door’ centralised planning. These movements extended the frontiers of the interface between state and

civil society by expanding the conception of governance beyond service delivery and politico-economic indicators.

Addressing the governance crisis necessitated new sets of economic and administrative policy reforms, under the broad rubric of good governance. The new mechanisms of governance, characterised by a plurality of actors, caused the state to lose its pre-eminence in various development efforts (Shylendra, 2009: 21). The 73<sup>rd</sup> and 74<sup>th</sup> Constitutional Amendments in 1992 and 1993 ensured citizen participation in local governance institutions such as Panchayat Raj Institutions (PRIs) and urban local bodies. In addition there have been innovative spaces for public participation and deliberation, eg public hearings for improving community and service delivery. The emphasis on collective and coordinated actions of state, civil society and market institutions aimed to maximise growth potential and ensure participatory democracy. Liberalisation reforms and the consequent policies facilitating the growth of the private sector and local level decentralisation and mechanisms for the political participation of marginalised and poor citizens in public spaces, have provided new political opportunity structures for interfacing with the state. Increasingly, civil society groups are providing a vital mobilisation infrastructure for nurturing and coordinating participation in local government. They are exerting pressure on the state to play a strong, responsive role within the framework of sustainable development and democratic participation.

#### **4. Social mobilisations for rights claims and the state's response: Case studies**

The case studies have been selected according to two criteria: (a) the nature of the issues or claims that the mobilisations framed; and (b) modes of interaction with the state with regard to claim issues, mechanisms and the responsiveness of governance institutions. A brief description of the case studies follows.

##### **4.1 Meanings and expressions of rights and citizenship among nomadic communities in Rajasthan**

This study on nomadic communities in Rajasthan describes the mobilisation of four nomadic communities from the Alwar district of Rajasthan: the Gadiya Lohar, Banjara, Bhopa and Bawariya. Each of these tribes has a specific occupation, being foragers, traders, blacksmiths or entertainers. Other than this they also depend on livestock and sustain

themselves by periodic, seasonal movements along long-established routes through the country.

The problems of these nomadic communities – having started with the colonial state – failed to be resolved in independent India, despite the state's promise to grant equality to all citizens of the land. During the colonial regime, some of the nomadic communities (such as the Banjara and Bawariya) were branded as criminal tribes, though they were de-criminalised in later years. However, the stereotypes still persist; the mainstream community sees them as 'born' criminals. Such categorisation also puts a limitation on their recognition as legitimate citizens.

The traditional lifestyle and livelihood of the nomads have become increasingly threatened by changes in the economy. The development of industry and technology and the accompanying lifestyles of other communities have caused changes in the social relations between the nomadic communities and other communities. These changes began with the upheavals of the colonial period and took a number of different forms. For example, the forest regulations that were put in place prevented the Bawariya from collecting forest produce, an important item for barter which contributes to their livelihood (Pant, 2005). The regulations also deprived them of grazing land and free access to the forest. Their traditional livelihood came under increasing pressure because of the growing population and its impact on common lands, along with the commoditisation of both forests and land. Deprived of their livelihood, they took up alternative occupations as agricultural labourers, construction workers, wage sharecroppers, cattle breeders, night watchmen for crops and shepherds for other people's cattle.

At the same time, the construction of roads and laying of railway lines during the nineteenth century was particularly disruptive to the migration pattern of the Banjara, who travelled in the interior and were often the only source of trade for inhabitants of remote areas. As their trade routes became useless, with the advent of the modern transport system, they gradually turned to casual-wage employment in agriculture, construction and stone mining. Similarly, the Gadiya Lohars' traditional ironware for agriculture became obsolete and the Bhopa (the entertainers) also lost their livelihood to the new forms of entertainment that the modern communication and technology brought. In later years all of these nomadic tribes were forced into seeking alternative livelihoods



and a more sedentary way of life. They had no choice but to take up low-paid, casual-wage employment as unskilled labourers. Given their peripatetic lifestyle, they were also excluded from upgrading their skills and forging better opportunities for themselves.

In addition, conflict with other local communities started as soon as these nomads tried to settle down in a specific geographical area. One of the recurring causes of conflict was land. Even when the nomads attempted to camp in demarcated government land near or within villages they came into direct conflict with the villagers, who were often supported by administrative officials with the stereotypical notions that these people were born criminals and not to be trusted. In certain instances the reaction of the local community took violent form: demolishing the nomads' huts, or engaging the local administration to drive them away. There were also power politics at play since, in some cases, certain powerful villagers had already encroached on the un-assessed revenue land (the property of the state under the revenue or forest department), and were not ready to give up their interests.

It is important to note here that attempts by local communities to drive away the nomads were often successful, because of the lack of protection from the state. Since none of them had either land deeds or ration cards, it became easy for the local administration to overthrow them.

Very strangely, this goes against the promises embodied in the fundamental rights, fundamental duties and directive principles of state policy listed in the Constitution of India, which – in recognition of the historical, social, educational, economical and cultural disadvantages faced by certain groups – is committed to protecting them from further discrimination. Moreover, though the Ministries of Social and Tribal Welfare in both the central and state governments have nodal responsibility for establishing programmes for the social and educational development of scheduled castes, scheduled tribes and other backward classes, they have done little to address the problem of marginalised groups. In the case of the nomads this has been aggravated because of the problem of 'misrecognition'. They fall into different lists of scheduled castes, scheduled tribes and backward classes in different states; and although inclusion in these lists entitles them to the associated affirmative action and safeguards, the reality is that their way of life makes it difficult for them to access even the most basic rights and opportunities as citizens,

let alone avail themselves of any special provisions.

In effect, while the top-down bureaucratic manner of implementing special provisions fails to reach them they face discrimination from the sedentary communities and local power brokers, who exploit their vulnerable status to deprive them of access to their rights. Even the state ignores them, as many of the officials reproduce the prejudices and biases of wider society. The central and state government schemes fail to benefit them, as they do not own any land or other immovable property. Nor do they have ration cards, or names included in voters' lists to give them legitimate status as citizens, able to demand their entitlements from the state. Thus, while sheer survival instincts have forced the nomads to occupy government land near or within villages, the increasing pressure of populations on land has made their claims contentious. In addition, their invisibility as citizens deprives them of shelter, water, electricity, sanitation, health, entertainment and education and marginalises them further.

Nomadic communities are too poor and too marginalised to take action and counter the discrimination meted out both by the state and society. Muktidhara Sansthan (MDS), a local NGO working in the Alwar district of Rajasthan, played a crucial role in state-society interaction. It mobilised nomads to raise different kinds of demands from the state. (The claims have been about issues such as the right to have a settled life and access and entitlement to basic services.) It helped to generate awareness and formulate strategies and claims. It also acted as a mediator with the state. But the state's response was not uniform; in the case of the nomads, the state granted land rights in some settlements and other accompanying rights such as ration cards, voters' identity cards, etc; and has also shown positive changes in their perception of the nomadic tribes. However, the NGO intervention was not welcomed and created friction.

#### **4.2 Multi-party accountability for environmentally sustainable development in Andhra Pradesh**

This case describes ways in which local NGOs mobilised the felt need of the local community. The issues were compensation for displaced people whose lands had been taken away by the state for industrial development, and the provision of alternative livelihoods for them. Under the aegis of National Thermal Power Corporations (NTPC), the Simhadri Thermal Power Project (STPP) was commissioned in Paravada (40kms from Vizag) in Andhra Pradesh (AP). The AP state electricity

board signed a power purchase agreement with NTPC in 1997. The construction work began in 1998 after land was acquired from 13 villages spread over three blocks (*mandals*) in Vizag district. The plant began operating at full capacity in May 2002.

The key catalysts were loss of livelihood, compensation, employment, pollution and health impacts. The land acquired by the STPP was primarily agricultural land. Loss of grazing land meant loss of livelihood for those villagers who had maintained livestock such as buffalo, cows, sheep and goats. Fishermen lost their livelihood when fish were killed by effluent discharge. The acquisition of the saltpan led thousands of people from the coastal areas to lose their livelihood. The acquisition of land also affected the livelihood of a number of families who had worked as agricultural labourers. Loss of livelihood displaced people. Very few land oustees were provided with jobs.

The STPP created a Rehabilitation and Resettlement Department to rehabilitate the land oustees and to undertake community development projects in the villages affected by the project. Community development programmes were undertaken, such as the digging of bore wells, providing furniture to primary schools, the building of individual toilets, the construction of toilet blocks at Z.P. High School for Girls in Paravada, the construction of bus shelters, road construction, reimbursement for short-term computer courses and tailoring courses, etc. But the STPP avoided the larger issues of compensation, employment and its responsibility towards the displaced communities. STPP officials claimed that providing jobs was not part of their package, as theirs is an automated and capital-intensive industry, which does not require much manpower. Compensation was made on the basis of joint land holdings. In Vizag, families receiving compensation were not entitled to any employment within the plant once it was constructed. As agricultural labourers did not have any entitlement to the land on which they worked, they did not receive any compensation.

In Vizag Sadhana, a Paravada-based NGO has been the frontline organisation in the campaign against the NTPC plant. The group has conducted surveys of villages most affected by the plant to compile evidence of its impact on villagers' lives, and to record their demands and how they would like to see them met. The findings were shared at local *gram sabha* (people's forum) as well as at *panchayat* (rural local body) meetings and were fed into a people's development plan. In Vizag there

has been one public hearing so far. The challenge for the NGO was to ensure that people get to hear about public hearings and become aware of the implications of development for their livelihood.

The NGO's experience was not very encouraging. Persuading NTPC to attend public meetings was difficult. Direct appeals by the NGO on behalf of communities have consistently been refused or not acknowledged. In addition, the company is required to provide advance notice of one month for public hearings. A notice must be placed in one local English-speaking newspaper and one regional-language (Telugu) newspaper. Details were also to be submitted to local *panchayat* offices to allow people to look over the documents. But NTPC deliberately placed the announcement in the least widely read local newspaper in the area, and the announcement was made in one edition on one day.

## 5. Modes of interaction

The case studies describe the following aspects of the problem: (a) issues (new or re-framed claims) that gave rise to mobilisations of nomads and displaced communities; (b) political and social opportunity structures; (c) the actors; (d) the strategies; (e) spaces of contestation and relationship with the state; and (f) state responses to mobilisations.

### 5.1 Issues

Mobilisations identify an entry point, and develop strategies to address the issues accordingly. In both cases, the issues were context-specific. For example, in the case of the nomads, entry points around which nomads developed strategies to act were lack of land and shelter and lack of access to programmes of basic services and public assistance for the poor. Large-scale land acquisition and displacement of people, lack of compensation for poor workers, non-provision of promised employment, and pollution and health hazards were rallying points around which displaced communities could raise their concerns loudly.

### 5.2 Political and social opportunity structures

Mobilisations do not occur in a vacuum. Political contexts stress certain grievances and mobilisations organise around those. Mobilisational actions can only be understood when seen in the broader context of political opportunities or structure. The structure of political opportunities refers to the conditions in the political system which either facilitate or inhibit collective action. Political and socio-cultural traditions

determine the range of legitimate forms of struggle in a given society. The degree to which civil liberties and individual rights are respected in a given society will also facilitate or inhibit collective action. How open the political system is to incorporating the interests of a particular group will affect the emergence of social mobilisations (Canel, 2004).

Thus, state-created democratic spaces, policies, institutions, etc – as well as rights violations, the lack of responsiveness of state institutions and the historical exclusion of certain social groups – provide the immediate and current context for people to get organised and mobilise themselves against the state. The functional bureaucracy or public administration system with which social actors can interact, a local-level, decentralised governance system and mechanisms for the participation of marginalised and poor citizens in public spaces all offer local NGOs (social movement organisations) the opportunity to engage in public education and to mobilise the community in policy debates.

Poor implementation of existing policies has excluded marginalised groups from policy and planning decisions, though the Indian Constitution has provided the nomadic community with certain safeguards for their development and protection. Constitutional and legal equality – as embodied in the fundamental rights, fundamental duties and directive principles of state policy and affirmative policies – aim to protect the socio-economic and political rights of the excluded groups classified as Scheduled Castes (SCs) and Scheduled Tribes (STs). Nomads, recognised (as underprivileged groups) as SCs, STs or Other Backward Castes (OBCs), are entitled to benefit from affirmative action and constitutional safeguards. But the promise of freedom and equality as envisaged in the Constitution has been largely elusive to nomads. Because of their itinerant lifestyles, they have been unable to access the common rights and opportunities of citizens, for example the rights to self-owned land, a settled life, and access to basic services.

State-sponsored policies and programmes have failed to take cognisance of the basic requirements of the nomads: shelter, security and livelihood. Maladjustment to living in sedentary society has further aggravated their difficulties. Exclusionary citizenship identity and status has forced the otherwise voiceless nomads into actively seeking their claims with support from the other civil society actor, the MDS.

In the case of multiparty accountability for environmentally sustainable industrial development, the liberalisation reforms of the '90s

and the resulting new industrial policy in 1991, in facilitating the growth of capital, ended up not protecting the rights of local inhabitants. Land acquisition laws still operate under the legal shadow of the colonial era. Under the Land Acquisition Act of 1894, state agencies can acquire a person's property and decide unilaterally what compensation is to be paid, overriding any objection from the owner. The Andhra government, with NTPC, acquired land for developing infrastructure, displacing the communities from their land and livelihood without any monetary compensation. The compensation saga is filled with false promises, cheating, bad administration and implementation, and the malpractices of middlemen.

Social opportunities are created by local NGOs (the mobilising actors), who bring people together to make claims, issue demands, forge collective identities, and interface strategically with the state. For MDS, the denial of land for shelter is a violation of constitutional rights, as it is linked to the denial of other basic entitlements and facilities. The violation of constitutional rights, government negligence, and failure to provide infrastructure for addressing the basic needs of the nomads provide the context for MDS to organise and mobilise the nomads against the state. Displaced communities have the opportunity to voice their concerns through public participation in citizen health monitoring, as well as people's development plans and deliberations in *gram sabha* and in public hearings to discuss the implications of development on community livelihood, health and environment. When the state failed to force the corporations under its jurisdiction to take responsibility for their actions, the citizens themselves mobilised to seek a response from the corporations.

### 5.3 The actors

In both case studies the dominant form of social mobilisation was NGO intermediation. The organised efforts of NGOs mobilised the citizens to articulate their concerns, seek inclusion and claim their rights within the state-given framework. Inclusion was sought in a variety of ways: by critiquing the state and by demanding accountability and transparency from the state. The social mobilisation organisations included the NGOs MDS, in the case of the nomads, and Sadhana in Paravada, Vizag District, Andhra Pradesh.

### 5.3.1 *Muktidhara Sansthan (MDS)*

MDS is an NGO in Viratnagar, Jaipur District, registered in 1993 under the Societies Registration Act. It started with the broad objective of securing *mukti*<sup>2</sup> from injustice, illiteracy and hunger for marginalised sectors of society in that area. MDS was formed as a social movement and a membership organisation for socially disadvantaged nomads. It is committed to upholding the constitutional and human rights of nomads, and has been extensively involved in the settlement of nomads on government land as well as in the establishment of their settlement. MDS works primarily in Alwar, with some of its efforts spilling over into Jaipur, Bharatpur and Dausa.

Since its inception, MDS has had to contend with different layers of state, including civic and municipal officials and also the forestry department. Relations between the NGO and state institutions are tense. State officials have objected to the ways in which MDS have encouraged nomads to occupy land. They oppose MDS activities that stretch beyond the provision of social welfare.

### 5.3.2 *Sadhana*

Vishishta Gramodaya Swayam 'Sadhana' Parishad (VGSSP) is a non-profit, non-political, secular and voluntary youth service organisation. It is more popularly called 'SADHANA', standing for the Society for Action & Development of Human Awareness for National Advancement. It was registered in 1990 under the Societies Registration Act.

Sadhana has been involved mainly in development issues affecting the weaker sections of the population and Dalits.<sup>3</sup> It aims to raise awareness of and promote integrated socio-economic development for the marginalised urban/rural mass, particularly Dalits, the poor, and backward, oppressed and exploited youth and women. They have been amplifying the voices of the weaker communities by building alliances with other actors, in order to exert more leverage over state government and corporations. They have been exploring labour-intensive livelihood alternatives to employment with NTPC, where few openings have been created. Their relationship with the displaced communities has affected how NTPC responds to community concerns.

## 5.4 Mechanisms

In both case studies CSOs played a key role in equipping mobilisations and evolving strategies by educating all concerned. They enabled citizens to

engage directly in problem-solving activities and to make their demands directly to state bodies for the implementation of public policies and programmes. Mobilisations emphasised issues of deprivation and stressed collective participation. The diverse mechanisms used in mobilisations were aimed at facilitating the process of reflection, analysis and action. The following approaches were most significant:

- Awareness of and education about issues through personal meetings, public hearings, health surveys and sharing information with the community at *gram sabha* and *panchayat* meetings.
- Active participation and multipronged strategies. Tactics included collective actions (protests and campaigns); the communication of ideology, to make participants aware of their rights; interest articulation (bargaining, submission of memoranda and petitions, lobbying, building alliances with sympathetic elements within government at all levels, from *panchayat* to state government); and alliances with groups within civil society, such as unions, NGOs, media organisations, medical and environmental professionals, and engaging in dialogue with bureaucracy.
- Strengthening the capacity of the local community to address problem issues through legal support, livelihood support, a people development plan, public hearings and the formation of community-based organisations and forums.

Nomads are generally too poor and disorganised to have sufficient bargaining skills, power or resources to stake claims to their rights and entitlements. MDS helped them to form a collective and facilitated the articulation of their concerns to the state, including their demands for the right to ownership and control of land, the right to a settled life and the right to live with dignity. Besides helping them to settle down and providing much-needed legal aid and direct legal services, MDS provided mobilisation support through public hearings, processions, and by highlighting issues in the media in order to put pressure on the state to act. It also lobbied for nomads by sending them in delegations to meet and present their petitions to government officials. In seeking multiparty accountability in Andhra Pradesh, Sadhana used multiple mobilisation strategies – such as media exposure, direct dialogue with companies and government officials, public hearings, etc – to secure fair deals for the communities that were to host the industrial projects. They also built alliances with sympathetic elements within the government,



as well as with groups within civil society such as trade unions, NGOs, media organisations, medical practitioners and scientists.

