

SANGOCO and the APRM : a submission to the South African process-

Forward, to an accountable and inclusive society!

“TOGETHER WE ENDED APARTHEID; TOGETHER WE CAN END POVERTY”

-Poverty Hearings (1998)

Hassen Lorgat Lead writer

“Africa shed her blood and surrendered the lives of her children so that all her children could be free. She gave of her limited wealth and resources so that all of Africa should be liberated. She opened her heart of hospitality and her head so full of wise counsel so that we should emerge victorious. A million times she put her hand to the plough that has now dug up the encrusted burden of oppression, accumulated for centuries. The total liberation of Africa has now been achieved.

One epoch with its historic tasks has come to an end. Surely another must commence. Africa cries out for a new birth; Carthage awaits the restoration of its glory. If freedom was the crown which the fighters of liberation sought to place on the head of mother Africa, let the upliftment, the happiness, prosperity and comfort of her children be the jewel of the crown.

The fundamentals are known to all of us: Africa continues to be a net exporter of capital and suffers from deteriorating terms of trade. Our capacity for self-reliance, to find the resources to generate sustained development remains very limited. Equally complex questions that bear on the nature and quality of government are also central to our capacity to produce the better life which our people demand and deserve. We must face the matter squarely that where there is something wrong in how we govern ourselves, it must be said that the fault is not in our stars, but in ourselves that we are ill governed.

Rwanda stands as a stern and severe rebuke to all of us for having failed to address these matters. As a result, a terrible slaughter of the innocent is taking place in front of our very eyes. Thus do we give reason to the peoples of the world to say of Africa that she will never know stability and peace, that she will forever experience poverty and dehumanization and that we shall be forever knocking on somebody's door pleading for a slice of bread? We know that we have it in ourselves, as Africans, to change all this. We must assert our will do to so. We must say that there is no obstacle big enough to stop us from bringing about an African Renaissance”

Nelson Mandela – African Renaissance – speech given at the Organization of African Unity meeting of heads of states on 13 June 1994 (printed in Granta 48, summer 1994).

“We have completed one process. We have produced a National Action Plan. This was perhaps the easier part. The real challenge that lies before us is implementing the National Action Plan. Only this will ensure that all our people are able to enjoy all the human rights provided for in our constitution and the Bill of Rights, and in the international and regional human rights instruments that we have signed, ratified or acceded to. Promoting, protecting and advancing human rights for all our people are the only guarantee of a better life for each and every one of us.”

Deputy Minister of Justice; Dr M E Tshabalala – Msimang. Convener of the NAP Steering Committee, 1998.

Section A

Introduction

The African Peer Review Mechanism (APRM) is an opportunity for non-governmental organizations and societal reflection and action, in the struggle towards an inclusive and accountable democracy. The APRM is a core component of the New Partnership for Africa's Development (NEPAD). According to the base document NEPAD's objectives are as follows:

- to eradicate poverty
- to place African countries, both individually and collectively on a path of sustainable growth and development
- to halt the marginalization of Africa in the globalization process and enhance its full and beneficial integration into the global economy
- to accelerate the empowerment of women (www.nepad.org.za)

Despite these noble objectives, it is common knowledge that a few key countries and their heads of states have driven it on the mandate of the outgoing Organization of African Unity -now replaced by the AU. (These countries include in particular Algeria, South Africa, Nigeria, Senegal and Egypt –, with the support later of the Economic Commission for Africa) to make this review process possible. It is also widely known that South African civil society engagement with the continental structures has been limited, with only a few cases readily coming to mind in particular, engagements around trade and development and human rights issues. This involvement would be with the African trade ministers' and with different chambers dealing with security and human rights issues through amongst others, the Peace and Security Council of the African Union, as well as in and via ECOSOC.

Background to the APRM

The APRM is a voluntary mechanism with the "mandate to ensure that the policies and practices of participating states conform to the agreed political, economic and corporate governance values, codes and standards contained in the Declaration on Democracy, Political, Economic and Corporate Governance", write the authors of the Towards a 10 year review." They added that it "is a system of self- assessment, constructive peer dialogue and persuasion as well as the sharing of experiences amongst members." (2003: 67)

Civil Society organisations, by participating in this process openly commit to work with those genuinely committed to eradicating poverty and inequality. With this in mind, we work with government, business organisations in this process of national self assessment which we believe presents an opportunity to build our national resolution and consensus on the critical challenges facing our nation, as well as build on the commendable though, patchy reports of progress. It is our belief that that the process will and must strengthen our resolve and determination to eradicate poverty and inequality, disease and hunger and engage in a process that affirms African values, self-sufficiency and independence in all aspects of our lives including cultural, social, economic and political.