### **5.5 Spaces of contestation and relationships with the state**

In terms of policy implementation, the state actually and physically interacts with citizens through bureaucracy. Bureaucracy functions as the executive wing of the state. Hence, mobilisations by nomads in Rajasthan and displaced communities in Andhra Pradesh must interact with the bureaucrats if they want the state to implement policies which are already in place.

Interaction between mobilisations and the state for the execution of specific policies occurs at district level. Issues of rights, citizenship, participation and governance are the starting point, and often define the community/state interface. Both nomads and the displaced communities are challenging the state, but only as an attempt to implement policies which already exist.

The changing socio-economic scenario is forcing nomads to articulate their citizenship rights by linking them to the right to own land with a title deed, the right to a settled life and the right to live in dignity. For nomads the title deed to land is important for sense of ownership. The ownership of land would not only give them a well-defined social identity but also improve their access to public services, entitlements, benefits and special statutory dispensations for SCs, STs and OBCs. They would get respect and recognition from state agencies and the community.

The state's lack of recognition of basic rights – and also special affirmative rights and entitlements, which should legally and statutorily be available to them through the usual administrative delivery system – has provided the context for nomads to get organised and mobilised against the state. State officials are hostile to the nomads' demand for land. They resist the tirades of MDS. Yet MDS is not demanding the withdrawal of the state, or even acting as an alternative to it. They are only questioning the state and pressuring it to be sensitive to nomads' concerns and interests. They are demanding the inclusion of nomads' interests in governance, while simultaneously challenging the nature of what it means to be included. They are insisting on their rightful place in the power structure of society.

In the case of the struggle of populations in Andhra Pradesh, the mobilisation was directed at the legislative powers of a state which ignores the basic rights of its citizens when they are most needed.

The marginalised communities of fishermen and agricultural workers lost their livelihood; their lands were seized without any monetary compensation; and the environment was polluted, which affected their health and general wellbeing. Demands were made for the redistribution of developmental gains. States have the formal power to regulate corporate activities and to implement sanctions for non-compliance; citizen mobilisations against STPP in Vizag were actually a response to the ineffectiveness of the state at ensuring the implementation of business regulations.

### **5.6 State responses to mobilisation**

The strategies of the state vary in response to mobilisations. It is generally supportive of social mobilisations when it perceives the ideology and the means of citizen mobilisation to be legitimate (Oommen, 2004: 184). In the case of the nomads, for instance, the state granted land rights in some settlements as well as accompanying rights such as ration cards and voter identity cards, and has also shown positive changes in their perception of the nomads. But when the state finds both ideology and means of mobilisation to be illegitimate, it tends to remain indifferent to the demands of mobilisations (Oommen, 2004: 184). In the case of the displaced fishermen, agricultural labourers and salt pan workers, the state was forced to accept some peripheral demands, but avoided the larger issues and its responsibility towards the displaced communities. The state did not recognise the rights of landless labourers. It undermined the community's rights to land, as well as social and environmental rights, and refused to release information on pollution.

A reverse trend also exists. The state may respond positively to the demands of citizens but repress civil society activism that is overtly critical of the state. In the case of the nomads, the state displayed positive changes in their perception of the nomads' diverse needs (settled living with dignity and land entitlements). At the same time the state resisted intervention by MDS. The tension between state and MDS in turn affected the nomads' access to state resources. When the state or state institutions choose to be unresponsive, the chances of a collaborative relationship are minimal. For instance, when Sadhana spearheaded a citizens' mobilisation demanding accountability on issues of compensation, livelihood and health, STPP (NTPC) chose to ignore it. Persuading NTPC to attend public meetings was a difficult task. Direct appeals from NGOs on behalf of communities have consistently been

refused or not acknowledged at all. The troubled relationship between CSOs and the state manifested in NTPC refusing to release information on pollution.

The state responds when issues – particularly those related to development and distribution of resources – fall within the ambit of a policy framework; preferably one which does not threaten the interests of the state. The state responded to the demands for land distribution to nomads because there is a policy provision for it; but in the case of land distribution for displaced communities in Andhra Pradesh, the state did not make adequate provision for the resettlement of those whose resources it had taken away, even though there were policies in place concerning resettlement. The state did not respond because the existing legislation – the Land Acquisition Act of 1894 – entitles the state to take people's land for development.

State actors seldom enter mobilisation spaces. They prefer interacting with the mobilising actors on home territory. Both the case studies reveal that the state/mobilisation interface was at the district level of administration.

## **6. Outcomes**

The case studies clearly demonstrate that civil society activism for the purpose of engaging critically with governance institutions would not have been possible without a functioning public administration; a sensitive political or administrative culture that values notions of common public good; and an environment for political participation. The lack of implementation of existing policies by state institutions, as well as changes in policies, triggered opportunities for collective action to emerge. There are several outcomes of the interface between social mobilisations and the state.

### **6.1 Shifting power equations between society and state**

Mobilisations have functioned as an instrument for exerting pressure on the state to satisfy citizens' demands. Both case studies illustrate visible changes in state practices, such as regularised settlements with voting rights, ration cards and title deeds, in the case of the nomads, as well as changes in perceptions about the needs and priorities of nomads; and public sector industry committing to a number of peripheral demands from the community in Andhra Pradesh.

## **6.2 Different modes of interaction result in differential outcomes**

In the case of the nomads, triggers for interaction between state and society included lack of land, shelter and public assistance from the state. Demands for land rights have been addressed to an extent. Such demands could be raised because the district-level administration has a framework that commits the government to giving land to particular scheduled-caste communities. The state has a clear obligation here. The situation falls under the state's social justice framework. Peripheral demands – the distribution of ration cards and other minor issues – have been met, but the larger issue of rights has not been addressed.

In the case of the displaced communities, the triggers were under-compensation, the displacement itself, and loss of livelihood. The resettlement problem comes from the developmental workings of the state. There is an assumption that land acquisition provides a bigger developmental public good, the benefits of which will trickle down. Though the government has a resettlement and rehabilitation policy, it has not worked. In the rural areas, people do not have land titles. Compensation based on formal land titles has marginalised displaced communities without title deeds even further. The displaced communities have been quite active in engaging with the state in conjunction with NGO intermediation. However, when CSOs engaged in direct confrontation they have been resisted. Local NGOs tried holding public hearings and asking certain actors to attend, but their invitations were turned down. Some state and private actors chose not to respond at all.

## **6.3 Experiences of exclusion and inclusion**

Both the case studies report experiences of exclusion and inclusion. Mobilisation/state interactions were characterised by recognition and resource problems. Lack of recognition by state agencies of the rights and entitlements of nomads and displaced communities, as well as a lack of resources that would allow them to articulate their demands for rights and entitlements, have created exclusionary citizenship identities. The articulation of rights demands focused on both material and identity issues. Communities were not only demanding the redistribution of resources but were also asking for the appropriate institutional conditions necessary for the development of their identity rights. While demands for redistribution recognise communities' right to be treated equally, recognition of identity rights underlines the need for respect for their specific identities.

Various actors – the state, civil society and the people at grassroots level themselves – may facilitate inclusion. But the degree and content of inclusion varies. While exclusion usually occurs simply on the basis of historically deprived and socially ascribed identities, the issue of inclusion may be extremely challenging. Often, exclusion and the experiences of it are so overwhelming that inclusion seems unimportant. This is clearly evident in the case of the nomads. The difficulties they face are immense. Not only does the state not have adequate provisions for them, it lacks the sensitivity to grant these provisions to them. But in the case of displaced communities in Andhra Pradesh, we get a glimpse of active citizenship (Mohanty, 2006: 23–24).

#### **6.4 Dynamics of state/mobilisation action and response**

The framework of the state defines an acceptable public arena for social mobilisations. State policies, legislation and institutions created the conditions for social mobilisations to emerge. Disillusioned with the state, mobilisations strive to make the state realise its ideals of social justice and equality. They are challenging the state institutions, with a view to redefining policies and influencing the governance process.

The ideology and means of social mobilisations determine the state's response. From the case studies described, two empirical possibilities for state responses to social mobilisations (and the concomitant variations in the nature of social mobilisations) may be identified:

- (a) When the ideology and means of social mobilisations correspond to the goals and means of the state, they are perceived as legitimate by the state. The state's response is facilitation. In the case of the nomads the state granted land rights in some settlements, as well as accompanying rights such as ration cards and voters' identity cards, and has also shown positive changes in their perception of the nomads.
- (b) Both ideology and means of mobilisations may be different from those of the state. The state either represses such mobilisations or remains indifferent to them. In the case of the local inhabitants seeking accountability from state and corporations, the state and corporations chose not to recognise the rights of landless labourers, as they had no land entitlements. Non-provision of and refusal to release information on pollution is an indication that community rights to land, social and environmental rights were undermined.

### **6.5 Democratic mediation**

CSO intermediation has helped vulnerable citizens to interface with the state and with companies. In Andhra Pradesh, CSOs seeking multiparty accountability used multiple mobilisation strategies such as media exposure, direct dialogue with companies and government officials, public hearings, etc to demand fair deals for the communities that were to host the industrial projects. They also built alliances with sympathetic elements within the government, as well as with groups within civil society such as trade unions, NGOs, the media, medical practitioners and scientists. Alliances with other actors were an effective communications strategy for the purpose of engaging in detailed, proposal-oriented policy dialogue with government. MDS helped the nomads to collectivise and articulate their demands for rights.

### **6.6 Strategies of the state and strategies of mobilisation**

The political contexts of actors involved in social mobilisations intersect with the strategic choices that mobilisations make. The strategies of the CSOs were not static. They tended to be multipronged approaches, in order to address the range of conditions they faced. When mobilisations make use of diverse courses of action they take on different characteristics. For instance, media actors were engaged to highlight the issue of contestations. Interfacing and direct dialogue with company and state officials helped to emphasise the seriousness of the issues. The purpose of the protests and campaigns was to put pressure on the state. Awareness raising, education and group-organising strategies aimed to sensitise people and strengthen their capacity to address their problems.

The strategies of the state have been facilitation, acceding to citizens' peripheral demands only and choosing to remain indifferent by not recognising the rights and demands of citizens and CSOs. The state has not enabled the nomads or the displaced communities to access rights and resources. Weak links between state institutions and CSOs have produced exclusionary forms of citizenship.

## **7. Conclusions**

In the democratic regime in India, there is at least a visible commitment in spirit that accepts a broader, more inclusive understanding of democracy and governance. Policy processes are widely understood to require inclusive participation of stakeholders and involve networks of

actors, with different sources of knowledge and legitimacy. However, as indicated in the case studies discussed above, despite an enabling framework for citizen participation in the affairs of the local state, poor communities face difficulty in making their voices heard. Access to basic rights and entitlements depends on their capacity to mobilise, the strategies they adopt, the alliances they forge, and the skills and knowledge of their leadership.

The cases represent different types of agenda, manifestations, initiatives or mechanisms and responsiveness of governance institutions; yet from both the cases common conclusions may be drawn regarding the interaction between mobilisation and the state as they respond, influence and reconstitute each other. These are:

- Prerequisites for a mobilisation for right claims are a functioning state apparatus with authority to legislate, spend, and regulate (as in federal political systems), a system of public administration and a democratic participation space. Without a functioning state apparatus and public administration there are few incentives for the state (or non-state actors such as corporate bodies) to change policies and practices. A degree of democratic participation space enables citizens to mobilise for the provision and protection of rights and entitlements, define their modes of engagement with state institutions, corporate bodies and other interest groups and strategise different forms of collective action.
- Inclusions, exclusions, and restrictions in democratic access to services and resources, entitlements and representation will give rise to mobilisations for rights claims. Marginalised citizens mobilise for inclusion and protection of their rights when their rights are curbed or violated by the developmental priorities of the state.
- State policy bureaucracies are relevant to social mobilisations. A biased and insensitive bureaucracy will discourage mobilisers, as it fails to implement policies in the right spirit; consequently, there is little likelihood that the provision of collective benefits will reach the marginalised.
- State policies and programmes encourage, discourage, shape and transform mobilisations, because policies influence the future flow of collective benefits to the constituencies of challengers. Government policies and legal frameworks protect and promote

the relative rights and responsibilities of companies. Government willingness and ability to implement policies influence how these play out in practice.

- The state's unwillingness to enforce policy measures undermines community rights to consultation and to various citizenship rights related to land, social and environmental issues. A lack of transparency in decision-making excludes citizens from engaging in dialogue with power-holders.
- Mobilisations are socially embedded. The claims of marginalised citizens concern questions of recognition of identity (within society and polity), redistribution of resources and the provision of public goods (including effective service delivery) by the state.
- CSO intermediation is the dominant form of social mobilisation. The organised efforts of CSOs mobilise citizens to articulate their concerns, seek inclusion and claim their rights within a state-given framework. Inclusion is sought in a variety of ways: by critiquing the state and by demanding accountability and transparency from the state. Mobilisations adopt multipronged strategies (for example monitoring, campaigns, advocacy, networking, interfacing, lobbying, and protest) to address the priority problems of a marginalised community. Such strategies represent a community's need for asserting rights claims.



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## Notes

- 1 The Development Research Centre on Citizenship, Participation and Accountability (Citizenship DRC) is an international research partnership exploring new forms of citizenship that will help make rights real. It involves a network of researchers and practitioners working with research institutions and CSOs located in different countries, such as Angola, Bangladesh, Brazil, India, Nigeria, South Africa and the UK. The network of researchers and activists focuses attention on the relationships between poor and marginalised people and the institutions that affect their lives, and how these relationships can be changed.

PRIA (the Society for Participatory Research in Asia) is an international centre for learning and promotion of participation and democratic governance. It is a non-profit, voluntary organisation, promoting initiatives for the empowerment and development of poor, marginalised and weaker sections of society. Its interventions and programmes are based on the philosophy of participatory research and have a people-centred approach.

PRIA has produced several studies on the exclusion of citizenship rights from nomads, tribals and women and also the displaced communities in industrial projects in Andhra Pradesh and Maharashtra. The studies have explored the dimensions of exclusionary citizenship and the ways in which inclusive citizenship could be achieved – by citizens participating effectively in social, cultural, economic and political arenas and demanding the accountability of powerful stakeholders (mainly the state and private players such as industrialists).

- 2 *Mukti* means freedom.
- 3 *Dalit* is a self-designation for a group of people formerly known as 'untouchables'.



## Processing democracy

State-society relations in the  
shaping of Brazilian democracy

**Frederico Menino, Alex Shankland,  
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### 1. Introduction

Since its recent democratisation, Brazil has witnessed substantial transformations in the ways citizens interact with the state. Such transformations have usually been observed by analysts who focused on events occurring in separate domains of social life. While some looked at the vast institutional reforms initiated after the promulgation of the 1988 Constitution, others preferred to investigate recent trends in the civil society realm, such as the emergence of new demands, new and organised political actors and new types of mobilisation. However, few accounts combine evidence from

different domains to explain broader processes involving civil society and the state. Brazil's recent democratic history is still largely explained as a combination of disconnected events happening in isolated spheres. 'State' and 'civil society', moreover, are usually understood to be antagonistic; as a consequence, democracy is seen as a new mechanism for mediating between the ever-opposite interests of state and society.

In this paper, we try to overcome this type of approach by treating democracy and democratisation as ongoing processes, rather than merely mechanisms. We suspend the imaginary boundaries of state and society and focus on the intersection points where state bureaucracies, institutions and players meet civil society actors, claims and procedures. Our focus relies on aspects such as *strategies, negotiations* and *dynamics*, as we believe that constant exchange (of ideas, proposals, claims, interests, social networks, etc) is what ultimately defines a democratic outcome.

The article is divided into three parts. First, we look back at key moments that preceded the 1988 Constitution in order to contextualise the political and social opportunities available in the new democratic period. Second, we present evidence of two case studies to show how these opportunities have been activated by state and civil society actors in distinct local scenarios. Finally, the evidence of both cases is synthesised into a series of 'democratic outcomes' resulting from the patterns, forms and *modes of interaction* between state and civil society in contemporary Brazil.

On one hand, the article's conclusions reiterate that, apart from the unprecedented stability of Brazilian democratic institutions, it is difficult to confirm that the democratisation process has been fully accomplished. Enduring inequality, poverty and the weakness of social rights are still obstacles to Brazilian democracy. On the other hand, the article goes beyond this general diagnosis to suggest that the persistence of such structural problems may be linked – at least in part – to *dilemmas* in the contemporary ways found by civil society and the state to interact. Co-optation of deliberative spaces by organised civil society groups, limited deliberation and the lack of state engagement in crucial areas are some of the democratic impediments analysed here.

Altogether, these dilemmas reflect the dynamics of an unconventional democracy, one sustained on the uneasy balance between stable, democratic institutions on one side and unattended demands on the other; a stable democracy in which vivid participatory institutions, a modern set of laws, diverse formal channels of interaction and a strongly

and diversely mobilised civil society live side by side with a government that is merely partially responsive; a democracy in which the state's response to claims remains limited, while CSOs remain largely non-violent and trustful of the institutional channels of negotiation.

## **2. Political and social opportunities: When and how were they put in place?**

### **2.1 Citizenship in Brazil: the long (and unaccomplished) journey**

Studies in Sociology and Political Science usually associate the notion of citizenship in Brazil with adjectives such as 'conceded', 'regulated' or 'negative' (Salles, 1994; Santos, 1987). Historically, citizenship has been regarded as a 'favour' or a 'gift' from the state rather than a fundamental right of all Brazilians or the result of people's striving (Schwarcz, 1993). This might explain why the evolution of civil, political and social rights in Brazil did not follow a linear path; or why, in several periods of Brazilian history, some rights have been oppressed while others were expanded (Carvalho, 1997). Moreover, according to most interpreters, state-society relations based on the private management of public institutions and on the perception of rights as favours have – since colonial times – represented severe obstacles for the introduction of the universal principles of equality, individual freedom and actual separation between the public and private spheres (Faoro, 2001).

Brazil was the last American country to abolish slavery, in 1888 – yet it did so without establishing the minimal conditions for the social integration of freed slaves on an equal footing. Black people remained largely marginalised from the productive system, forming clusters of poverty in the urban peripheries or joining the landless peasant communities. Something similar occurred to indigenous peoples, who have traditionally been regarded as 'relatively incapable' and submitted to a regime of state tutorship (Fausto, 1981; Franco, 1969; Ramos, 1997).

Brazil started its late but 'accelerated march' towards modernity only in the 1930s (Carvalho, 1997). After four decades of an oligarchic republican system (1889–1930), the country adopted a centralised and authoritarian political apparatus, which allowed it to promote a fast industrialisation process based on import substitution and a new immigrant labour force. The state was the central agent of this transformation, and the model of state-society articulation revolved

around the political incorporation of the social actors – industrial employers and urban workers – engaged in the productive process within a single corporatist structure controlled by the state. In this context, access to social rights was extended to urban workers who were legally registered in the state-controlled unions. However, civil and political rights remained strongly restricted, as rural and undocumented workers still did not have access to these rights. Between the 1930s and 1950s, state-society relations were characterised by populism and paternalism, which to this day are still remarkable legacies of the top-down-approach tendencies of the state towards society (Santos, 1987).

After a short democratic period (1946–1964), a military dictatorship was established. The following decades were marked by fast economic growth and fierce suppression of political opposition. The so-called ‘Brazilian Economic Miracle’, based on foreign investment, a centralised economy and state control over production and salaries, stimulated the concentration of wealth, uncontrolled urbanisation and an extreme rise in social inequality.

Ironically, although civil liberties were severely obstructed, political rights were only partially restricted; and social rights even increased during the military period. Welfare benefits were expanded to rural workers and other excluded sectors of the population. Housing, basic sanitation and several social assistance programmes were implemented by federal agencies during the 1970s. Although these initiatives represented new forms of state control in the countryside, they also contributed to the establishment of new channels for social mobilisation among the rural population (Arretche, 2002).

Another distinguishing feature of Brazilian dictatorship was that it kept some political institutions from the previous democratic regime open. The Federal Congress was kept functioning and indirect elections for states and municipal governments were permitted throughout the military years. Of course, those allowances were limited. But they proved to be fundamental during the democratic transition of the late 1970s, when official opposition channelled the growing popular discontentment with the military regime (Lamournier, 1988).

### 2.1.1 *Social opportunities*

Various forms of rural mobilisation were triggered by industrialisation and agricultural modernisation policies adopted since the 1950s. Particularly important were the Peasant Leagues (*Ligas Camponesas*),

formed in 1955 and active until 1964. The leagues fought for land reform and would later serve as the seeds for post-democratisation rural movements – particularly the Landless Movement (MST) (Navarro, 2002).

Here the Catholic Church played a fundamental role. The Church began giving crucial support to emerging social movements in poor rural and peripheral urban areas, especially since the 1970s (Houtzager, 2004). *Comunidades Eclesias de Base*, or CEBs (Grassroots Ecclesiastical Communities) were created in all corners of Brazil, inspired by the communitarian ideals of liberation theology.<sup>2</sup> The penetration of Christian ideas and activists into poor communities was facilitated by the fact that a large part of the Brazilian population is Catholic. Furthermore, the Church was immune to state repression, which allowed it to become the main ‘interlocutor of the people’ (Levy, 2009).

The same Catholic logic underlying the idea of community as something pure, original and based on family and neighbourhood ties gained acceptance from another segregated sector of Brazilian society: the indigenous peoples (Ramos, 1997). Institutions such as the CPT (Land Pastoral Commission), CPI (Indigenous People Pastoral Commission) and CIMI (Indigenous Missionary Council) emerged in this period as the main mediators of the indigenous people, and to this day they are directly involved with the coordination of indigenous demands from the government for land and health rights. Finally, Catholic organisations have provided global visibility for humanitarian issues since the 1970s, opening new opportunities for local groups to mobilise with the support of international networks.

Other social opportunities were created in the course of the democratisation process, as emerging parties began to consolidate their electoral platforms. Despite the divergences, all parties created their own special departments to deal with racial discrimination, indigenous policies and minority rights issues (Guimarães, 2002). Leaders from emerging black, indigenous and local rural movements were welcome in the new parties, where they found an institutionalised space in which to vocalise their demands.

## **2.2 The picture at present – democratisation and reform**

The transition from authoritarian government started in 1974, when the official opposition (the MDB) achieved unexpected results in the general elections for the Congress and municipal governments. The elections of



1974 were treated as a referendum by the population, who showed up in large numbers to demonstrate their desire for a less repressive system. In addition, discontentment with the economic situation of the country begun to grow as the limits of centralised administration were exposed and the pace of economic growth declined (Lamournier, 1988).

However, the transition was very gradual; formal democratisation would not be fully accomplished until 1989, when Brazil held its first general elections for President since 1960. In the late 1970s some civil rights were slowly reintroduced, as the most severe bans imposed by the authoritarian rule of the time were gradually rejected. Media censorship was softened, amnesty was granted to political exiles, new parties were allowed to form and a civilian government was elected in 1985. This peculiarly long and negotiated process leading to democratic transition allowed the established elite to maintain its influence even after the debacle of the military regime had passed. Meanwhile, social leaders who had been persecuted in previous years were occupying positions in the state bureaucracy and working side-by-side with their historic enemies (Moisés, 1985).

A new Constitution was promulgated in 1988. The 'Citizen Constitution', as it was called, was guided by the principles of *institutional decentralisation* and *popular participation*. A broad fiscal reform process was also established, which determined that state and municipal governments would receive greater shares of tax revenues, but would consequently acquire new responsibilities in areas such as health, education and security (Arretche, 2002).

Important reforms have also occurred since the early 1990s in the economic sector. After a number of frustrated attempts to reduce rocketing inflation and to recover the country from a 'lost decade', President Collor de Melo initiated an extensive plan in which markets were opened to foreign investment and more support was given to national companies to develop and compete globally. Later, during the Itamar Franco and Fernando Henrique Cardoso eras, inflation was finally controlled through the Real Plan, a wide-ranging fiscal and monetary reform involving negotiations between various productive sectors. More than merely stabilising the economy and the public deficit, the Real Plan was decisive in that it allowed the successful implementation of several policies for poverty alleviation (Bresser-Pereira, 1999).

### 2.3 Social, participatory and recognition policies – new spheres of interaction

In addition to its macroeconomic reforms, the post-constitutional period saw the proliferation of three broad types of policy: social policies for poverty reduction and territorial development, initiatives for popular participation in decision-making and the emergence of recognition policies. These new guidelines in policy-making completely redefined the actors, the strategies and the patterns of interaction between state and society.

#### 2.3.1 Social policies for poverty reduction and territorial development

National policies to combat poverty have been greatly extended since the 1990s (Arretche, 2000; Almeida, 2005). During Cardoso's period in office (1994 to 2002), sectorial programmes such as *Bolsa Escola* (cash transfers to families with children of school-going age), *Bolsa Alimentação* (credit for food purchases) and *Auxílio Gás* (credit for natural gas purchases) were established. Later, under Lula's mandate (2003 to 2010), these programmes were integrated and expanded. Extensively advertised national programmes such as *Fome Zero* (for combating hunger and sub-nutrition), *Bolsa Família* (the largest income-transfer project in the world) and *Territórios da Cidadania* (aimed at promoting social and economic development of designated underdeveloped territories) have reached over 50 million low-income Brazilians. Although minimal in terms of work still to be done, the overall impact of these policies on poverty and inequality rates was quite positive, as they took over 20 million Brazilians out of extreme poverty between 2002 and 2008.<sup>3</sup>

The relative success of recent programmes combating poverty is attributable to many factors. First, these programmes received ever-growing chunks of the federal budget – while less than R\$400 million was spent on cash transfers in 1994, over R\$7 billion went to similar policies in 2008 (Fenwick, 2009). Second, despite the institutional decentralisation initiated through the new constitution, social policies for poverty reduction have been increasingly coordinated by central administrative bureaucracies. In 2003, President Lula created the Social Development Ministry (MDS), which became responsible for integrating many of the social programmes previously administrated by separate government bodies. Growing cohesion in intersectoral policies reduced disputes between agencies, led to greater cohesion in government spending and service delivery, and resulted in an overall increase in the programmes' coverage (Almeida, 2005).

Similar transformations happened in other social policy areas, such as territorial development and public health. In both of these cases federal programmes reoriented local politics by establishing new guidelines, goals and procedures to be implemented by municipal governments. The Unified Health System (known as SUS), for instance, stipulates that in order to receive federal transfers, municipalities must adapt to the guidelines stipulated by the national Health Ministry.<sup>4</sup> In the area of territorial development policies, the *Territórios da Cidadania* programme is the ultimate example of the federal government's attempt to integrate different areas of social policy under unified and nationally supervised programmes. *Territórios da Cidadania* incorporates the activities of more than a dozen ministries and federal agencies and had reached 120 designated territories in the 27 states of Brazil by 2009.<sup>5</sup>

The widespread implementation of territorial development initiatives – especially during Lula's government – also illustrates the great visibility achieved by *sustainable development* rhetoric in contemporary Brazilian politics (Veiga, 2006). The simultaneous re-valorisation of the ideas of 'territory' and 'development' reflect the perception of policy-makers that poverty and regional underdevelopment were two sides of the same problem: greater integration of local economies should trigger the revival of historically marginalised areas and consequently contribute to poverty reduction.

### *2.3.2 Popular participation in decision-making*

Post-democratisation policies (in all levels of government) have largely incorporated the idea of participation. Since the implementation of the Constitution, approximately 27 000 institutionalised arenas of participation have been created, reaching over 5000 municipalities across the country (Dagnino, 2004). These 'invited spaces' encompass all sectors of public policy, from budget planning to local development, health and educational policies. They also incorporate representatives from various sectors of civil society and the state. For this reason, these forums have opened up completely new institutionalised spaces for direct and regular interaction between grassroots movements, NGOs, unions, individual citizens, political parties and state bureaucrats (Coelho et al, 2007).

This recent 'participatory fever' was largely influenced by three main beliefs stemming from the negative aspects of the military regime. First, government's extreme centralisation needed to be substituted with forms of policy-making that were closer to the citizens and their

demands. Second, society also needed to share with the state the responsibility of supervising public service delivery, infrastructural projects and government expenditure. Third, popular participation needed to accompany the decentralisation of public administration, in order to guarantee a fair and transparent transfer of responsibilities to lower levels of government (Avritzer, 2002).

The Health and Territorial Development councils are good examples of this new trend in Brazilian policy-making. The Constitution (and subsequent Basic Health Law of 1990) stipulated that 'social oversight' and popular participation via institutionalised channels would be mandatory. Every municipality and state government is responsible for implementing and maintaining local management councils that are to respond to the National Health Council. In large cities, sub-municipal or district health councils were established, with membership split between representatives of civil society (50% of the total), public officials and service providers (25%) and health workers (25%). The councils became responsible for approving the annual plans put forward by health service managers at each level of government, as well as for providing a space for consultation and an implementation oversight mechanism (Coelho and Nobre, 2004).

Regional Development programmes were also increasingly intermediated by institutional spaces of participation. Access to public funds such as PRONAF and to resources provided by national policies such as Territórios da Cidadania and Luz para Todos became conditional on public deliberation via institutionalised regional councils such as Consad or CBH (Coelho, 2006). Implemented in all regions of the country, those councils inaugurated new channels for collective deliberation, discussion and reinterpretation of issues related to the rights and needs of marginalised groups (Van Zyl, 1995). Not only has a much larger and more diverse group of actors become involved in influencing policy-making, but new forms of negotiation, coalition and political mobilisation have emerged. As the spaces for interaction have multiplied, actors from both state and society have had to reinvent their strategies of action, reframe their collective identities and re-evaluate their collective goals and ideals (Scherer-Warren, 2005).

### *2.3.3 Recognition policies*

Since the 1988 Constitution came into effect, several affirmative action initiatives have been implemented. Together they recognise cultural

rights and determine special treatment for minority groups on issues that range from land and territorial rights to special access to public services (Cornwall and Shankland, 2008; Menino, 2009).

This 'realignment' of policy focus was triggered partly by the emergence of global consensus on multiculturalist ideals, a good example of which is Convention 169 of the International Labour Organisation (ILO).<sup>6</sup> International initiatives such as C169 and the relatively liberal attitude of the country in adopting them were decisive for state-society relations: for the first time in Brazilian history, cultural differences and ethnic injustices were officially admitted.

Internally, the recognition of 'official difference' was also part of a long-term deconstruction of what became known as the 'myth of racial democracy'. The myth of a mixed, unified and peaceful nation – envisioned as a 'racial paradise', where diverse cultures and ethnicities coexist in harmony – had been embraced by many as the official national identity (Schwarcz, 1993). In the 1960s, though, the abysmal racial divide of Brazilian society started to be uncovered in a series of social studies, which revitalised old struggles for affirmative action policies (Guimarães, 2002). Organisations such as the Unified Black Movement (MNU) and the National Indigenous Movement gained political visibility and participated actively in the creation of the 1988 Constitution (Garcia, 2007).

One typical case of the use of recognition policies refers to the historically significant *quilombo* populations. 'Quilombo' was the name usually given to communities formed by African slaves who had either fled from their masters or were abandoned by them during the slavery period (1560 to 1888). Found in all parts of Brazil, many of these communities still exist, while others have been displaced or remain waiting for identification. Even though there is no consensus about the precise number of existing *quilombos* or their total population, these communities are usually poor, isolated and rural – even though a few urban *quilombos* have also been identified. Moreover the majority of the current '*quilombolas*' – as the slave descendants are called – have no legal possession of the land they occupy and are thus very vulnerable to territorial disputes (O'Dwyer and Silva, 2000).

Article 68 of the new Constitution gave the state the obligation to entitle *quilombo* communities to the legal and definite possession of their land. In addition, Articles 215 and 216 prescribed the preservation and

promotion of Afro-Brazilian cultural heritage. Several other laws and institutions were created – at local, state and federal level – to attend to the particular demands of slave descendant groups and ethnic minorities. Perhaps the most significant examples are *Fundação Cultural Palmares* (the Palmares Cultural Foundation, or FCP), a national agency created in 1989 and linked to the Ministry of Culture, and *Seppir* (the Special Secretary for the Promotion of Racial Equality), established in 2003 and directly connected to the Office of the President. Together, these institutions coordinate a wide range of policies targeting the preservation of Afro-Brazilian cultural history, the promotion of racial equality in the marketplace and universities and the improvement of the socioeconomic conditions of indigenous groups and ethnic minorities.

Along with recognition policies, the number of other channels available for mobilisation regarding ethnic issues grew considerably during the 1990s. The organisation of the National Quilombo Coordination (CONAQ) in 1994, the networks it has established with grassroots movements, national and international NGOs, and the space it attained in the internal bureaucracies of the state are a good measure of the participation opportunities available there.

### **3. Modes of interaction – Evidence from two Brazilian cases**

Bearing in mind the situation described above, we must now ask: how have state and civil society actors taken advantage of the existing social and political opportunities? How did they reframe their strategies and forms of engagement? Consequently, what new modes of interaction between social movements, CSOs, parties and state bureaucrats have emerged in the last 20 years?

To illustrate these questions in more detail we rely on evidence from two case studies. Though they are based on distinctly different scenarios, the cases allow a broad comprehension of some of the main characteristics of current state-society relations in contemporary Brazilian democracy. The first case gathers data from research projects conducted by Vera Coelho, Arílson Favareto, Frederico Menino and Carolina Galvanese between 2005 and 2009, in the region of Vale do Ribeira.<sup>7</sup> The poorest and least developed region in the south-eastern part of Brazil, Vale do Ribeira has been the target of several poverty reduction and territorial development policies in the last two decades.

The presence of a number of *quilombo* communities and the subsequent conflicts involving minority groups, local elites and the state add to the 'experimental' character of the region. The second case focuses on new forms of political engagement in the area of health policies. The case relies on results from Alex Shankland's research among indigenous populations in the state of Acre,<sup>8</sup> as well as from Vera Coelho's surveys in the municipal health council of São Paulo.<sup>9</sup>

Data from the two cases is organised below according to the three main *spheres of interaction* identified previously: *social* and (more specifically) *territorial development policies*, *participatory arenas* and *recognition policies*. As noted previously, these three broad sets of policies have not only modified the face of the state and its duties, but have also opened completely new *fields of negotiation* for state and civil society actors in the post-democratisation era. In the following sections we identify the disputes, strategies and negotiations involving civil society and state actors, as well as key moments of mobilisation and state response in each of the spheres of interaction. As we shall see, these processes resemble *dilemmas of interaction* more than interaction per se – which tells us a lot about current democratic processes in Brazil.

### **3.1 Social and territorial development policies**

Among the many social policies implemented since the early 1990s, health policies and territorial development programmes are certainly exemplary cases. In the area of health, access to public services and service provision itself were profoundly transformed after the 1988 Constitution, with the creation of the Unified Health System (*SUS*). One of the key principles of the *SUS* is decentralisation, which has led to the progressive transfer to the municipalities of responsibility for managing primary care. Nowadays, national transfers account for 55% of municipal expenditures on average in the area of health (Coelho et al, 2007).

Decentralisation of health services provision has also resulted in the mandatory establishment of local health councils at state and municipal levels. As well as guaranteeing local access to national funds, these councils have come to play a key role in local politics, becoming important arenas for participation, decision-making and public accountability for the government's actions.

The city of São Paulo and the state of Acre – following the example of more than 5 000 municipalities and state governments across the country – are also part of the system. Both have implemented their

own local participatory councils and follow the guidelines established by the health ministry in order to gain access to federal funds. In São Paulo, around 54% of the population are exclusively dependent on the *SUS*; in Acre, this number increases to almost 65%. Although different in many ways, the Amazonian state of Acre and the metropolis of São Paulo have a long history of mobilisation with regard to health issues. Local movements from both places were decisive in the cycles of protests that led to the formation of the *SUS*. Today, many of those health care activists and organisations participate actively in the local health councils and some have occupied important roles in government (Cornwall and Shankland, 2008; Neder, 2001).