We do this within the historical context of criticisms of and by African Civil society;¹ including criticisms by SANGOCO and COSATU of the NEPAD project. which was in the main seen to be:

a) A project aimed outwards towards obtaining Foreign Direct Investment. To achieve this demands that the national economy be "open" to foreign competition via policies such as privatisation and deregulation of the economy. Indeed the whole package of World Bank and International Monetary Fund packages aimed and subjugating our economies and lives to the interests of the leading economies of the world, the so-called North. Accordingly, Business Report; 29 April 2002, wrote that "Cosatu will not accept any programme aimed at giving capital a free rein. What NEPAD amounts to is the Africanisation of the Gear strategy. How can NEPAD hope to take us out of our ugly past if it's happening above our heads?"

b) Exclusion of Civil Society: African Civil Society Organisations in many ways felt excluded by governments from the conception of the project for Africa's renewal, thereby ruling out alternate visions for African renewal from below.

With this in mind, we see the APRM as an opportunity to participate meaningfully in shaping Africa's destiny, but also by so doing provide scope for South African society to renew itself through participation of all sectors of society. This opportunity for self reflection and renewal is total – within our own organisations and focused on the Nation-State and its relations with the outside world. (See below CSO reflection) Accordingly, CSO engaging with the process of the APRM is implicitly to ensure that African interests are at the core of its project. In addition, as we will argue below, we will use the opportunity to put forward the fundamental demands and aspirations of our organisation and their allies to ensure that it is reflected in the National Action Plan. We also note that the African Union is an African institution, which we must engage with otherwise we will be leaving it to those whose interests may alien to our goals and aspirations as indicated above.

A range of civil society organisations having met in a workshop in Addis Ababa on January 17 and 18, 2006 has reaffirmed this view. The gathering organized by the Christian Relief and Development Association (CRDA) and Partnership Africa Canada (PAC), in collaboration with the Economic Commission for Africa (ECA), on the theme of “The African Peer Review Mechanism and Civil Society”. The workshop declaration reaffirmed that the “APRM's success depends on the wide and effective participation of African civil society in the whole evaluation process and in the implementation of national action plans”.

The workshop also shared experiences of countries that have already undergone the APRM processes and noted, inter alia, that generally speaking civil society involvement in the process has been not been entirely satisfactory. The workshop declaration concluded by making a call to African governments to “promote ownership of the APRM by the people and allocate sufficient financial resources for it to remain an African instrument serving African interests.” Calling for inclusion of all African institutions in the APRM process -especially” parliaments” – a point we affirm in our report. Regarding African Civil Society, it noted that African Governments must “fully involve civil society and the private sector in the national structures supervising the APRM evaluations, and in the implementation of action plans.”

On their part, African Civil Society should “create its own opportunities for dialogue and discussion in order to identify common objectives and plan strategies to strengthen its participation in the APRM.” This implied working with government and private sector “to identify problems as well as solutions respecting national, regional and pan-African interests.” The international community was called upon to “acknowledge and support” the efforts of African governments in this self-review process. In addition, it declared, without -spelling out how- that the international community had to “support the wide and effective participation by African peoples in the APRM process”. The key concerns of the APRM involve governance of the economic, social and political well-being of its people.

Governance Objectives of the African Peer Review Mechanisms

The critical tests for the self evaluations has been identified as being under these themes of

- Democracy and Good Political Governance
- Economic Governance and Management
- Corporate Governance

- Socio-Economic Governance
- Cross cutting-issues, as seen by SANGOCO includes corruption, gender equality and equity, participation of citizenry – people, in their own lives; equity and redress; and respect and promotion of human rights.

As indicated above, we recognize that the APRM presents an opportunity for not only a reflection on our governments and the business sector but also an opportunity for self reflection looking at both our strengths and weaknesses and to contribute to both national and continental resolve towards resolving the burning issues of our times. As indicated above, self-reflection for civil society means looking at both our strengths and weaknesses within a genuinely African Framework and thus allow is to work with our governments to rebuild our country and our Continent for its own people with the support of the people.

In engaging we have had serious criticisms of the draft questionnaire, in particular its basic assumptions which underwrites free market / capitalist ideologies and perspectives in particular on the economy and as its developmental path. Despite this, it is our view that the *other tools* in particular **guidelines and standards**, read it in its' entirety "policy space" for progressive African civil society and mass organisations to assert a "progressive imprint" on the process and potentially on its outcomes.

Outcomes may present further problems of long implementation time-frames; budgeting, monitoring etc begging the question whether civil society can stay the course etc but it will not be gone into here.

The NEPAD Heads of States Guideline (9 March 2003) entitled " OBJECTIVES, STANDARDS, CRITERIA AND INDICATORS - FOR THE AFRICAN PEER REVIEW MECHANISM ("THE APRM") is a simple guide like a "do it yourself" which clearly spells out the objective, the standards, indicative criteria and some examples of indicators are articulated. Taking the case of objective: DEMOCRACY AND POLITICAL GOVERNANCE, it draws on the various decisions of OAU and AU summits etc and on Standards, Indicative Criteria and Examples of Indicators – spells it out thus:

2.3 Objective 1: Prevent and reduce intra- and inter-country conflicts

2.3.1 Standards

- Constitutive Act of the African Union (2000)
- Cairo Declaration on the Establishment, within the OAU, of the Mechanism for Conflict Prevention, Management and Resolution (1993); [or the Protocol Relating to the Establishment of the Peace and Security Council of the African Union (2002) when operational
- Conference on Security, Stability, Development and Co-operation in Africa (CSSDCA) Solemn Declaration (2000)
- Declaration on the Framework for an OAU Response to Unconstitutional Changes of Government (2000)
- Charter of the United Nations (1945)
- Declaration and Plan of Action on Control of Illicit Drug Trafficking and Abuse in Africa (2002)

It follows from the above: firstly, that most of these documents often assert progressive, a worldview of Africa that is positive or Afro-optimistic. However, the issue that has been a weakness has been the innumerable number of conferences and outcomes with little or no resources allocated for the implementation of the decisions, as well as no national and or continental ownership of the decisions. Many governments were and some continue to be donor driven.

Currently, despite the iniquitous so-called globalisation, there is a greater confidence by Southern governments to assert a world-view that is people-centred, as evidenced recently with the electoral victories of progressive presidents of socialist /social democratic/ independent nationalist in South America. In Africa and South Africa, we are grappling with similar complex challenges, and we can take heart and strength that our struggle to eradicate poverty and inequality and exploitation by one group of people by others is in sight.

Section B: SA Civil society and the APRM

Civil society organizations, for purposes of this paper, means the myriad of organisations like ourselves, are also known as the development sector and the “not for profit sector”, and variously as the non-governmental sector. Whilst it will not deal with its other meanings, it does refer to that sector/sphere of vibrant public space, individual and collective. In today’s context views and opinions expressed without support by power constituencies may result in those opinions / views not being taken too seriously as a material force. One area of concern for organized civil society is for not only for it “to be heard” - but also to be “truly listened to”.

SANGOCO, amongst others, have raised concern about the process leading up to the formation of the South African APRM Governing Council. Of particular concern was the formation of the National Governing Council was inspired and practically modeled on, ECOSOC-SA structure. In terms of this structure collectively stated, the private sector is conceptualised as being part of civil society. The private sector in the rest of Africa may be small player in the economic and political life of those societies largely because of their size, and economic strength. However, in South African, the power and influence in the economy and in broader society means, that the private sector indeed represents a ruling class perspective. We do not have objections to them, working in the National Forum – which is their patriotic and national obligation to do so, but it is proposed that they be placed in a separate constituency, as they are in NEDLAC. It would thus be easier to assess /monitor their contribution to the national and sub -regional and continental economic life more objectively. The APRM authorities consider civil society and the private sector to be separate entities.

Parliaments, like civil society organisations more generally, contested and defined a role and strategy for itself in the process – agreeing to be accountable to the Governing Council of the SA APRM. Its role in calling hearings on some of the thematic areas such as political and social governance; corporate governance in particular proved highly influential and a very welcome voice in the discussion around these issues..

A SUMMARY OF THE FORMATION

September 05: A planning meeting is called by focal point which was the Minister of Public Service and Administration Ms Geraldine Fraser Moleketi, and attended by or co-hosted by ECOSOC – SA chapter. This was a planning meeting to organise the first national consultative meeting, which was to lay out the line of March for the whole process as outlined for the APRM especially the constituting of the National Governing Council (NGC).

· According to earlier versions of the plan, the whole process was to have been of short duration of say between 3 months (written down) to possibly 6 months (verbally). The NGC was to have the high-level cabinet participation, with a simple numerical majority of Civil Society – as conceptualized above. After many different actions/interventions this was agreed: the APRM process(*) in South Africa would take about 9 months, with the National Governing Council (NGC) now reconstituted to represent two thirds of civil society (yes – including business/ capital) and a third government / executive. Writing today the Ministry’s of Justice, Finance and Public Service attend NGC meetings regularly.