Regarding recent territorial development, the region of Vale do Ribeira is an excellent experimental case, as it has been the target of several development initiatives over the last 20 years. As happened in most of the country, the rhetoric of sustainable territorial development achieved prominence in Vale do Ribeira within the post-democratisation context. Two federal policies in particular contributed to this: PRONAF and *Territórios da Cidadania*, as mentioned previously. For example, in 2009 the federal government invested approximately US\$100 million in Vale do Ribeira via *Territórios da Cidadania*. A total of 45 different projects run by 10 distinct ministries (from health and education programmes to electrification and agricultural credit) were implemented in the region between 2007 and 2009 (Favareto, 2006). A number of state programmes promoted by the Land and Agricultural Institute of São Paulo (ITESP) were also implemented – sometimes overlapping with (and sometimes adding to) the federal programmes (Menino, 2009).

The federal and state resources made available through territorial development policies rapidly attracted local entrepreneurs, civil society actors and municipal authorities. New institutional and non-institutional spaces of interaction were created between these actors. In some respects this represented the promise that historically clientelistic forms of relationship between local authorities and society would vanish, as community organisations would have a chance to access public resources without the manipulatory mediation of local politicians – at least in theory. In other words, the usual subordination of excluded groups to powerful local elites would give way to more horizontal negotiations between civil society and all spheres of government. This should enhance collaboration and facilitate the implementation of development plans that



would address collective and regional interests rather than individual desires.

### 3.1.1 Dilemmas of social policy negotiations

- Strict requirements

In Vale do Ribeira, national programmes such as PRONAF (together with state programmes administered by ITESP), while providing new 'fronts' for local actors to access public resources, also obliged these actors to match their strategies to the requirements of the programmes. This meant that while new channels were indeed opened, effective access to these channels demanded familiarity with the programmes' rules and adherence to their guidelines and requirements. As a consequence, when we observe which actors have actually engaged in discussing the paths of territorial development in the region we notice that only historically organised groups managed to comply with the many technical requirements and follow the numerous bureaucratic negotiations taking place simultaneously.

In practice, it takes a high degree of coordination to really influence public decisions, as the interactions between local civil society, local government, state departments and federal agencies regarding development policies are rather complex and multifaceted processes. Local movements such as MOAB (formed in the 1980s by *quilombo* associations and local groups who oppose the construction of dams in the Ribeira River) and Sintravale (the local family farmers' union), two of the oldest and most influential movements in Vale do Ribeira, organise regular protests, recruit new supporters and raise the public visibility of their causes. At the same time, they rely on vast networks of collaboration with other civil society groups in order to remain constantly informed about government programmes and available resources. Moreover, they must work continuously behind the scenes, articulating their institutional alliances (parties, NGOs, allies within the bureaucratic structures of the state, unions and national movements) in order to influence central government's decisions.

It is impossible to say which of these different strategies of interaction is more effective – and that is why movements (as well as local administrators) must work with all of these strategies at the same time. As might be expected, small local associations, non-organised citizens and the more excluded groups have very little chance of participating in

these negotiations. Civil society's interests tend to become more and more attached to the interests of powerful and well-organised local groups.

Health policy negotiation in São Paulo is faced with a similar dilemma. A survey of 31 sub-municipal health councils in São Paulo revealed that these forums were quite inclusive, as the spectrum of participants included representatives from all possible classes and backgrounds. This appeared to oppose the assumption that local health councils were controlled by former health activists and historically organised groups (Coelho, 2006).

However, another in-depth study showed that the decisive dynamics of the councils are much more likely to be influenced by representatives with previous links to the state and more consolidated trajectories of mobilisation. Unorganised, historically excluded groups and actors with weaker political linkages to the state – though present in the councils – tend to speak much less and be much less informed about the topics in discussions. Data also showed a strong predominance of councillors affiliated to or sympathetic to the Worker's Party (PT). This suggests that, despite coming from diverse backgrounds, not only do councillors seek party affiliation – as a means to overcome isolation or lack of institutional affiliation – but they also share very similar affiliation profiles (Coelho et al, 2007).

- Limited deliberation

As collective organisation is a precondition for engaging in decisive deliberations, both social and state actors tend to stick to their previously established coalitions instead of making the extra effort to find middle ground, consensus or deliberated solutions.

Many of the territorial development impasses in Vale do Ribeira can be explained by this phenomenon. As associational representation is key to having one's point of view heard (and is sometimes a requirement for participation in local deliberative spaces), collective actors (from both state and civil society) involved in deliberations over regional development policies will not risk threatening their alliances for the sake of broader and more transformative consensus. Because of the fear of becoming politically isolated, movements, NGOs and even local state officials tend to assume static positions and defend pragmatic, individualistic and short-term propositions. In most cases these propositions are decided *a priori*, and are defined by alliances and party agreements decided outside the conventional channels of deliberation.

Consequently, although the agenda of the rural unions and movements has been diversified – incorporating issues that go beyond strictly agrarian matters to include subjects such as market access for family farmers’ products and broader regional development – the scope of the actors actually involved in rural struggles remains almost unchanged compared with previous decades. In the centre of these struggles the main civil society actors are still technical assistance agencies, environmental NGOs, worker unions and movements with a record of political organisation and a demonstrated capacity to follow up technical discussions and ongoing negotiations. Among state actors something similar happens: although the general discourse has become more interdisciplinary, the political coalitions most directly involved in dealing with agrarian challenges are still linked to old interest groups that somehow block the participation of newer and more dynamic state actors, bureaucrats and party coalitions.

A good example of the enduring power of conservative state coalitions was the drawing up of the Sustainable Territorial Development Plan, which was meant to be finished by the end of 2006. This plan is intended to help with the guidance and definition of the directives to be taken up by local governments in Vale do Ribeira with regard to environmental and social development policies. Since the plan was the initiative of a regional forum (Consad) linked to a federal government policy, it has not received support from the state government, as the party coalitions that control the state government (centring on the Social Democratic party, or PSDB) are opposed to those in control of the federal government (centring on the Worker’s Party, or PT). In the end, because no coordination between federal and state coalitions could be achieved, some crucial aspects of the development plan – which included the recognition of land titles, the recognition of *quilombo* territories and extensive investment in family farming – could not be put in place.

- Strategic pragmatism

One consequence of limited interaction is strategic pragmatism. Once civil society actors and state authorities realise that broad and negotiated plans for territorial development are difficult to achieve they quickly discard long-term goals in favour of immediate projects that are more in their own interest. In short, what has been observed in many political settings in Vale do Ribeira resembles a classic game theory dilemma: when cooperation is threatened, players tend to abandon long-term

plans that would generate relatively larger public benefits, and focus on their own small share of the profit.

From a civil society point of view, a clear sign of strategic pragmatism may be seen in the new forms of engagement with the state. Mass manifestation or frequent protests as strategies to force demands into the state's agenda have largely been replaced by more targeted, institutional and objective actions. Because of certain conditions (participatory institutions, diversification of policies and communicative channels, etc), nowadays rural movements and unions tend to fight for more specific and concrete resources, and their bargaining strategy has taken the form of long-term negotiation processes – which does not mean aiming for long-term collective goals. Even though public demonstrations still happen, their goal today is to affirm a movement's legitimacy more than to force the state to adopt radical initiatives.

From the state's point of view, strategy has also changed. As new, leftist parties have come to power and former movement leaders have assumed posts in the government bureaucracy, the attitude of the state in relation to social organisations has become more passive – and in some cases, the government has been accused of hypocrisy for its inability to keep its own promises. As a consequence of new strategies, identities and political dynamics, the expected outcomes of state initiatives are no longer radical transformations to Brazil's agrarian structure. In contrast with what was sought by movements up until the 1960s, the priority today is the definition of a clearer and more effective plan for the development of the family farming and small producer sectors.

Furthermore, it has been noticed that social movements, rural workers' unions, local associations and local state authorities privilege those spaces in which it is possible to compete for resources to finance individual small-scale projects – rather than large, development projects that demand the cooperation of different sectors and localities. Strong evidence of such negative phenomena was amassed by Coelho et al (2007), who observed that more than 80% of territorial development projects implemented by state and federal governments in Vale do Ribeira since 2000 benefited only specific communities or individual municipalities – and consequently had no regional, inter-municipal or long-term scope.

'Limited deliberation' and the 'need to be collectively organised to be heard' also imply that the most excluded groups – usually also the least organised – end up participating less and consequently receiving fewer

public benefits. Although it is very difficult to evaluate the situation of non-organised sectors of civil society accurately, it is evident that the social, economic and political gaps between mobilised and de-mobilised social actors have grown lately.

- Institutional omission

Authors such as Ricardo Abramovay and Arilson Favareto<sup>10</sup> observe that territorial development policies implemented in the last decade resemble the dichotomy that used to divide 'urban' and 'rural' policies in the military years: when dealing with rural issues, the state would access only those bureaucracies responsible for 'social' policies, while infrastructure projects, economic stimulus plans and higher investments would be channelled exclusively to urban areas. In this context, current development policies involve ministries and state agencies that deal with the provision of basic services and social security. Agencies with larger budgets, linked to the ministries of Science and Technology, Trade and Industry, and Tourism and Planning, have usually been left outside territorial development policies, limiting the transformative impact of such initiatives on historically excluded regions.

This same 'institutional omission' is noticed in Vale do Ribeira, where only some parts of the state bureaucracy were mobilised to deal with territorial development issues, while other parts remained pretty much out of the game. An evaluation of all projects (both federal and state government) related to territorial development being discussed in inter-municipal arenas of the region between 2002 and 2006 concluded that the only ministries and state secretaries involved were from the 'social' sector. No infrastructure department or 'large budget' state secretaries were identified, either as main promoters of territorial development policies or as collaborators in policies of this kind promoted by 'social' state bureaucracy (Favareto, 2006).

Significant transformation in health service provision also remains an unresolved issue due to a lack of institutional capacity and bold investments in the area of health. When we consider the situation of indigenous groups in Acre, we see that the recognition of indigenous claims to specifically targeted service provision has contributed to a great rise in overall spending on indigenous health. This has certainly contributed to overall improvements in health indicators, although indigenous Brazilians continue to have by far the worst health status of any group of citizens.

In the region covered by the case study, the Alto Juruá DSEI in Acre, the indigenous infant mortality rate remained three times higher than that of the state's non-indigenous population in 2007, but this still represents significant progress by comparison with 2000, when it was five times higher. This is partly because of lack of involvement by more decisive ministries, as well as the absence of long-term plans to improve the health conditions of indigenous groups. Temporary policies and random investments are being made that did not exist until recently. But this doesn't seem to be enough, as 'richer' state bureaucracies do not commit to the larger impact plans.

### 3.2 Recognition policies

The great concentration of *quilombo* communities in Vale do Ribeira and the high number of indigenous populations in Acre make the two cases investigated here good examples of recent recognition policies and how they have transformed state-society interaction.

In Vale do Ribeira, the *quilombo* issue gained visibility with the emergence of a local movement (Eaacone11) in the early 1990s and the implementation of new laws guaranteeing special rights and benefits to slave-descendant minorities. These policies and the debates they stimulated consequently have been closely linked to the unfolding of the *quilombo* issue in the national scenario since the 1988 Constitution. The Constitution ignited numerous controversies by giving the state the obligation to entitle *quilombo* communities to the legal and definite possession of their land. However, the new laws did not specify exactly what a *quilombo* is, how the state should proceed to identify the communities, or what steps should be taken to transfer private and public territories to the communal ownership of *quilombo* associations and their members.

In order to supplement the imprecise federal legislation, the state of São Paulo followed the example of other states in the country and created its own laws determining the procedures for recognising and entitling *quilombo* territories. These laws, in place since 1997, usually overlap with federal legislation, generating new disputes.

In addition to the laws, many social programmes targeting *quilombo* communities were created at federal and state level and implemented in Vale do Riveira. *Programa Brasil Quilombola* and *Territórios Quilombolas* are two of the many examples of policies that served as a complementary

stimulus for local communities to organise over ethnic issues and minority claims.

Local *quilombo* communities use many mechanisms of interaction to access the state: they participate in national and regional hearings (since the implementation of the requirements of Convention 169, the government is obliged to consult the *quilombos* about projects that might affect their livelihood and lands); they have open access to state and federal legislators who support the *quilombo* cause; and they are in close contact with the national *quilombo* movement (Conaq) and international advocacy networks (Menino, 2009).

The Constitution also boosted profound transformations in Acre's political scenario. New legislation and new mechanisms intended to address the growing health needs of minority groups – in particular, the indigenous populations of the state – were created and diversified, powering an emergent indigenous movement. In 1999, an alliance between local indigenous movements and health reformers succeeded in pushing through a law mandating the creation of an indigenous health subsystem, which is meant to be coordinated as part of the national system (SUS). Their argument was that the universal health care system did not respond adequately to indigenous peoples' right to difference, since it recognised neither their territories (which often extended across state and municipal boundaries used to organise the SUS) nor their specific cultural practices and understandings of health and disease. The law ordained that the subsystem should be organised around Special Indigenous Health Districts (*Distritos Sanitários Especiais Indígenas*, or DSEIs) and should respect the cultural differences of indigenous peoples.

### 3.2.1 Dilemmas of state/minority interaction

- State capacity and volatile legislation

According to Conaq there are over 5 000 *quilombo* communities spread over 25 states and occupying a total area of 240 000km<sup>2</sup>. The federal government officially recognises the existence of 1 408 of these communities. Regardless of the accuracy of these numbers, the fact is that only 98 *quilombo* territories and a total area of 6 700km<sup>2</sup> have been entitled in the whole country since 1988.

In the first place, this reflects the state's lack of institutional capacity to address the *quilombos'* demands. The state seems not to have the

resources or disposition to acquire large portions of private land and transfer them to *quilombo* associations. As a consequence, the identified *quilombo* communities only receive short-term compensation benefits via targeted and minority policies.

In the second place, the slow pace of the state in concluding land entitlement processes is because of the confusing legal framework that deals with the *quilombo* issue. In the last two decades Congress, state governments and autonomous federal agencies – attempting to overcome the gaps of the constitutional text – produced a number of independent normative instruments, laws and decrees. Some norms follow Convention 169 and defend the *quilombos'* right of self-recognition; others argue that recognition should be made exclusively by state authorities; some norms attribute the main responsibilities for *quilombo* entitlements to federal agencies, while others pass the same responsibility on to state governments. As might be expected, the overall result is a dysfunctional legal framework characterised by a multiplicity of overlapping and contradictory norms.

Besides these shortcomings, the *quilombo* legislation changes very frequently, which affects both state and civil society strategies of interaction. From a civil society point of view, mobilisation over recognition policies becomes very challenging, as only a few, well-organised groups are able to keep up with the technical discussions over the definition of a cohesive legislation. From the state's perspective, the fluid aspect of the legislation and the endless debates surrounding it have allowed authorities to avoid long-term commitments coupled with truly transformational policies – policies capable of minimising the structural inequalities affecting minority groups.

Such a paradox is clear in the case of Vale do Ribeira. Similar to the situation in the national context, the legal situation of the local *quilombo* communities is still very uncertain: only six communities have been fully entitled to the lands they occupy, while another 39 wait for their processes to move forward.

From a political perspective, what is noticeable is that federal, municipal and state politicians are not willing to face the costs of long-term commitment to the *quilombo* cause. While these actors want to be associated with immediate improvements in the *quilombos'* socio-economic conditions, they are usually conspicuous by their absence when it comes to land entitlement. Authorities from all spheres of



state (from legislators to government executives and bureaucrats) are normally reluctant to commit to land transfers to *quilombo* associations, which involve high economic costs as well as unpopular negotiations with powerful sectors. In short, few seem interested in enforcing what is prescribed in the Constitution.

A good example of another aspect of the same dilemma may be seen in the case of indigenous health policies in Acre. There, the creation of the indigenous subsystem, far from accommodating divergent interests and contributing to long-term improvement in health conditions, served to deepen historic bureaucratic battles between different state agencies in charge of dealing with indigenous issues.

The most complicated of these battles occurred (and is still ongoing) between FUNASA (the executive agency of the Ministry of Health) and FUNAI (the federal indigenous affairs agency). FUNAI had been responsible for health service provision for indigenous peoples since its creation by the military regime in the late 1960s. But after years of budget cuts and growing dissatisfaction of the indigenous groups with the services provided by the poorly trained FUNAI health officers, the institution was finding it difficult to maintain coverage. In the view of indigenous leaders and partner organisations, indigenous Brazilians were getting a second-class service. The impacts of such institutional disputes on the quality of health services, as well as on the effectiveness of state society interactions, are many – and they are usually negative.

- Minority mobilisation and scarce benefits

It seems no accident that the only six entitled *quilombo* communities in Vale do Ribeira also happen to be the most mobilised. Their community associations are the oldest in the region, their leaders helped to found the local *quilombo* movement and such communities were the first to establish strong political alliances with NGOs, academics and the national *quilombo* movements. In short, there is little doubt that the older history of mobilisation of these six communities was fundamental to the early achievement of their land titles. These examples of political mobilisation are slowly being followed by many other *quilombo* communities which have recently organised and have submitted their demands to the state.

However, the benefits given to already-entitled *quilombo* communities sometimes had a perverse effect on the overall potential of political mobilisation for minority issues. In the first place, the inequality between entitled and non-entitled communities tends to grow, as the

most organised ones are more likely to reap the economic, social and political benefits that come with state recognition and entitlement. Hence the more access entitled communities have to public resources via recognition policies, the more dependent they are on these transfers. As a consequence, the motivation of already-entitled communities to fight for entitlement for other communities tends to decrease over time.

As observed in the Vale do Ribeira case, political mobilisation concerning minority issues tends to take a negative route when faced with the scarcity of public resources made available through recognition policies. Although *quilombo* communities collaborate in joint activities (marches, protests, etc), share the same aspirations and exchange mobilisation experiences, they fight fiercely for public resources.

Alex Shankland's research also shows evidence of widening inequalities among indigenous communities in Acre. Accordingly, groups that had developed more successful mobilisation strategies and direct links with the state (often mediated by political parties and civil society groups who had access to policymakers in the Worker's Party-led Acre state government) benefited from more regular service provision, while other groups remained underserved or completely excluded from coverage.

However, the research demonstrated that indigenous representatives – including some belonging to the most historically marginalised 'minorities within the minority' – are becoming increasingly skilled and sophisticated in their strategies and tactics of engagement with the state. The experience of engagement with the indigenous health subsystem has trained a generation of 'mediators', who are beginning to translate a broader set of demands into language the SUS can understand – demands that focus not on simple inclusion but on transformation of the health system to accommodate the reality of a pluriethnic Brazil.

- State racism

Another way of interpreting the unwillingness of state authorities to commit to long-term transformational recognition policies is that it is what authors like Lilia Schwarcz label 'state racism' (1993). Even though terms such as 'indigenous rights' and 'minority demands' have become much more common in the state agenda, and although new ministries and agencies have recently been created to deal exclusively with these peoples' particular demands, the reality is that in most cases, recognition policies are extensions of *universal* social policies aimed at

combating poverty as a whole. Instead of addressing specific demands from historically marginalised groups, government often invents new names for old policies.

This evidence allows many observations about the ways in which the state currently interacts with society, and particularly with society's segregated minorities. First, the 'myth of racial democracy', although deeply contested in the academic and political fields in the last 30 years, is still a feature in the *modus operandi* of state bureaucracy. State bureaucracies do not know how to deal with particular demands in pragmatic terms. When pressured to promote affirmative policies to combat racial and ethnic inequality, all spheres of government usually step back, arguing that the racial divide in Brazil is not as bad as it seems to be. In Vale do Ribeira, this is also often the case: local administrators declare themselves in favour of *quilombos*, but when asked to provide special schools and land titles they do not consider it necessary.

### **3.3 Participatory arenas ('invited spaces')**

As mentioned above, a number of institutionalised arenas for popular participation have been inaugurated since the 1988 Constitution. Alongside administrative decentralisation, 'popular participation in decision-making' became the motto of the new democratic period. Thereafter, all sectors of policy-making incorporated participatory mechanisms to allow direct deliberation between state and civil society representatives. The areas of health and territorial development were no different.

In Vale do Ribeira, two 'invited spaces' are significantly important and have been investigated in depth by previous Cebrap studies: the Ribeira basin Water Resources Management Committee (CBH) and the Consortium for Food Safety and Local Development (Consad). These inter-municipal forums cover 23 and 25 municipalities respectively. They discuss local development plans, accompany the implementation of development policies and allocate resources to individual projects. Both forums play a central role in the everyday life of the region. This happens in part because they deliberate on large resources, which may vary between \$65 000 and \$2 million per project. CBH and Consad also deliberate on controversial issues. Consequently, they are arenas in which antagonistic interests clash and are (sometimes) negotiated.

The participation of civil society in the two forums is considerable – even though participation is only opened to representatives of

organisations, and autonomous citizens cannot run for council. Overall, it can be argued that both forums have opened active channels of communication between public managers and civil society, and have contributed towards developing opposing political views with respect to polemical issues such as the construction of hydroelectric plants and the implementation of sustainable development policies (Coelho et al, 2007).

In São Paulo and Acre no other space represents the recent transformations in health policies better than the local Participatory Health Councils. Over time, there has been a broad shift in the nature of the activities of the popular health movements and in their engagement with the state. In the 1970s there was a predominance of direct action, with large-scale popular mobilisation and pressure on the administration through marches and petitions. During this period the state was perceived as opposing the interests of the popular classes, and the movements refused to engage in any more far-reaching form of interaction that might lead to the subordination of these interests and the undermining of the movements' dynamism (Neder, 2001: 92). In the 1980s, however, this pattern began to change, with the creation of popularly elected health councils and the start of the democratisation process. This began a trend, among popular movements, towards the occupation of representation spaces institutionalised by the state (Neder, 2001).

As stated above, soon after democratisation many activists from the health movement – because of their direct involvement in the foundation of the new democratic parties – began occupying positions in the municipal, state and federal bureaucracies. In Acre and São Paulo – as in all other parts of Brazil – nominations of former health care activists for positions in local health bureaucracies became quite frequent.

### *3.3.1 Dilemmas of institutional participation*

- Co-optation

The debates and public hearings promoted by Consad and CBH, though attended by representatives from diverse sectors of civil society and the state, are usually monopolised by a few organised groups. In Consad, party coalitions and unionised representations normally set the tone of the debates and deviate what were meant to be public discussions into deliberation over private and corporative interests. In CBH, something similar occurs with regard to the participation of MOAB (the anti-dam

movement led by the *quilombo* associations). The movement – by far the most organised of the civil society organisations represented at the forum – insists on always discussing the Tijuco Alto hydroelectric project, forcing this issue to be permanently at the top of the forum’s agenda.

This attitude usually hinders the capacity of CBH to discuss other matters of public interest. Moreover, the pressure exerted by MOAB contributes to the polarisation of opinions regarding the construction of the dam and the ‘mono-thematisation’ of the forum’s agenda. The result – once again – is lack of deliberation and reduced consensus (Coelho et al, 2007).

The completely different case of participatory health councils resulted in another typical type of co-optation: the negative influence of party affiliation and political trajectory on the dynamics of invited spaces. Qualitative studies on the internal functioning of health councils in São Paulo and Acre confirmed that, despite the variety of representatives in the councils (judging from their socio-economic, cultural and ethnic backgrounds), many of the discussions, decisions and deliberations that take place within the councils are ultimately determined by interests that are set by political alliances outside the council.

In her 2007 study, Vera Coelho demonstrated how the trajectory of social mobilisation (as well as the history of civil society engagement) in certain São Paulo districts ended up determining not only the degree of inclusion in those districts’ forums but also the ‘quality’ of deliberation found there. As stated, in districts with a record of popular mobilisation around health issues the councils tend to be more ‘vivid’ (more people participate in the meetings regularly) and ‘inclusive’ (the members come from more varied backgrounds). However, though located in districts with a history of social mobilisation, these same councils do not present great innovations in terms of their day-to-day operation. In many cases, vibrant councils are also the ones most likely to replicate the pre-established positions of the health movement, and of old health care activists with well-known connections with the state bureaucracy and the ‘health policy sector’. Innovative institutional designs and more effective forms of interaction between state and society actors are not necessarily more easily found in the most vibrant participatory arenas, though one might expect them to be.

- Lack of state engagement

Another challenge for Vale do Ribeira's territorial development forums is the difficulty found in engaging public authorities – especially the representatives of the state government – in the forums' discussions. Similar to the experiences described in the 'institutional omissions' section above, state government officials have not only failed to deliver on major responsibilities; they have also encouraged the creation of parallel regional arenas with missions that are very similar to those of Consad and CBH.

Hence, once state authorities see that their participation in the regional forums will not generate any extra political gain and will thus only involve costs, they tend to look for alternative arenas in which they can attain greater public visibility. As a consequence, territorial development arenas such as Consad and CBH, though planned to strengthen communication between society and state, end up weakened, or have to face competition from other, similar forums. Government representatives effectively only participate in these forums' debates when the subjects discussed interest them directly (for instance, when large projects and large public resources are deliberated). In other cases, state government and its most important agencies simply ignore the regional discussions.

- Multiple channels vs broad deliberation

There is no doubt that the new, institutionalised arenas of participation have contributed to the inauguration of new channels of communication between society and state, diverse and more complex forms of mobilisation, wider political networks and a richer and more democratic exchange of ideas between social and state actors. However, having observed the political processes that have occurred in the last two decades in Vale do Ribeira, it is possible to say that the routinisation of mobilisation activities has also exposed some negative and limiting aspects of institutionalised participation.

Many of these aspects may be related to the multiplicity of participatory arenas. In the first place, by having to participate simultaneously in a number of different spaces, local social movements have few choices but to adopt the recipe of verticalisation plus pragmatism. Movements such as MOAB and Sintravale not only need to make themselves heard in regional forums such as CBH and Consad;

they also need to guarantee their space in the many local sectorial councils (for example, the Municipal Health Council, Education Council, and Agrarian Council), which also deliberate on important local demands. Unless these movements develop a disciplined structure to help coordinate overlapping agendas and activities, they cannot succeed in the region's politics – either because they are unable to defend their supporters' interests or because they have no capacity for dialogue with the state if they must do so in multiple matters. Therefore, considering that their movements' resources are scarce, the only possible way to achieve coordination is by concentrating the responsibilities in the hands of a few leaders and by verticalising the mobilising structures. Consequently, more and more power is given to a few social leaders and more and more emphasis is given to pragmatic action and short-term goals.

In-depth interviews with members of MOAB illustrate how pragmatism has an impact on the participation of local movements in the region's institutionalised arenas of participation (Menino & Galvanese, 2005). When asked about the importance of CBH, members of MOAB declared that they do not recognise the forum as a strategic and legitimate space for negotiating territorial development plans. The committee is seen purely as a source for information and a place where the movement can present itself and raise public awareness about the construction of the Tijuco Alto dam. Participation takes place not to discuss and negotiate ways of taking all parties involved in the conflict into account, but to clarify their radically opposite ideas. In this sense, participatory spaces (according to MOAB leaders) are important for consolidating alliances formed outside of the forums, but not for building new coalitions.

It seems that 'coalition freezing' is a second problem associated with a multiplicity of participatory arenas. Because movements do not believe in invited spaces as places to form new agreements, they tend to stick with their old partners, contributing even more to the decline of deliberation. Local movements often opt to engage in alternative spaces, such as the Forum of Entities Against the Dam. This forum brings together various organisations opposed to the construction of Tijuco Alto and which support the *quilombo* cause. However, these actors had all been previously connected, which means that the new forum is no more than a formalisation of pre-existing mobilisation activities and alliances.

This vicious circle has contributed to reinforcing the exclusion of

the poorest segments of the local population, which are not effectively organised and so must be represented indirectly, by third-party organisations. Therefore, even though the assortment of activities performed by the social movements has been diversified in the last few years, the movements' activities have routinised narrow forms of interaction with the state. In Vale do Ribeira, the lack of deliberation in regional arenas of negotiation and the several impasses regarding territorial development and recognition policies are related to a certain degree of accommodation in the actions of the social movements. Civil society organisations tend to speak only with the few privileged state interlocutors who usually listen to their claims. No further effort is made – by either civil society or state actors – to strengthen communication between the radically different ends of the political spectrum.

In Acre, in addition to consolidating the Indigenous Health Subsystem, indigenous groups began participating in the activities of the health councils established by each of the social oversight institutions (DSEIs). There, as in São Paulo, interaction between state and social actors in the institutionalised arenas of participation has also been hindered. In many of Acre's DSEIs there were clear contradictions between this mode of engagement and that of direct involvement in service provision. This contributed to tensions within the indigenous movement, since only a small elite of the movement was centralising all communication with the state.

Interestingly, the movement responded to these tensions by combining contradictory strategies of 'orderly' participation in formally recognised state spaces and 'unruly' engagement through direct action. This direct action included the kidnapping of non-indigenous health staff working in the villages and the occupation of FUNASA offices by groups of war-painted warriors whenever *Movimento Indígena* leaders perceived that FUNASA's endemic bureaucratic mismanagement, corruption and neglect was leading to unnecessary deaths in their communities.

#### **4. Final remarks: Dilemmas and outcomes of contemporary democratic processes**

Few would disagree that democracy in Brazil has never been as strong as it is today. There are many signs pointing to this positive diagnosis. From a normative point of view, state repression of social movements and opposition parties – fairly common, not too long ago – is no longer



tolerated. Basic civil and political rights are respected by law and effectively guaranteed by the state. Democratic institutions such as free and regular elections are also well established, working and stable.

Furthermore, as observed in this article, current democratic processes reveal that state bureaucracies are somewhat receptive to civil society's demands. Leaders from old and recent social movements, unions and civil organisations all find space within the state bureaucracies to manifest their demands and interests publicly. Be it through the many participatory arenas created in the last three decades, through various local, regional and federal agencies or through the emerging political parties, activists from diverse sectors of civil society have found numerous new channels through which to have their demands heard. Finally, not only has more attention been given to marginalised sectors of society, but these sectors have also obtained new resources from a wide array of social policies that aim to reduce poverty and empower historically excluded minorities.

Nevertheless, Brazilian democracy is still paradoxical in many ways. State-society interactions are still characterised by *procedural difficulties* that, grouped together, work as impediments to definite democratisation.

Vivid and institutionalised arenas of participation exist, but the major guidelines of development plans and social policies are still elaborated within restricted state bureaucracies. A multiplicity of social and recognition policies have been put in place in the last two decades, but 'mysterious forces' and particular *modes of interaction* still allow the state to deviate from long-term commitment and transformation. *Institutional omission* is a common trend when state negotiates with society – while 'social' and 'cultural' departments of the state are designated to deal with the demands of society, the agencies with the largest budgets remain far from the reach of organised sectors of civil society.

One apparent negative consequence is that movements are increasingly adopting pragmatic and self-oriented strategies. Multiple arenas of interaction and the scarcity of public resources in the form of compensatory social policies have also contributed to limited interaction between state and society actors, as the organised sectors of civil society prefer to guarantee their share of available profit instead of trying to negotiate larger and longer-term development plans.

To conclude, state and civil society in Brazil are interacting in

broader forms than ever before. These interactions are richer, more inclusive and more diverse than in any other period of Brazil's short democratic history. However, it is still not possible to confirm whether these current interactions will lead to more deliberative processes or to more horizontal negotiations between state and society. It is still not clear that the marginalised sectors of civil society will participate effectively in the construction of Brazil's long-term (and long-desired) development.

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## Notes

- 1 We are also very thankful for the contributions of Fabíola Fanti, Lya Porto, Meire de Paula and Felipe Szabson to early versions of this article and for their help during the research.
- 2 Reference: Gustavo Gutiérrez's 'A theology of liberation' (1971).
- 3 For accurate data on Brazilian inequality and poverty rates during the 1990–2006 period, see: Miséria, Desigualdade e Estabilidade: o segundo Real. Report prepared by Fundação Getúlio Vargas based on the UN/PNAD data (2006). Available at <http://www.fgv.br/cps/pesquisas>.
- 4 Article 198 of the Federal Constitution of 1988.
- 5 For more accurate information and updated data on the programme Territórios da Cidadania, see: <http://www.territoriosdacidadania.gov.br>.
- 6 Created in 1989 and ratified by Brazil in 2002, Convention 169 is the principal international framework concerning indigenous and tribal populations. Liberal in its approach, C169 is based on the principle of auto-determination of indigenous peoples. It also establishes that signatory states must implement regular mechanisms of consultation to allow ethnic minorities to deliberate actively in all sorts of public policies affecting their lives, collective identities, means of cultural and social reproduction, territories and traditional forms of organisation (Rojas Garzón, 2009).
- 7 For more detailed information about such projects, see: Coelho et al (2007), Menino (2009), Menino and Galvanese (2005).
- 8 Shankland, 2010.
- 9 Coelho, 2006.
- 10 Abramovay et al. 2006; Favareto, 2007 and 2009.
- 11 Vale do Ribeira's *quilombo* movement trajectory and mobilising structures were studied in depth by Frederico Menino (2009).

## Where are the democratic mediators?

Making sense of state complacency and popular frustration in South African state-society relations

**Laurence Piper, Chris Tapscott  
& Lisa Thompson**

### 1. Introduction

This paper examines the promise of formal ‘spaces of engagement’ and other modes of interaction between the state and society in South Africa by focusing first on the broad socio-economic and political trends that have shaped society and the state in order to understand state-citizen relations in South Africa today. We provide a brief overview of the historical forces which gave rise to the democratic post-apartheid state, as these continue to shape power relations. We point out that while the nature of the state has changed somewhat, the balance of power between the state and the

citizenry is as lopsided as it has been for most of South Africa's history. This affects current modes of interaction in significant ways. The broader development of state-societal relations and our two case studies of formal engagement, as well as more multiple strategies of participation presented here, show that the power balance is still tilted significantly towards the manipulation of political and social opportunity structures by the state.

Despite some initiatives to institutionalise public participation in local governance, poor institutional design wedded to an indifferent dominant party and a compromised officialdom has led to unresponsive local governance. Out of frustration, local communities have turned to the anti-apartheid methods of protest, which tend to get better results; although these moments are not united into a general campaign or a coherent national organisation committed to pursuing democratic development. Grassroots social movements tend to have very loose organisational affiliations; SANCO, for example, has some influence – though it has been weakened – in many urban townships, as do housing movements such as Abhahli base Mjondolo. Thus while there is clear potential for progressive social movements to re-emerge and root governance more successfully in the popular will, this is yet to happen in ways that substantially challenge government. Indeed, the desire for democratic mediation of popular demands has found expression in the populist politics displayed by the rise of Zuma in the African National Congress (ANC) and the recent outbreak of xenophobic attacks across the country in 2008.

## **2. The historical context: Opportunity structures and social mobilisations**

This section outlines the key characteristics of the structural relations of power and wealth, and the resultant struggle for rights by the majority of the population, which has typified South Africa's history. Particular attention is paid to the local level of governance. This section also describes the largely repressive character of state-society relations, defined by an identity politics of racial hierarchy and exclusion. While – for most of South Africa's history – state power has not been substantially threatened by social mobilisation, there have been episodic periods of significant mobilisation which threatened white rule. The most important of these came in the 1980s and culminated in the democratisation of the political order.

## **2.1 The struggle for political rights**

Unsurprisingly, social mobilisation in contemporary South Africa continues to be influenced by the impact of three centuries of colonial and white minority rule. For the vast majority of citizens, their history and that of their forebears was of constant resistance, first to conquest and subsequently to subjugation by successive white settler minority governments. The state forms that emerged during this era were mostly oriented to the control of the indigenous population and to ensuring that they contributed cheap labour to the settler economy. Thus, in the subjugation of the indigenous population during the 1800s, both the Boer settlers and British colonial governments made a conscientious effort to subvert or (in many instances) eliminate traditional forms of government. In extending Western notions of government to South Africa, no consideration was given to the rights of the indigenous population; nor were they considered citizens in any positive sense of the word.