· Civil society organisations had to play catch-up and under pressure of being a small voice in a critical national activity, we organised at short notice, a workshop on 22 September 2005 at the University of Witwatersrand. It was co-hosted by SANGOCO, South African Council of Churches (SACC), South African Institute for International Affairs (SAIIA) and Transparency South Africa (T-SA). This workshop served as a preparation meeting for CSO's ahead of the planned National Consultative Conference. The workshop concluded to fight for various principles including inclusivity, and participation of all actors irrespective of organisational formation and or political orientation, and the importance/enhancement of civil society in the process. We also agreed to mobilise all resources and expertise to ensure the exercise was a success, in the national interest and our goals of fighting poverty and inequality and for solidarity. There was a need to organise the research / academic institutions and to be involved in the writing and editing of writing-up the country assessment report.

On 28/9 September 2005, the First National Consultative Conference took place, at Gallagher Estates in Midrand, and was addressed by President Thabo Mbeki. In the president's speech he raised, inter alia, his concern at NGO's who were donor driven implying that they were supported by foreign country donors/agencies and not patriotic. (The unfolding controversy that resulted saw SANGOCO, amongst a few others engage in a public debate on the subject, denying the insinuation and called amongst other things for greater resources from National sources and agencies like the National Development Agency (NDA).

At the end of the consultative Conference, the National Governing Council was formed, inclusive of major sectoral organisations of women, business, NGO's, organised labour inclusive of civil society organisations. As subsequent meetings of the NGC it was agreed that the alternates were to be regarded as full members. The members of the NGC are as follows:

Chairperson: Ms Geraldine Fraser-Moleketi: Minister of Public Service and Administration

- * Mr. Bheki Sibiyi: Business Unity South Africa
- * Mr. Looks Matoto: Disabled People South Africa
- * Ms Zanele Twala: South African Non-Governmental Organisation Coalition (SANGOCO)
- * Ms Nomonde Mqhayi: SA Youth Council
- * Ms Thabisile Msezani: SA Council of Churches
- * Mr Randall Howard: South African Transport and Allied Workers Union

(SATAWU) / Congress of South African Unions (COSATU)

- * Dr Mongane Wally Serote: Arts and Culture
- * Mr Master Mahlobogoane: South African National Civics Organisation (SANCO)
- * Ms Laura Kganyago: National Women's Coalition
- * Mr Moemedi Kepadisa: National Council of Trade Unions (NACTU)
- * Dr Essop Pahad: Minister in the Presidency
- * Mr Trevor Manuel: Minister of Finance
- * Mr Mandisi Mphahlele: Minister of Trade and Industry
- * Ms Brigitte Mabandla: Minister of Justice + Constitutional Development

Provincial processes mirrored the national process, and the lesson for NGO's and for CSO's in general is that where civil society organisations have a real presence on the ground in different regions and districts they are able to participate effectively in this activity and any other. Planning for the second national consultative forum, as well as the formulation of the national action plan may present some opportunities for action and critical reflection in some of the provinces.

Section C: Civil Society, putting shoulders to the wheel

Despite the somewhat difficult birth, the APRM NGC is a sufficiently broadly based structure, although the needs for the voices of professionals, particularly research institutions and other organisations, and movements remains a challenge.

As stated above, SANGOCO's approach is to re-assert our historical mandate of our organisations and our movements that work with the working people and the poor rather than solely relying on external research by academics. The Wits University Meeting of CSO, noted the fact that whatever the weaknesses of the processes may have been (early September 05) if CSO groups already working together on joint campaigns such as the Basic Income Grant Coalition (BIG) and the Peoples Budget Campaign (PBC) – viz, SANGOCO, COSATU and the SACC – the process would be genuine.

This position was articulated to the media by our organisation which articulated its view thus: “SANGOCO supports APRM process but acknowledges that there is much work to be done.” Mr. Dolos Luka, deputy president of SANGOCO and an SA -ECOSOC member during September/ October added that “we do not believe that the process will be a white-wash, as we have some critical civil society actors who work together on other areas of our work – who will never be a party to such a thing.” SANGOCO, then affirmed that we remain committed to this belief that the “ Governing Council will discuss and hopefully resolve the complex issue of getting fair representation of the academic and research communities as well as refugees and non nationals forced to live in South Africa because of political repression, and the lack of a climate of democracy and peace.”