Space prohibits discussion of the state systems prevalent in the British colonies and Boer republics or of the power struggles between them that led up to the Anglo-Boer war of 1898–1902. Suffice it to say that the imperialist ambitions of the British government which led to the war also led to the establishment of the Union of South Africa in 1910. The establishment of the Union served to unite the two Boer republics and the two colonies into one sovereign state. However, the process also set in motion a train of legislation which effectively excluded the black majority from the political process and culminated in the racial separatism of apartheid. A battery of laws, commencing with the Natives Land Act of 1913, progressively discriminated against the black population (Marx, 1998).

Although the Union brought together the previously antagonistic Boer and English settlers into a government of national unity (at the expense of the black population), segments of the Afrikaner population considered that the arrangement prejudiced their people politically, culturally and economically. Consequently, the 1920s and 1930s saw the rise of Afrikaner nationalism and ultimately the victory of the Nationalist Party in the elections of 1948 (O'Meara, 1983). The National Party rose to power on the 'separate development' or 'apartheid' ticket, which promised to elevate the status of the previously disadvantaged Afrikaner people – and whites in general. The policy of separate development was



portrayed in strongly ideological terms as the only possible solution to the country's complex racial setup. Under this rubric, the white 'nation' (presented as an undifferentiated unity) would be able to maintain its integrity and cultural identity. At the same time, the diverse 'nations' said to constitute the African population would be able to progress at their own pace in their own designated ethnic rural homelands (Bantustans), free of corrupting external forces.

From the outset, then, apartheid served to divide African opposition to the state. It did so by inhibiting any prospects of an alliance between urban workers and rural peasantry, and subsequently by reinforcing (or manufacturing) ethnic distinctiveness within the African population (Moerdijk, 1981). By setting urban workers against migrant workers, Zulu against Xhosa and so forth, the Bantustan system was able to dissipate resistance to white rule. This process was reinforced by the fostering of a small collaborative African elite, drawn from the ranks of the Bantustan bureaucracies, tribal authority leaders and small traders. Through the services of this elite, whose economic and political existence relied on the maintenance of 'separate development', the state was able to operate a form of indirect control and repression, at least in the homelands (Mamdani, 1986). Moreover, the state was structured primarily to satisfy the interests of the white population, including their privileged access to the means of production.

Thus the apartheid policies were intended to serve a variety of objectives, including the reinforcement (albeit uneven) of the process of capital accumulation through the exploitation of cheap black labour, the maintenance of class cohesion within the dominant white population (and within the Afrikaans-speaking population in particular) and ultimately the control and subordination of the black majority. From the late 1950s to the early 1970s the apartheid formula fulfilled these objectives, for the most part. During the decade from 1963 to 1972, in particular, the South African economy experienced an uninterrupted boom. As high profit rates were practically underwritten by the state's policies, international firms saw in South Africa both a market for high technology and a production site for capital-intensive commodities (Carter, 1980). With the direct support of foreign capital, the manufacturing sector in particular expanded rapidly; and with real growth rates of between 6% and 8% per annum, yielded profits well above world averages (Houghton, 1976). In the very midst of this boom, however, the seeds of a subsequent economic crisis were germinating.

## **2.2 The crisis of apartheid**

In the mid-1970s the conditions for accumulation changed dramatically and the South African state was confronted by a deep and enduring structural crisis. Moreover, this crisis was multi faceted, manifesting itself economically (through the collapse of the gold price and the flight of foreign capital), politically (in the resurgence of black opposition) and ideologically, as splits were beginning to emerge in the alignment of class forces within the Afrikaner nationalist movement (Saul and Gelb, 1981). Labour resistance manifested itself (for the first time since industrial action was outlawed in the early 1960s) in a series of spontaneous strikes in the port city of Durban at the end of 1972, and subsequently spread throughout the entire country. At the same time, the Black Consciousness movement of the late 1960s marked a resurgence of political activism, which culminated in the Soweto uprisings of 1976. Far from quelling resistance, the brutal police repression which accompanied the uprisings during this period acted instead to redefine the parameters and alter the tempo of black opposition. In the months which followed the Soweto revolt, thousands of young black people left the country illegally and joined up with exiled political parties – predominantly the ANC. Many of them underwent political training and then returned to escalate an armed struggle which had begun (albeit at a low level) in the early 1960s.

The National Party and the state responded to this threat in varied and contradictory ways. Of immediate concern was whether the crisis could be overcome by more repression alone or whether some reform of the apartheid system was also necessary. The heated debates which ensued served to divide ruling Afrikaner nationalists and culminated in the creation of a new balance of social forces, determined (at least in part) by considerations of defence and the interests of big business.

## **2.3 Attempts to reform the apartheid state**

In their attempts to restore political stability, the National Party government embarked on an extensive programme of political and economic restructuring, represented by a series of new initiatives to defuse opposition by the masses and to co-opt leading segments of the black population. The state's approach, which was presented as a 'Total Strategy' by the early 1980s, presented a new package of economic, political and ideological policies.

The Total Strategy set out to restructure apartheid rule by altering the form of the state through a greater centralisation of authority and

a militarisation of the administrative decision-making structures. This undertaking entailed the introduction of a wide range of ostensibly reformist policies, including an attempt to redirect the relations of production through changes in labour legislation and through stabilisation of the urban African population. It included efforts to reorient the ideological discourse of the white population. It further entailed attempts to defuse mass opposition by incorporating sections of the black population into central state institutions through the mechanism of a federal or confederal system. The establishment of a tricameral parliament in 1983 marked the first step in a process to co-opt the 'coloured' and 'Indian' populations, but its exclusion of African representatives – who constituted the vast majority of the population – meant that the initiative had little appeal to the majority of South Africans and lacked any legitimacy. The subsequent establishment of Black Local Authorities (BLAs) was intended to provide a minimal level of local government for African people, but from the outset they were rejected as apartheid creations and their office bearers frequently became the targets of mass violence.

These attempts to reform apartheid proved to be too little too late: the 1980s witnessed an upsurge of mass protest and an escalation of the armed struggle. The formation of the United Democratic Front (UDF) in 1984, in particular, marked a turning point in the mobilisation of black South Africans and brought together people from all segments of society, including religious bodies, non-governmental organisations (NGOs) and community-based organisations (CBOs), as well as social movement organisations such as SANCO, to challenge the hegemony of racist rule. This mobilisation was met with extreme state repression and the 1980s were the most violent years of the apartheid rule. Confronted with the reality that the reform measures were not working, it became clear to strategists in the government and the state that apartheid was unsustainable in the longer run and that alternative solutions had to be found. The unbanning of black political movements and the release of Nelson Mandela from prison in 1990 marked the start of a process that would ultimately lead to the establishment of a non-racial democratic state in April 1994.

The lead-up to democracy was preceded by a series of multi-party negotiations, intended to establish the parameters of a new state. It is clear that the National Party had never intended the creation of a black-

majority state, envisaging instead a federal structure which would limit any one group's access to political power. Conversely, the predominant liberation movement led by the ANC and its allies favoured a unitary state as a means of transforming a highly fractured and unequal society. Ultimately, the form of the state brokered during these negotiations was a hybrid one. Thus, while the 1996 Constitution speaks of a single sovereign state, the three-tiered structure of national, provincial and local government has many of the features of a federal system, with the devolution of significantly more authority to lower echelons of government than had been the case under the apartheid regime.

#### **2.4 Associational life and civil society during apartheid**

The forms in which citizenship and civil society are constituted are a product of the socio-political milieu in which ordinary people are socialised and the ways in which norms and values are inculcated in them. This process was severely distorted by apartheid rule, which actively sought to limit social organisation in black communities and to promote division and distrust through its divide-and-rule policies. As a consequence racial and ethnic identities gained and retain strong currency, shaping the way in which individuals and communities both perceive and interact with the state.

State oppression notwithstanding, the struggle against apartheid created its own forms of associational life in the urban areas of South Africa. Following the Soweto uprisings in 1976, popular resistance to the apartheid regime grew progressively in the late 1970s and 1980s, despite heightened repression. The foundation of the UDF in 1984 and subsequently of the Mass Democratic Movement brought together a broad spectrum of organisations (including the newly legalised trade unions, community organisations, churches and many others) in a combined challenge to the apartheid government. As part of this process, in the decade leading up to the election of a democratic government in 1994, NGOs and CBOs proliferated, as did civic associations and street committees, the latter predominantly under the organisational leadership of SANCO. For many social commentators this development marked the emergence of a viable civil society in South Africa and augured well for the future of a democratic society (Swilling, 1991).

However, this newly formed civil society did not advance as expected. This eventuality was entirely predictable to a significant extent.

The anti-apartheid struggle served to unite black communities across the country in a common cause and promoted community cohesion. However, this cohesion was shallow, in the sense that it was united around one main purpose – the ending of white rule – and the focus of collective action was on political mobilisation rather than social organisation (Taylor, 1996: 78). Although some civic organisations and trade unions attempted to broaden their activities to include more developmental goals, the major thrust of most mass and community-based organisations at the time was decidedly political.

In the aftermath of this struggle, many NGOs and CBOs (including SANCO) went into decline, as their leadership was absorbed into the public and private sectors and as foreign donors redirected their financial support to the democratically-elected government (Ballard et al, 2006). At the same time, the civic associations – seen by many as the backbone of civil society in black townships – lost their focus and their capacity to mobilise communities. In any event, the ‘civics’ (as they came to be known) tended to be ascriptive in nature; and though they promoted populist principles, their leadership was frequently self-appointed. While the civics encouraged popular participation, they also resorted to coercion and violence when compliance was not forthcoming. For the majority of South Africans, local democracy was an entirely novel experience; and there was no social or institutional memory to draw upon.

### **3. Trajectories in contemporary state-society relations**

This section briefly outlines the character of contemporary state-society relations in South Africa, explaining the shifts in political and social opportunity structures represented by (mostly political) institutional change and tracing the evolution of behaviour of key actors on both sides of the state-society equation. On one hand we appear to have legitimate political elites who respond complacently to popular demands, and new and inexperienced administrative elites, many of whom appear to have inherited the arrogant attitudes of the apartheid order. On the other, we have dissatisfied citizens who resort to protest rather than engagement through new participatory channels. Lastly, it seems that civil society is quite weak – with a few notable exceptions – and the underlying ideological impetus of organisations such as SANCO is unclear. The role of the ANC as a political party with social movement roots is central to understanding the ways in which grassroots social movements have

struggled to redefine themselves in the post-apartheid era, to give substance to indigenous meanings of democratic citizen engagement with the state.

### **3.1 The structure of the state in the post-apartheid era**

Unlike many other countries in sub-Saharan Africa, post-apartheid South Africa moved beyond political rhetoric in its efforts to decentralise administrative responsibilities to the local level. In a marked departure from the apartheid era, the new Constitution of 1996 significantly elevated the status of municipalities. Local authorities are now recognised as a distinct sphere of government, with their own originating powers. Affirming that a 'municipality has the right to govern on its own initiative, the local government affairs of its community, subject to national and provincial legislation', the Constitution further states that national and provincial governments 'may not compromise or impede a municipality's ability or right to exercise its powers or perform its functions' (RSA, 1996). Underlying this formulation is the conviction that local government constitutes the foundation stone of democracy and represents the first line of service to local communities.

A feature of post-apartheid local government in South Africa is the fact that it has been in a constant state of transition. In the first instance, an extensive re-delimitation programme was embarked upon to reconfigure racially segregated constituencies. The outcome of this exercise was the establishment of more than eight hundred municipalities across the country. However, a substantial proportion of these municipalities existed in little more than name. In attempting to redress these shortcomings and to establish more operationally functional entities, a further re-delimitation was undertaken in the late 1990s, which reduced the number of municipalities to 283.

A further challenge to the advancement of local government was the shift in government macroeconomic policy, which sent confusing messages to lower echelons of the public sector. Though the 1994 Reconstruction and Development Programme (the lodestar of the incoming ANC government) was premised on the advancement of an interventionist state, in 1998 it was replaced by the Growth, Employment and Redistribution (GEAR) macroeconomic framework. GEAR, which embraced neo-liberal nostrums dominant at the time, envisaged an enabling state with a reduced role for the public sector in service delivery. Resorting to outsourcing and the extensive use of consultants was (in

part) a consequence of this approach – although, as will be shown later, it was also a response to limited capacity at the municipal level.

### *3.1.1 Administrative incapacity*

Among the most pressing challenges confronting the ANC government on its ascension to power in April 1994 was the transformation and reform of the apartheid state. This transformation was necessary, both to ensure the legitimacy of the state (hitherto white-male-dominated and autocratic) and to create a bureaucracy capable of delivering services to all of the country's citizens in an efficient and effective manner. The challenge was formidable, in that the state inherited by the new government was essentially racist in orientation, had undergone little adaptation over the preceding three decades and was eminently unsuited to driving the development of a democratic South African society. Not only was the new state charged with being responsible for the rapid delivery of social services to a poor majority, hitherto deprived, in a highly dualistic economy; for stimulating economic growth; and for promoting a non-racial and democratic ethos; but it was also expected to do so in the context of an administrative system in flux, and staffed (for the most part) by officials who had either had little experience of a developmental state or who had had little prior administrative experience. These challenges were most keenly felt at the local level, where the new responsibilities assigned to municipalities were not matched with staff with the requisite experience and skills.

Despite a transformative agenda, moreover, a decade and a half into the new democracy it is evident that the state bureaucracy has been only partially transformed. The institutional memory of many government agencies in all levels of the governing hierarchy remains that of the apartheid administration, which was characterised by a lack of transparency, by arrogance and by a disregard for individual integrity. It is partially in this context that we can understand the tyranny of petty bureaucrats at the local level and their seeming disinterest in effective service delivery. The lack of administrative capacity has given rise to a crisis of popular expectations. For the majority of the population (who benefited little from the apartheid state), there are high expectations that the new government will assist them in the development of their livelihoods. This expectation extends particularly to the local level, where (as stated previously) municipalities have been presented as the first line of government service; and this intent is supported through

numerous state policies. Their concerns have been heightened by the fact that politicians and the government's own policies have repeatedly reinforced the idea that municipalities have the right to participate at this level in decision-making that directly influences their livelihoods.

### *3.1.2 Invited spaces in post-apartheid local governance*

At a formal level the constitutional and legislative framework for the realisation of citizenship through popular participation in decision-making is well established in South Africa. In 1993, on the eve of the transition to democracy, the ANC (then a government-in-waiting) signalled its commitment to participatory governance in the publication of its Reconstruction and Development Programme (RDP), which espoused both the principle of popular participation in decision-making and that of public sector accountability. The RDP, according to its founding tenets, committed itself to 'grassroots, bottom-up development which is owned and driven by communities and their representative organisation' (ANC, 1994). This ideal was given effect in the 1996 Constitution, which stipulates that '[p]eoples' needs must be responded to and the public must be encouraged to participate in policy making' and asserts that '[p]ublic administration must be accountable' (RSA, 1996: sections 195 (1) e and f). The Constitution also stipulates that national legislation must ensure that these values and principles are promoted. To that end, legislation was enacted which explicitly charges different state structures with the responsibility for the promotion of the participation of citizens.

Despite the fact that the 1996 Constitution and a plethora of policies emanating from that founding document have created an enabling framework for participation, the institutions and processes set in place to engage citizens in this process – the 'invited spaces' – have not yielded returns in the form of service delivery (houses, water, electricity, etc) or job creation (DPLG, 2008). The reasons for this are many. First, it is evident that the understanding of the meaning of participation varies and is confused among the various players. In part this has to do with the fact that participation, as demonstrated above, is being promoted in a top-down fashion, rather than being permitted to develop organically. Second, most of these processes are not really empowered so much as consultative, and thus rely heavily on the political will of local leadership to make a difference. For reasons to be outlined below, local leaders tend to be less responsive to the populations they serve than to the political



elites above them. A third problem concerns administrative capacity. Not only are most local governments new structures, but most officials lack experience in their positions. In addition, there is much evidence of rent-seeking behaviour among the new administration, many of whom are now in positions in which social mobility becomes possible for the first time. Hence there are many reports of corruption, nepotism and clientelism in local administration.

Fourth – and perhaps most important – is the impact of the dominance and legitimacy of the ruling ANC. Since the first democratic elections of 1994 the party has won between 63% and 70% of the popular vote nationally, between six and nine of the nine provinces, and about 200 of the 283 municipal councils. This fact, combined with the ANC's history as the leading force in the national liberation movement, plus the fact that minorities who benefited under apartheid tend to support opposition parties, has led the ANC to regard itself as the only legitimate voice of the nation. In addition, the electoral system is a Proportional Representation party list system at national, provincial and half of local level, which means that voters choose a party and the party chooses the representative. This tends to make politicians accountable to parties rather than to the electorate. The upshot of this combination of factors has been a degree of behaviour among the ruling party similar to that of a one-party regime, where the boundaries between state and party become blurred and accountability runs increasingly upwards rather than downwards. As a consequence, not only do voters still support the ANC though dissatisfied with local government led by the ANC, but local leaders are much more concerned about pleasing more senior politicians than pleasing their constituencies.

### **3.2 Popular mobilisation and service delivery protest**

Faced with the reality that the state is generally unresponsive to demands raised through formal institutional channels, disaffected citizens and the organisations which represent them have increasingly sought alternative means for expressing their grievances. The channels chosen have varied from community to community (according to their social, economic and political contexts) and they have differed in their effectiveness in extracting concessions from the state. Hence in addition to protests, communities have mobilised through CBOs or the local ANC branch, or have formed their own social movement. Regardless of the method chosen, in essence these social movements are challenging the hegemony

of the state exercised through formally designated sites of participation (including ward committees, public meetings, and local elections) and are insisting that their concerns be addressed directly and as a matter of urgency. It is evident that many communities have reverted to the forms of engagement with the state which characterised the struggle against apartheid, and are taking their grievances to the streets. An indication of the scale of this trend is that about 6 000 protests were officially recorded during the 2004–2005 financial year and during 2007, an estimated fifteen protests were being held *per day* somewhere in South Africa (Delaney, 2007).

However, these manifestations of popular dissatisfaction have tended to be diffuse and episodic. In part this has to do with the new forms of social organisation which appear to be emerging at both national and local levels. These differ from the mass-based movements of the past in that they are non-linear, discontinuous, fragmented and differentiated. An example is the distinct disconnect between a community's engagement with the system of representative democracy and their simultaneous rejection of participatory democracy. Thus, despite widespread dissatisfaction with the performance of local government, local election results might still reflect strong support for the ruling party. This indicates that many communities still retain a strong affiliation to the ruling party as the party of liberation, though they condemn its local leaders.