Civil society – strengths and weaknesses

The strengths of civil society organisations are its diversity and creative energy and closeness to members who constitute mostly the poor and working class members of our society. They can and often do have the role of extending necessary social delivery to marginal groups and providing information to and supporting government services.

The diverse nature of our movement is an undoubted strength that must be utilised continuously for the struggle for sustainable development. Sustainable development affirms a people driven process and that cannot take place without the organised representatives of peoples organisations. Thus it is imperative that the governing structures of NGO's clearly articulate the membership / activist contribution and involvement.

Sectoral re-organisation

SANGOCO has been reorganising and consolidating the organisation over the past 2 years in about 18 sectors such as health and HIV ; economic justice, faith based; anti xenophobia/solidarity with non nationals; land/rural ; urban; arts and culture amongst others.

Whilst this re-organisation is making steady progress – it is a vital cog in our working life as NGO's to have a leadership structure under the National Executive Committee. In effect these leaders serve as de-facto members of the National Council, although we have elected, albeit a smaller number of members from some sectors already on our National Council. These new “sectoral leaders” and will allow us to act swiftly on matters affecting our concerns to all who seek to engage with us particularly government and the media and fellow activists in the faith based movement and the trades unions.

Sector reference / standing committees are not paid and do their work voluntarily with the express aim of boosting coordinated efforts and networking within groups doing similar work. This may account in part for the slow progress in this field; but other shortcomings may be a lack of understanding and commitment by better off NGO's to assist in boosting the capacity and organisation of others who may be seen to be competing for the same – small pot of funds from a small pool of donors, mostly foreign.

Despite weaknesses, some of the sectors have been meeting to draw up a sector programme of action,

and share skills on campaigning and how to respond to media inspired queries. Much work is to be done and this process will unleash the creative and self-less spirit that exists in many of us.

Tackling our historic mandate

A serious criticism of the CSO's as a whole, and here SANGOCO is not spared, is that we have too wide a mandate to accomplish and have to accomplish our goals with limited resources and capacities beyond belief. Collectively we have done much but it appears when we had what seemed almost limitless cash, activities and projects mushroomed everywhere. (The challenge, has a long history having its roots in the Anti Apartheid Struggle.) In the main, it appears that we fought for sustainable development in the society at home and internationally. It follows that we may have failed to reflect collectively on the need for genuine democratic and accountable sustainable organisations that could withstand both the changing nature of the state, capital and our own organisational formations that are needed to meet the challenges of this new post Apartheid epoch.

The Reconstruction and Development Programme (RDP) then, envisaged mass movements -even social movements of sectors working towards the fulfilling the goals and spirit of the RDP. This was understandable given that the RDP was conceptualised as – a people driven process, and largely inspired by the Congress of South African trades Unions (COSATU). A few years later after it was fundamentally sidelined (1996) in favour of Growth and Economic Restructuring Strategy known as GEAR seen as a conservative macro economic package, not dissimilar to other Structural Adjustment programmes, favoured by the World Bank and which it imposed on many African country governments for over 50 years in one form or another. Faced with GEAR, many in civil society yearned for its resuscitation of the RDP, the Freedom Charter as a ratchet point towards more radical alternatives to Apartheid capitalism and its menacing legacy.

That the world we inhabit today is a vastly different one to that inhabited by us in the early 1990's is a truism but does not only affirm the rule of neo-liberalism. The past few years have witnessed the emergence of a world wide solidarity and justice movement for peace against war for hegemony and new markets taking the form of anti war protests against Iraqi invasion and also the protest movements at the annual meetings of the G8, the WB, IMF and the WTO which both implicitly and expressly call for the fundamental transformation of these multilateral institutions in favour of a peoples driven development sensitive to the needs of sustainable development holistically. In the interim the demands include the genuine participation of the peoples of the world; transparency and accountability of these institutions to the needs of the peoples and not to profits.

We have also convened and attended and were excluded from far too many conferences and summits at home and abroad. However, tracking and monitoring these outcomes and linking them to our fundamental goals of transforming the economy for human rights, democracy and justice to prevail, is a shortcoming, that needs addressing. This has been largely the result of leadership changes, and the lack of succession planning as well as the lack of a strategy for preserving/ archiving/documenting institutional memory/mandate. The failure to preserve memory is linked to the failure to act on the mandate and follow up on activities, processes and programmes emanating from these conferences and summits. A strategic approach employed by coordinating bodies like SANGOCO, was to delegate the mandate / task to a leading sectoral organisation / consortium that exists or to form one where it does not. However when such a mandate is delegated, contact and mutual reporting and accountability becomes strained and at times have failed to even be on speaking terms. As a result recriminations and allegations of abuse of the delegated power, stealing of resources, privatising the mandate and so on are whispered. Allegations of donor “misbehaviour” often occur. What is a simply matter which could be resolved with a Memorandum Of Understanding (MOU) becomes a protracted struggle that further divides NGO's.

Another complaint against *some* donors – generally speaking - has been their conscious or sub-conscious undermining of national coordination and the functions of coordination generally. As in the case of SANGOCO, and others there are always issues of context, personalities and histories which complicate this story, but it would be fair to say that the policy change by many donors to move to a project activity funding approach as against funding core activities; as well as their ever changing priorities “flavour of the year projects” - continued to undermine effective work of coordinating organisations. They have to coordinate by bringing people together to leverage its power. Taking away funds for this activity inevitably contributed towards undermining NGO and mass based organisations outside the trade union movement from building solidarity and cooperation. What it bred, was the consolidation of the already empowered NGO's with all the contacts and resources – seeing no role with those who suffer from lack of resources (funds and project management skills etc). All in all – these factors weakened NGO's and because of this weakness undermined their potential alliances and cooperations with other sectors of the civil society movement, because their weakened relationship with their own base undermined their capacity to represent their constituency effectively, resulting in it become a less than respected member of civil society.

The issue of follow ups and preserving the memory is starkly raised by the two major conferences co-organised by SANGOCO and other international organisations including the UN: World Summit on Sustainable Development (WSSD) and World Conference against Racism (WCAR). The outcomes were followed up by various specialist member organisations without a link to the national – which despite its own internal shortcomings – is not reason in itself sufficient to explain the fragmentation and lack of follow up. It may be something that can be said of all society including government – where, generally speaking, every summit or conference may be seen as a new endeavour, a-historically without rights and responsibilities attached to them.

In addition, SANGOCO has heeded the criticism by a few of our detractors, some of them genuine which challenges, generally speaking our lack of transparency and accountability to grassroots constituencies/ membership.

Over the past 2 years these criticisms are being addressed. One particular initiative that is being finalised is to place all our annual reports and financial audits on our website www.sangoco.org.za. The process of confirming our mandates derived from past conferences and acting upon them, has begun as we have said, and these will also be disseminated to member organisations and also placed on our website as well. This is our small but valuable addition to the activism for human rights: promoting it and protecting them from attack.

SANGOCO has over the past year picked up on its historical mandate and opens up the debate about rebuilding civil society and our society at large within the context of a world where social justice and civil liberties are under attack world-wide, more aggressive after September 11.

Part of the new agenda of civil society is the emergence of the African Union itself a giant development on the Organisation of African Unity. Civil Society in Africa has to build capacity to engage African institutions more effectively. Some like the AU itself based in Addis Ababa, and also the pan African parliament (PAP) needs to be deepened. The ECOSOC structure formed in line with the constitution of the AU, needs to be fully funded and is yet to take its place in the hearts and minds of both civil society and the community of South Africa at large.

Interestingly it was at the first national consultative conference of the APRM when our President Thabo Mbeki said, as part of his speech, that many NGO's were donor-driven, and by implication were not directing their own organisations and that was not in the national interests. SANGOCO's response was to ask for a national indaba on the issue given that it and its members were in a generalised funding crisis for at least 2 -5 years. We argued the democratic deficit and promises of funding support by the

National Development Agency amongst other home-grown agencies was not forthcoming largely due to under-funding of the Agency.

We assert that the lack of funding has presented civil society with opportunities for reflection and regrouping, and in particular to amalgamate similar organisations and projects. However, it will be fair to say that critical and selfless NGO's playing a service role in various sectors have closed due in part to a lack of valuable resources in particular funds. The needs for no strings attached funding continues.

African Renewal – An individual, collective – national and continental imperative

All things being said, SANGOCO accepts the imperatives imposed on it as an African NGO committed to do battle against those forces that are opposed to the emergence of Africa's renewal by and for its people. We participate in this process – to ensure this renewal is complete and it can only be so, if poverty and extreme inequality is eradicated.

We hope this will result in a nation building project which will make the goals and objectives of poverty and inequality eradication its own. No nation can truly call itself a nation when half of its people are said to be poor and excluded, despite gallant efforts by a progressive government to reverse the ravages of Apartheid. It is in this regard that we also call on the APRM to consider context of the transformation from the sordid past we endured as a people as well as the missed opportunities and successes of the past 12 years.