Much of this has to do with the fact that during the struggle period – and especially the 1980s – popular mobilisation was channelled into explicitly political anti-apartheid activities. Hence grassroots organisations (most emerging in urban centres to secure basic public goods such as education, health and housing) united under an explicitly political formation, the United Democratic Front (UDF), which identified clearly with the ideology and organisation of the banned and exiled ANC. The UDF was closely associated with the ANC-aligned Congress of South African Trade Unions (COSATU) and the two organisations captured most of the popular mobilisation behind the political project of national liberation. In effect, grassroots and issue-based mobilisation was quickly united and generalised in national and political terms; in a sense, the ANC was the social movement of the 1980s.

While there can be no doubt that this popular mobilisation of the 1980s was tremendously effective and important in hastening the

end of apartheid, many have pointed out the demobilising effect that democratisation had on social movements in South Africa (Ballard et al, 2006: 14–17). Once the ANC was unbanned in 1990 and reconstituted itself as an open organisation, the UDF (and SANCO) effectively collapsed into the ANC. After the 1994 elections, movements which mobilised people were absorbed into the ANC government or went into partnership with government, and most held the view that government would deliver to the poor (Heller, 2001: 134). The remaining NGO organisations came under pressure to ‘professionalise’ and withdraw from advocacy to a more limited role in service delivery (Greenstein, 2003).

It is notable that this demobilisation paralleled shifts in donor funding – such that most foreign aid money was channelled into and through the new democratic state, to build its capacity to meet the many challenges of proper administration and the delivery of social goods eschewed by the apartheid state on racist grounds. Though perhaps it is not surprising that despite significant delivery of water, electricity, housing, health care and education to poor and working people by the democratic state, it has not met popular expectations; hence the many popular protests regarding poor service delivery. Indeed, according to Ballard et al (2006: 400), these protests are representative of a broader shift in state-society relations. More specifically, these authors hold that since the late 1990s there has been a rebirth in oppositional civil society, although only some of this is framed in terms contrary to the ‘emerging pro-growth consensus’ of Mbeki’s governance, while much falls under broader rights-based opposition.

In addition, foreign donors are now spending more money on civil society, but mostly on projects that emphasise practical delivery rather than advocacy or challenge. Notably, while there is no neat division between movements that will engage the state and those that won’t, the engagements of counter-hegemonic movements ‘tend to create crises, which more rights-based campaigns can capitalise on to influence policy and government practice’ (Ballard et al, 2006: 404). Critically, however, oppositional civil society is not tremendously strong; hence, Beall *et al* (2005: 681) argue that emergent state-society relations exist in a kind of ‘fragile stability’ that is likely to continue into the medium term until new social actors emerge to change this equilibrium.

To sum up, contemporary South African state-society relations are in a state of transition, recovering from the vacuum of mobilisation left

by the social movements of the anti-apartheid era becoming the party in government or its allies. While enduring real-world problems mean that the conditions remain for popular mobilisation around social goods, and there is evidence of the growth of more organic and local community-based organisations, civil society in all its forms – especially democratic social movements – is not particularly strong. The case studies which follow provide evidence of the extent to which poor South Africans have adapted to the reality that the invited spaces of democracy provide only minimal opportunities for the realisation of their rights.

#### **4. Unpacking modalities of state-society engagement through case studies**

In this section we unpack the general snapshot of post-apartheid state-society relations described above in more detail, through two case studies which were selected as exemplars of this general condition. The first case (Piper and Nadvi, 2007) examined the operation of the formal ‘invited spaces’ of participatory local governance in the two cities of Durban and Pietermaritzburg, and how these relate (or do not relate) to forms of popular mobilisation. The key insights concern the poor functioning of these institutions, their disempowerment, and their clear marginality to most state-society relations. Conversely the research also suggested a general weakness in civil society (with some notable exceptions), especially in social movements capable of playing the role of democratic mediators. While social movements do have a real presence in the research sites – for instance, the housing movement *Abahlali base Mjondolo* in eThekweni – their organisational strength and popular base vary greatly.

The second research project (Nleya and Thompson, 2007) examined the popular perceptions of citizenship and popular mobilisation in the Cape Town township of Khayelitsha, using both quantitative methods (a survey) and qualitative methods (interviews and focus groups). This case complements Piper and Nadvi in focusing on social mobilisation and the ‘view from below’ with regard to state-society relations in South Africa. The key insights concern the impressive extent of political knowledge and local organisation in the township, although this tends to be based around family and neighbourhood, rather than civil society or the formal structures of the local state. Furthermore, contrary to the perception that poor areas turn to militant protest before constructive

engagement, the vast majority of respondents not only preferred constructive engagement to militant protest, but had engaged in some form of constructive engagement before protest. In short, militant protest was both seen and practised as a last resort. Notably, while this is consistent with the 'frustration-aggression' explanation of violence, another reason offered for militant protest was tradition: it was the way that protest had always been done.

In addition to fleshing out the bigger picture, the case-studies are also used as a means of engaging with the framing questions of the comparative study:

- Regimes of democracy and citizenship;
- Sites of contestation between the state and mobilisation;
- Strategies of the state and strategies of mobilisation;
- Political opportunity and social opportunity structures;
- Possibilities or absence of democratic mediation;
- Dynamics of state (mobilisation action and response) – simultaneous, periodic, sporadic; and
- Progressive democratisation, or reversal and polarisation.

In what follows we explore each of these themes in sequence.

#### **4.1 Regimes of democracy and citizenship**

In this section we explore state-centred forms of democracy and citizenship at local level, both in formal policy terms and as implemented on the state's account. As noted in the Piper and Nadvi study, it is a feature of post-apartheid South African democracy that the formal requirements for democratic operation of governance are much more developed in the local sphere than in the provincial and national spheres in South Africa. While consistent with the model of decentralisation and democratisation advocated by the World Bank and major donor organisations (eg World Bank, 1996), this development has introduced novel conceptions of democracy, new participatory institutions and concomitantly new conceptions of citizenship.

##### *4.1.1 Public participation on paper*

In terms of democracy, the new constitution of 1996 affirms a familiar liberal or associational conception of democracy as competition between interest groups through the mechanism of elections, rooted in a free and plural public sphere which includes a vibrant civil society. However, at the same time the Constitution makes limited but significant commitments

to participatory democracy; it explicitly requires local government to be responsive to people's needs, and to encourage community and community organisation involvement in governance (Sections 151, 152, and 195). This modest requirement is expressed in subsequent legislation in more assertive form. Hence the Municipal Systems Act of 2000, section 4 requires that municipalities must 'encourage and create conditions for the community to participate in the affairs of the municipality, including in the IDP, performance management system, monitoring and review of performance ... preparation of the budget, strategic decisions re municipal services'.

In addition to being elected, post-apartheid local government is explicitly required by law to involve the public in its processes to an extent greater than in any other sphere of government. But what precisely does this mean? Is it really a commitment to direct participation by citizens in the decision-making process? On paper, it appears to be – at least if one considers deliberation to be an important part of decision-making. Thus, in addition to the requirement that municipalities develop a public participation policy, there are basically three aspects to the innovation of participatory governance which may potentially transform the character of deliberation in local governance: the definition of the municipality, ward committees and the requirements for public participation.

The first of these is in some ways the most remarkable – and yet intangible. The Municipal Systems Act defines the municipality as consisting of the governing structures (the elected councillors), the administration (the appointed staff) and the residents. The inclusion of residents as part of the municipality is claimed to be unique in the world, and establishes the grounds for greater involvement by the public in municipal matters (Carrim 2006). While the practical ramifications of this definition are not yet obvious, the symbolic effects are considerable.

The second innovation is the concept of ward committees. First mentioned in the 1998 White Paper on Local Government, ward committees are outlined in some detail in the Municipal Structures Act. This act provides for ward committees to be established in each ward of a Category A or Category B municipality, if the municipality so chooses, though recently government has been suggesting that the ward committee system be made compulsory for all municipalities (Msengana-Ndlela, 2006). Chaired by the ward councillor, ward committees are

intended to consist of up to ten people representing 'a diversity of interests' in the ward, with women 'equitably represented'. In respect of their role, Section 74(a) of the Municipal Structures Act states that a ward committee 'may make recommendations on any matter affecting its ward (i) to the ward councillor; or (ii) through the ward councillor, to the metro or local council, the executive committee, the executive mayor or the relevant metropolitan sub-council'. Section 74(b) adds that a ward committee 'has such duties and powers as the metro or local council may delegate to it in terms of section 32'.

This suggests that ward committees serve mostly as advisory bodies to ward councillors, but may enjoy greater powers if the council sees fit. But can a representative structure play a participatory role? Let us consider subsequent legislation. While little mention is made of ward committees in the Municipal Systems Act, following the Community Participation Conference held on 28–29 March 2005 the Minister of Provincial and Local Government published a notice entitled *Guidelines for the Establishment and Operation of Municipal Ward Committees* (Notice 965 of 2005), which held that the 'duties and powers' delegated to ward committees may *not* include executive powers (Section 5(3)(d)), but instead emphasised their role in communication and mobilisation.

Overall, the 2005 Notice embodies a double movement: on one hand, the potential decision-making powers enjoyed by ward committees are substantially limited by prohibiting any significant delegation; but on the other, the deliberative role of ward committees is enhanced by specifying that central municipal issues and processes could well pass through ward committees. This seems consistent with the observation of Yunus Carrim (2001), ANC MP, former chairperson of the Local Government Portfolio Committee, and architect of much local government legislation: 'Essentially, the system overall seeks to provide a balance between giving residents the fullest space to participate in municipal affairs and ensuring the right of councillors to ultimately govern.'

The third and final element of participatory governance is effectively a set of requirements for public involvement in various decision-making processes. These requirements include the receipt, processing and consideration of petitions and complaints received from the public; the notification and public comment procedures, when appropriate; public meetings and hearings; and consultative sessions with locally recognised community organisations. Perhaps more important are the requirements

of the Systems Act (Section 16(1)) that municipalities must '(a) encourage, and create conditions for, the local community to participate in the affairs of the municipality, including in – (i) the Integrated Development Plan; (ii) the performance management system; (iii) performance; (iv) the budget; and (v) strategic decisions relating to services.' In short, public participation is statutorily injected into the most important municipal processes.

In this way the hybrid conception of democracy in the Constitution is fleshed out as greater public deliberation through the form of new participatory institutions in local governance. On its own this conception has clear implications for a form of citizenship that is more than just voting and associational life, and more even than the more minimalist models of deliberation in the public realm. What is required on this account is also participation and debate by citizens in specific and explicitly formal institutions of local governance. This is clearly a richer notion of democratic citizenship, although not the fuller conception of 'people power' as popular decision-making that was manifest in some domestic popular anti-apartheid organisations of the 1980s.

#### *4.1.2 Public participation in practice*

Critically, however, the evidence from the case studies suggests a wide divergence between the formal regimes of democracy and citizenship that exist only on paper and the actual practices implemented by post-apartheid governance. In respect of democracy, the formal commitments to pluralism and local participation are undermined by the deafness of government to communal voices. This deafness is illustrated in both case studies, through the express attitudes and behaviours of both politicians and officials. Correspondingly, the implementation of the new institutions of participatory governance has been poor, and typified by a minimal compliance that has reduced participation (and its potential deliberative dividend) to information exchange and public relations. Lastly, and concomitantly, the experience of citizenship (as shown by the Khayelitsha research) is thus one of frustration at being ignored in formal processes; but also a willingness to protest, and to express popular views through this means.

To begin with, the deafness of elites is reflected in the express attitudes of key players. For example, in the case of eThekweni, the third-largest city in South Africa with an administration that claims to be one of the best run in the world, Mike Sutcliffe, the city manager (Piper and



Nadvi, 2007: 38), had the following to say about public participation: 'We know what people's needs are. Indeed, for the next 100 years the needs will remain the same, although the rank order might well change.'

The clear implication here is that public participation is understood as a form of information exchange – and unidirectional at that, with information transmitted from the community to the council. The idea that residents may want to participate in debate – over how the needs should be prioritised, what strategies should be adopted, what form implementation should take and the like – is clearly not part of the vision.

Perhaps even more telling than what officials and politicians say, however, is what they do. In respect of public participation the effort has been largely one of minimal compliance with legislation. In what follows we outline implementation in terms of policy, ward committees and public consultation processes.

#### 4.1.3 Policy

During the term of office stretching from 2001 to 2006, eThekweni municipality only managed to adopt a public participation policy by 2006, entitled *Citizen Participation Policy: Framework for eThekweni Municipality*. The document begins with the obligatory background conceptual discussion and legislative review, before proposing a model for 'active participation', as well as various institutions including 'mechanisms to ensure efficiency', 'systems of redress', a 'citizen's charter' and an 'intervention strategy model'. There is a long list of 'tools' that includes: newsletters, citizens' meetings with councillors, talk shows or interviews, public hearings, city festivals, public surveys, local partnerships, and an NGO charter and rules for co-financing of civic initiatives.

The policy is general, vague, and short on innovative mechanisms to empower community participation in municipal deliberations. Furthermore, if one reviews the Performance Assessment account of the Head of the Community Participation and Action Support Unit (CPASU) 2004/5, it is notable that many key performance objectives are really forms of service provision. For example, CPASU assisted in setting up soup kitchens in poor areas, facilitated youth business training, lent support to gender policy programmes, organised *Masekhane* ('let us build together') road shows, and held live broadcast events for key government events such as the State of the Nation address. Hence, according to the public participation officials' own accounts, deliberation in decision-making disappears in implementation. This suggests a lack

of understanding of what public participation ought to be about, even the formal version defined in law.

A similar story emerges from the policy process in Msunduzi, which completely failed to finalise a public participation policy during the five years from 2001 to 2006. It did manage to generate a draft in 2005, which is reported to be still in the consultative phase before being adopted by the executive committee and then by council (Jackson-Plaatjies, 2007). Notably, the draft policy is very brief, at less than five pages in 14-point font, and makes no reference to civil society whatsoever. Instead emphasis is placed on ward committees, *izimbizo* (public meetings convened by the municipality) and various forms of communication between communities and councillors. Reference to public participation is also to be found in other policies, notably the 2005 *Policy on Establishment and Functioning of Ward Committees, Msunduzi Municipality* and the 2006 *Msunduzi Municipality Spatial Development Framework Review – Proposed Communication Strategy and Plan*. Of these two documents, only the latter deals with public participation even in general terms, and it is notable in identifying civil society organisations as development stakeholders with rights and responsibilities to participate in the project process.

From this brief review of policy documents, two insights are already evident. First, it has taken some time for policy on public participation to make it on to the agenda of the Msunduzi municipality; this despite the fact that Msunduzi implemented ward committees as early as 2001. Second, there seems to be no coherent or common conception of public participation, evidenced by the inconsistencies between the various documents as to who the public is (communities and/or civil society), and how they ought to participate (ward committees, *izimbizo*, stakeholder forums or all of the aforementioned).

#### 4.1.4 Ward committees

Perhaps the most notable feature regarding ward committees in eThekweni between 2001 and 2006 was that there were none. According to city manager Mike Sutcliffe (2006) there were two reasons. First, when the opposition IFP controlled the provincial government, the party decided to implement sub-councils instead of ward committees. Second, when the ANC came to power in KwaZulu-Natal in 2004, the city decided to go the ward committee route; they approached the province to apply in terms of the Municipal Structures Act and publish a Section 12 Notice formally constituting eThekweni as 'a municipality

with a collective executive system combined with a ward participatory system'. However, the provincial department responsible 'dropped the ball' and this was never done.

In the interim the city proceeded with ward committee elections, on the assumption that the legal niceties had been completed. A large number of ward committees were elected. According to Sutcliffe, in this process the ANC 'out-mobilised the DA' with regard to the ward committees in about four DA wards, by dominating ward committee election meetings even though they had lost the ward. This meant that while the ward councillor belonged to the DA, the majority of the ten members of the ward committee belonged to the ANC. (Notably, while the DA agrees with the same description of events, they interpret them quite differently. In the words of DA Ward Councillor for Ward 35 Rory MacPherson (2006): 'Sadly, the ANC decided to abuse this facility and instead, bussed many people in from outside the ward and hijacked the election of these committees.') In response to the ANC's actions the DA took the matter to court, objecting to the whole ward committee process in terms of the failure by the province to publish the required Section 12 notice. The court upheld the objection and ward committee elections were shelved until the next term of local government in 2007.

Msunduzi implemented ward committees in the 2001–2006 period, but as Piper and Deacon (2007) show, these structures made practically no difference to either community participation or municipal decision-making. Officials estimate that some 40% of the 37 ward committees in Msunduzi never met, and that of the balance only 33% met regularly. Furthermore, even the functional ward committees had no clear role in municipal processes and thus could not influence decision-making. And as they were linked to the least powerful politicians on the council – ward councillors, who do not sit on the executive committee of the municipality – ward committees were already one step removed from real decision-making. In addition, most ward committees made no attempt to consult or involve communities in their activities. For ward committees to deepen local deliberation they must play a participatory role – a fact barely recognised by any municipal actor, and certainly not implemented at all.

#### *4.1.5 Public consultation on budget, development planning, etc*

eThekwinini made an impressive start to public consultation regarding the budget and IDP with the first draft IDP in 2001 and 2002. However,

since then the annual review of the budget and IDP has been limited. The main reason for this appears to be the challenge of coming to terms with various new statutory and policy requirements from national government (for example, the Municipal Finance Management Act (MFMA) of 2003) which has absorbed the time and energy of most senior city officials. In this regard it is notable that the appointment of Mike Sutcliffe as city manager in 2003 coincided with the implementation of the MFMA and a new Performance Management System.

eThekwini's first planning process around the IDP and budget is impressive for a number of reasons. First it integrated the two; instead of the traditional approach of allocating resources to departments, it introduced a system which allocates resources to priorities as defined by the IDP. Second, it used these priorities to establish the key performance areas and indicators central to the performance assessment of senior officials. Third, the process of drawing up the IDP was both participatory and needs-driven; that is, it also drew on community-based planning methodologies. As part of this there were a series of five 'Big Mama' workshops which constituted the main public input into the process. These workshops drew together some 450 participants from all sectors of civil society, spatial areas of the city, spheres of government, unions and traditional leadership.