The first thing we must do is to deal with our past in a more urgent and collective manner. We can do an audit of the recommendations of the Truth and Reconciliation Commission, and ask have these recommendations been taken up, and how? The TRC recommendations can be found hereunder and also on http://www.info.gov.za/otherdocs/2003/trc/5_7.pdf. The TRC recommendations included amongst others the following:

-The Commission confirms and supports the recommendation in its Final Report

-That a Secretariat be established in the Presidency to oversee the implementation

∞ that a REPARATION TRUST FUND be set up and trustees appointed. BENEFICIARY CONTRIBUTION TO REPARATION FUND, which will ask all beneficiaries of apartheid make a contribution to". The full list of recommendations must be looked at and hopefully implemented, as part of the national action plan. As suggested elsewhere, a NAP developed to promote and protect human rights had existed in the society,

NATIONAL PROGRAMME OF ACTION

The Commission recommends and urges that government and civil society

adopt the national programme of action proposed by the South African Human Rights Commission, and work towards a society free of racism, xenophobia and related intolerance.

The Commission also stated that it was, "anxious not to impose a huge burden on the government" therefore, adopted a 'closed list' policy which "effectively this limited the payment of reparation only to those victims who made statements to the Commission before 15 December 1997." importantly it noted that there were many whom it could not hear stating that in the "period between December 1997 and January 2002, victims' groups confirmed to the Commission that they had collected more than 8000 statements from victims who, for a variety of reasons, were unable to access the Commission. The consequence of ignoring this group of people has potentially dangerous implications for South Africa, as communities may become divided if some receive reparation that is not accessible to others who have had similar experiences."

The Commission is of the view that the 'closed list' policy should be reviewed by government, in order

to ensure justice and equity. It needs to be noted that, in many other countries which have gone through similar processes, victims have been able to access reparation many years after the truth commission process has been completed (...p733)

Secondly and related, we are concerned that our government has chosen to stop action against corporations which did business with apartheid in the matter of Khulumani Victims Reparations case. The matter is currently coming up in a US court, and is various groups in civil society – including about eight (8) SANGOCO's leading members and former TRC Commissioners have signed up as friends of the court, standing against our government. The government letter of support – by implication to the Corporations – also known as the Maduna Letter has been used by some judges in US courts to stop other litigants in other contexts from diverse contexts from obtaining justice in US courts. (Amicus and government letter is available on www.khulumani.org.za)

Governance, governments, and business?

To reiterate – we accept that this assessment – the APRM – is not only looking at government but at governance. We would argue that government and capital / the business community as the most powerful sectors within society, particularly the latter – must be put to under a sterner test, scrutiny. The aim is not however, to find fault or score simple points but rather to harness that power behind national and continental goals rather than for as in the case of business for the benefits of a few corporate elites / shareholders to the detriment of other potential stakeholders. CSO's and the people at large, generally speaking have a critical voice when mobilised, this is necessary for a holistic development of our people.

The rate of progress or the pace of change

NGO's are often accused of being impatient for change and not understanding the complexities of the developmental challenges facing government. We deny this but note with pleasure the comments of the “Towards 10 year review” (2003:86), which also grappled with this point, in the section assessing governments attempts at meeting its constitutional obligations. Referring to the constitutional court and SA Human Rights Commission approach of progressive realisation and what may be termed the “realistic approach” of government to promote progressive realisation of these “rights through the effective and efficient use of available resources.”

Criticising the South African Human Rights Commission (SAHRC), for suggesting that the government may be falling short on meeting its constitutional obligation through progressive realisation of socio economic rights, the Review added:” Unfortunately, the HRC has failed to indicate what an adequate rate of progress may have been, thus obviating much of its valuable assertions of delivery constraints.” Importantly the Review says that “much of the problem of defining progress does not lie with the HRC or Courts, but it is government itself and ultimately the public (1003: 87). Thus, underlying the importance of mass organisations of the people and the people individually and collectively to engage the various spheres of government to ensure both quality social delivery and accountability.

COSATU at the dawn of our democracy, having drafted the RDP, regarded the issue of Accountability as one of its priorities thus: (Shop steward, Feb-March 1994) “*The achievement of this obviously depends firstly on an African National Congress (ANC) victory after 27 April, and thereafter by ensuring that the trade union movement is dynamic, and independent enough to hold an ANC government accountable to its citizens.*”

To conclude: this brings into focus the National Action Plan, if and when inclusively drafted, it may serve as the glue to bind all of us towards nationally derived and felt objectives, mobilised resources and political will necessary- to fighting poverty and inequality.