The first such workshop reflected on eThekwini's draft Long-Term Development Framework (LTDF) which envisaged the city in 2020. Next were a series of 100 community workshops across the city to assess local needs, followed by a strategic budgeting exercise. The needs list obtained through the community process was related to sets of existing data and the planning teams proposed various technical interventions, which were considered at Big Mama 2 on 4 May 2002. Based on this, and after engagement with other spheres of government, the municipality launched its 2002/2003 people's budget (Big Mama 3) at Kings Park rugby stadium on 29 June 2002. In February 2003 another Big Mama was called to reflect on and revise the budget.

While there is much to admire about the Big Mama process, what has happened since 2003 is also important. Not only has there been a clear downturn in regular and effective public participation in city planning but, as reported above, a significant amount of time and effort has been invested in the development of technical systems in the municipality since 2002. Partly this has to do with new national

requirements for financial management, but it also reflects the growth of a culture of professionalism, and the particularly authoritarian style of the city manager. Hence tremendous energy has been invested in developing performance management systems for top officials and in implementing a new system of area-based management to integrate planning spatially within the city. At the same time the city has found itself drawn increasingly into international networks of management and funding, and it seems clear that top leadership has global ambitions for the city of eThekweni.

All these trends suggest a growing managerialism among the city elite, an attitude reflected in the recent indifference towards public participation. According to City Manager Mike Sutcliffe, the IDP and budget processes are too complex for ordinary people and meaningful public participation could only be a long-term strategy. In the interim (2006), according to his view:

*... communities will spend their money on things that do not do anything. Communities spend their money on things that have no lasting impact on their lives. All that happens is that the public feels better about developing their area. Interest groups play a more significant role in public participation as they are useful in having more practical goals for the municipality.*

From 2001 until the present, the Msunduzi municipality has undergone four separate public consultation processes concerning the budget and IDP. Consultation has ranged from soliciting inputs from stakeholders (the first stage) to the introduction of mayoral *izimbizos* to achieve broader public input. From 2006 onwards, the municipality introduced the use of surveys at *izimbizos* as an additional means of soliciting the views and needs of the communities, as Jackson-Plaatjies (2007) states:

*We have found that the meeting times (duration) do not allow adequate time for input from the majority of attendees at these meetings ... The main aim of the questionnaire is to give those participants who did not get a chance to speak [the opportunity] to put across their views and (mainly) their needs.*

Along with the minutes from each meeting, the survey data is then collated into a community needs analysis report and forwarded to the subsequent IDP and budget processes. What impact these reports have on subsequent deliberations is unknown.

It is clear that public consultation about the budget and IDP has become a form of information exchange, and a limited and largely

ineffective form at that. Notably, this is despite the participatory success of the first IDP process in eThekweni in 2002/3, which offered the basis for an indigenous form of participatory budgeting and development planning. Instead, implementation has come to mean minimal compliance – or, in the terminology of Sherry Arnstein (1969: 7), a form of ‘tokenism’, even ‘placation’. Correspondingly, the regime of citizenship implemented has become diluted down to the mainstream associational model of voting and associating. The opportunity to participate directly in local governance deliberation has been lost.

#### **4.2 Sites of contestation between the state and mobilisation**

From the above account it should be clear that the invited spaces of public participation in local governance, ward committees, public consultations processes and the like are sterile places, marginal (at least in any meaningful way) to where state and society interact. As noted above, there are administrative and political reasons for this; the case studies tend to confirm that local government elites have the attitude that they look upwards rather than downwards in order to secure their political futures.

Evidence of this lack of responsiveness – or deafness – to communities is very evident from Thompson and Nleya’s work on Khayelitsha, where there have been frequent protests about the failure of local government to deliver public goods (housing, water, sanitation, electricity and the like) for a number of years. These issues – which in South Africa are called ‘service delivery’ issues – are typically the concerns about which local protest is mobilised. Hence, even in a country where the official unemployment rate is just under 30%, the residents of Khayelitsha voted housing as the most pressing issue (22.7%), followed by crime and unemployment (tied in second place at 21.7% each) (Nleya and Thompson, 1998: 4). Other issues lagged some way behind this with water in fourth spot at 7.9%, sanitation in fifth at 5.9%, and refuse collection in sixth place at 3.7%.

Note that crime and unemployment are not issues for which local government is primarily responsible; hence the question may be raised whether these protests are directed towards the correct sphere of the state. It is important to note that the above figures refer to the *most important* issue, so the fact that only 7.9% of respondents said that water was the most important issue does not mean that most people are satisfied with water delivery. Indeed, the survey also showed that 75% of residents said

the municipality was doing a poor or very poor job of water delivery in Khayelitsha, practically the same level of dissatisfaction as with housing (76%). In terms of sanitation about 70% said the municipality was doing a poor or very poor job. There were some services which residents thought were reasonable. Thus, 53% said the municipality was doing a fair or good job of refuse collection, and 62% were positive about electricity provision. While these latter figures show approval, it is important to note that the approval rates are lower than in most of the rest of the country, and certainly lower than in wealthier areas.

The survey suggests that local government is doing a reasonable job in some areas of public goods delivery, if not in most areas. Furthermore it reflects that communities are not completely dismissive of local government and are capable of reasonable judgements. This latter point is strongly reinforced by survey results showing attitudes and practices in respect of appropriate state-society relations. Hence nearly 46% of respondents in Khayelitsha could name their ward councillor correctly, a figure much higher than the national average of 15% in 2006 (Mattes, 2008: 126) and not far behind that for the identification of the Premier of the Western Cape (55%). That the Khayelitsha population is highly politicised was also confirmed by an 86% reported registration rate for national elections, well above the 70% national average. Furthermore, 62% watch TV news broadcasts daily and 68% discuss politics daily or occasionally. Importantly, politicisation does not mean radicalisation. Thus, when participants were asked what the most effective method of public participation was for them, 42% chose participatory forums, 40% referred to contacting an elected leader such as a ward councillor and only 15% chose protest. In addition, 74% agreed that lawful solutions are the best way to solve problems, against 25% who felt that sometimes it is necessary to disobey a law to solve a problem; and 70% felt that violence is not justified in South African politics, against 30% who felt it is sometimes necessary.

Another important observation was that politicisation did not translate simply into a healthy membership of civil society. Instead associational life and social capital were strong, but only at a very parochial level. Thus the majority said that family (63%), friends (62%) and neighbours (60%) were influential in motivating them to participate in community activities, whereas speakers at community meetings and political representatives scored much lower (50% and 39% respectively).

Levels of membership in civil society organisations were low (trade unions 14.4%, community associations 22%, political parties 36%, social movements 10%), with the notable exception of faith-based organisations at 76%. The parochiality of associational life was expressed in high membership of street committees (62%), which address all local level problems and are not connected to the formal institutions of public participation in local government.

Hence a picture begins to emerge of a disconnect between the formal institutions of local governance and citizens' engagement with governance. Simply put, the community did not engage widely with either the new participatory institutions of ward committees and public consultation, or with ward councillors and the like, even though the Khayelitsha community is clearly very politically aware and keen to engage local government constructively and reasonably on important issues. Faced by the indifference of the formal institutions, many report that they have participated in protest actions. Thus some 45% of respondents had attended at least one march in the preceding year and nearly 80% said they would join a protest if they had a chance. Notably, there was a significant difference in this regard between those living in houses and those living in shacks, with the latter reporting a much higher participation rate in marches (50%) to the 37% of house-dwellers. The fact that such huge majorities would march despite believing it is not the most effective way of getting things done speaks volumes of the frustration many clearly feel at the unresponsiveness of local government. To sum up, the site of contestation is not the formal structures but the local streets, where citizens articulate what they feel are legitimate grievances mostly out of frustration, and after having tried other methods.

#### **4.3 Strategies of the state and strategies of mobilisation**

From the above discussion it is now reasonably clear that, despite formal commitments (in law and policy) to greater community participation in the deliberations of local governance, the efforts of local elites tend to meet the minimum requirements of the law at best. Given the claim that accountability flows upwards in the ruling party, one should not lay the blame solely at the feet of local government; provincial and national structures must also bear responsibility. Paradoxically, instruction from above to behave in more accountable ways might well have produced a different attitude and effort from local leadership. While much state strategy for implementing public participation may be characterised by



neglect, this does not completely summarise state strategy towards local communities. A key point made by Heller (2001) concerns the tendency towards centralisation in government, due both to the idea that the ANC is the only party truly normatively entitled to govern and to the state-centric conception of development. The combination of these views tends to undermine the chances of partnership or power-sharing between government and other social actors, including civil society and local communities. Evidence of this comes through in the work of Thompson (2007) on water delivery, which reveals an indifferent and even arrogant attitude on the part of the local officials responsible for delivery.

#### **4.4 Political opportunity and social opportunity structures**

The preceding analysis makes clear the ways in which the implementation of participatory governance effectively closes down the opportunities for deliberation that these new institutions are intended to facilitate. Indeed, Piper and Deacon (2008) point out how new participatory institutions can have a demobilising effect – in this case, through having politically controlled ward committees supplanting civil society formations such as ratepayers' associations. However, there is an important ray of hope: the potential for such institutions to become more meaningful spaces still remains – at least for processes of public consultation. Thus, the current closing of a space is not necessarily permanent, and the existence of opportunities for engagement on paper could yet become a reality in practice. This will be dealt with in more detail below.

In recognising the practical closing of formal political space it may be instructive to note the general weakness of CSOs such as NGOs and community-based organisations in the Khayelitsha case study (with the exception of faith-based organisations), despite high levels of political awareness and street-level organisation in the population. In this regard it is notable that the street committees report to SANCO – an organisation associated with the ruling tripartite alliance, albeit a little ambiguously. The point is that the inclusion of SANCO into the ruling political elite might be a form of elite capture of these formations, or at least a relationship likely to prevent their mutation into an anti-government – or perceived anti-government – social movement. Thus, although the levels of party membership are reasonably high at 36%, they are not as high as might be expected given the general levels of political consciousness and formal electoral participation in the community.

With regard to social opportunity structures, Nleya and Thompson have identified good levels of social capital and neighbourhood-level organisation in Khayelitsha, as well as high levels of participation in faith-based organisations. These appear to be important potential bases for other forms of civil society organisation and perhaps even for social movements into the future.

#### **4.5 Possibilities or absence of democratic mediation**

The case studies reveal a significant lack of democratic mediation between state and civil society, due to the generally weak case of civil society, but also to the express lack of progressive, pro-poor organisations independent of the ruling alliance and thus willing to challenge the government. There are a few exceptions, such as *Abahlali base Mjondolo* as noted in the eThekweni case study, but to date these have not been common. A key reason for this gap is not just the ANC's firm grip on power, but also the fact that a good deal of the internal governance structures of the ANC were linked to the existing popular social movement that led the anti-apartheid struggle in the country during the 1980s, the United Democratic Front (UDF). The dismantling of the UDF in 1990 has seen the absorption of key leadership and organisations into the ANC, which is now increasingly a political party rather than a social movement. This development has left a significant vacuum in civil society organisation.

Add to this the overwhelming grip on power of the ANC and its allies, plus the forms of elite capture of local participatory institutions, and it is not hard to understand the lack of independent, popular organisations capable of democratic mediation. But the enduring unhappiness with the performance of government (and local government in particular) when it comes to the delivery of public goods means that the conditions for independent organisations to arise still exist. Hence, many of the conditions for the emergence of organisations capable of democratic mediation exist. This possibility is confirmed by the freedom and self-belief manifest in the many militant protest marches seen over the last ten years. What seems to be lacking is a class of leadership that is large enough and sufficiently independent from the ruling alliance. Without this, much of the protest action seen will remain reactive, parochial and often reactionary, as demonstrated by the xenophobic attacks of 2008.

#### **4.6 Dynamics of interaction between the state and popular mobilisation**

The case studies offer significant evidence confirming the notion of a negative dialectic between state and society, in which an authoritarian (if well-meaning) state implements its vision of local development while remaining largely deaf to the voices of local communities. As stated above, this prompts frustrated residents to turn to militant protest which is often very parochial, reactive and sometimes very conservative, as illustrated by the xenophobic attacks of 2008. Having not heard residents properly in the first place, the state typically responds to protest with surprise and defensiveness – and sometimes coercion – all of which reinforces the negative dynamic. Occasionally the state does yield to demands and provides more ‘service delivery’; hence the belief that protest brings results. But even this service delivery tends to be unilaterally conceived and implemented, and thus runs the risk of frustrating communities even further.

This is precisely the sort of context in which a popularly rooted social movement – independent of the ruling elite, but sharing its general ideological vision – could intervene to transform local protest into a more constructive and progressive political project, which has the sophistication of strategy to engage the state in real dialogue as well as with protest. Indeed, as shown by the examples of the TAC and others, it is this ability to combine ‘walk’ (protest) with ‘talk’ that is able to secure the state’s respect and even change its mind. This is the kind of democratic mediation that is required, but which the case studies suggest is still missing. The absorption of the anti-apartheid social movement into the new ruling elite might explain this, but it also means that the prospects for democratic mediation remain distant. What South Africa really needs to transform state-society relations is a balancing of power between organisations on either side of the relationship. Until the power of the ruling alliance is weakened by a split and/or new social movements independent of the ruling alliance emerge in civil society, it is hard to see how the negative dialectic between state and society – and especially between the local state and poor communities – will be overcome.

#### **4.7 Progressive democratisation or reversal and polarisation**

If one considers South Africa’s history over the long term, and the fact that democracy is just 15 years old, then it is clear that we have made

much progress towards a more democratic order, especially at local government level. For the first time the whole country – and the entire population – has elected leadership at the local level, and almost all political parties are committed (at least on paper) to the economic and social development of all South Africans. Recent years have seen the introduction of new participatory institutions at local level which promise the greater deliberative empowerment of communities. However, the very same period has seen increasing levels of protest regarding the poor functioning of local government – especially about the delivery of key public goods, but also about corruption. While the possibility and presence of protest is a sign that local communities will not acquiesce to poor treatment, the above analysis suggests that the dynamic is largely a negative one, in which unresponsive governance begets militant reaction, and the lack of independent and progressive social movements undermines the possibilities for democratic mediation between the hard-of-hearing and those struggling to express themselves.

Whether this negative dialectic will transform into a positive one is hard to assess; however, there are some positive signs on both sides of the state-society relationship. First, the state does seem to be slowly recognising that militant protest is genuinely rooted in popular frustration rather than some kind of third force conspiracy, as was suggested initially. Furthermore, national government seems interested in improving the functioning of new participatory institutions such as ward committees, and processes of public consultation. Second, on the side of civil society there is clear evidence of significant levels of social capital and very local forms of popular organisation, which could form the basis of future social movements. In addition, most South Africans value their political liberties and still believe they can act on them, which is also positive. However, it is important not to be too sanguine about this. Much popular action is reaction, drawing on harmful prejudices about gender, sexuality, ethnicity and national identity. If and when new, progressive social movements do arise, they will have as much work to do in transforming local consciousness as in successfully engaging the state. The future of local democracy thus relies significantly on the growth of democratic mediators, able to both root themselves in poor and marginalised communities and also to transform them in more democratic directions.

## **5. Conclusion**

This chapter argues that contemporary state-society relations in South Africa are characterised by a well-meaning and legitimate but authoritarian state, implementing its vision in a way that is largely deaf to the express needs of many communities. This is despite the existence of new instruments of public participation, mostly at local governance level, which tend to be bypassed by communities in favour of the more effective methods of mobilisation and protest. This systematic miscommunication between the post-apartheid state and its people also reveals the relative lack of democratic social movements able to mediate between state and society in order to enhance service delivery and local empowerment.

Understanding current state-society relations requires understanding the asymmetrical power relations between the state and society. The state is underwritten by a tremendously popular ruling party in electoral terms; but also in ideological terms, given that the ANC was the leading anti-apartheid liberation movement, and is the 'natural political home' of the black majority. The power of party elites is further reinforced by the top-down logic of the proportional representation, party-list electoral system. In addition, the administrative bureaucratic elite are either old apartheid officials, typically indifferent or antagonistic to the needs of the majority, or new and inexperienced officials, many of whom have inherited the dismissive attitudes of the old, or who treat public service primarily as a rent-seeking opportunity. Hence, new institutions, history and identity politics coincide in favour of both state power and state indifference to popular demand.

Society's problem is primarily one of organisation rather than popular attitude. It is clear from survey evidence and the ongoing and increasing popular protest against poor local governance that citizens feel both entitled to key rights and confident enough to demand them. Indeed, the evidence suggests that citizens tend to resort to protest only after trying other more constructive channels of engagement with the local state. However, what does seem to be missing is the plethora of democratic social movements for broadening initiative beyond the local area, and broadening demands beyond a specific complaint; and also for challenging the social conservatism of many communities, most clearly evidenced by ongoing xenophobic attacks. To a large extent this organisational gap is explicable in the transformation of the ANC and its allies from a social movement into the ruling party, and the vacuum

this left in civil society leadership in social movement organisations such as SANCO in particular. It also reflects the enormous legitimacy the ANC continues to enjoy, and the fact that many prefer to contest governance issues through the ANC, as manifested in the new, populist politics in the party which, for example, underwrote President Zuma's rise to power.

In many ways South African state-society relations remain paradoxically shaped by apartheid-era politics, and these traditions have undermined rather than reinforced the new political opportunities opened up by institutional reform in local governance in general and by new forms of public participation in particular. At the same time, these traditions have left a population with sufficient expectations and political agency to challenge the new state indifference, resulting in tremendous potential for revitalising social organisation into forms that effectively challenge the state to become more genuinely responsive to societal demands.

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### Notes

- 1 An Afrikaans word which literally means 'apartness'.
- 2 'Black' here is used to refer to three of the race groups distinguished under apartheid law, namely 'African', 'coloured' and 'Indian'.
- 3 For example, the Local Government Municipal Systems Act of 2000 expressly refers to the need for the participation of citizens in local-level decision-making.