Section D

A snap-shot of the issues and critical tests

The Governance Objectives of the African Peer Review Mechanisms has been discussed under the following headings:

- Democracy and Good Political Governance
- Economic Governance and Management
- Corporate Governance
- Socio-Economic Governance

Given that much of our discussion is about measuring and evaluating progress, it is clear that measuring instruments will be subject to much discussion. We are of the view that we will be measuring qualitative and sustainable progress and thus the tools we use will be subjective and therefore must be inclusive and participatory as if we are not included our views will be excluded. In this regard, we believe that Stats SA and various government departments must involve the broader community in this dialogue. We have also identified cross cutting issues as being: corruption, gender equality and equity, participation of citizenry – people in their own lives; equity and redress; and respect and promotion of human rights.

Measuring Progress

One of the issues of importance is the role of Stats SA in particular and the role of measuring instruments more generally. This matter is sharply taken up by the Civil Society Speaks document called for more “liberatory tools” of measuring progress. This theme is taken up by Ted Haelstead and Clifford Cobb, *The Need for New Measurements of Progress*; 1996; - *The Case Against the Global Economy*). They argued that there is a startling “gap between the economy portrayed by conventional economic indicators and the economy” generally and in the case they were studying - the USA.

The GDP, they argue is the standard gauge of progress- has continued its upwards climb for the last 50 years but bears little resemblance to the lives of ordinary people. They argue that the “GDP basically a measure of total output, and it assumes that everything produced is good by definition. It is balance sheet with no cost side of the ledger; and does not differentiate between costs and benefits, between productive and destructive activities, or between sustainable and unsustainable ones. It is a calculating machine that adds but does not subtract. It treats everything that happens in the market as gain for humanity while ignoring everything that happens outside the realm of monetised exchange, regardless of its importance and well-being.” (p200)

Thus, alongside this criticism, we call on Stats SA to engage with Civil Society Organisations to determine indicators befitting our developmental challenges. In its place various left leaning intellectuals have recommended we use the Genuine Progress indicator as a counter because it’s a concept that includes green economics and welfare economics. According to Wikipedia, the “Genuine Progress Indicator (GPI) is a concept in green economics and welfare economics that has been suggested as a replacement metric for gross domestic product (GDP) as a metric of economic growth. Unlike GDP it is claimed by its advocates to more reliably distinguish uneconomic growth - almost all advocates of a GPI would accept that some economic growth is very harmful:

A GPI is an attempt to measure whether or not a country's growth, increased production of goods, and expanding services have actually resulted in the improvement of the welfare (or well-being) of the people in the country. Accordingly for example, the GPI will be zero if the increases in dollar costs of crime and pollution equal the total dollar rise in production of goods and services, all other factors being constant. This is particularly the case when dealing with various new initiatives aimed at

combating unemployment.

CORRUPTION

Corruption is a societal and intergenerational challenge that requires a united front as its impact on the poor and meeting the developmental objectives is extreme. Here the contribution relies on the study by T-SA/ Transparency International and Institute for Security Studies which can be found on www.tisa.org.za.

The study shows inter alia, that over R 50 bn is lost by private sector fraud per annum. We must build community and political support and vigorously promote the work of the National Anti Corruption Forum (NACF) as an influential vehicle in the fight against corruption is urgently needed. The NACF Civil society Report on Apartheid and Corruption is worth looking at when it comes out.

GENDER EQUALITY AND EQUITY

The WCAR NGO declaration on gender noted that “an intersectional approach to discrimination acknowledges that every person be it man or woman exists in a framework of multiple identities, with factors such as race, class, ethnicity, religion, sexual orientation, gender identity, age, disability, citizenship, national identity, geo-political context, health, including HIV/AIDS status and any other status are all determinants in one’s experiences of racism, racial discrimination, xenophobia and related intolerances. An intersectional approach highlights the way in which there is a simultaneous interaction of discrimination as a result of multiple identities.’

This is a view supported by other groups. A member organisations, in a submission of the Joint Working Group (JWG) a working alliance of Behind the Mask, the Gay and Lesbian Archives of South Africa, the Durban Gay and Lesbian Community Centre, Forum for the Empowerment of Women, OUT, and Triangle Project. The Joint Working Group recognised that whilst “gender balance is stated as a cross cutting issue” they contend that there are different definitions of gender. For them, gender must “make clear the links between gender, patriarchy and sexual orientation. Hegemonic constructions of gender rest on patriarchy and being heterosexual”. They further contend that the definitions of “lesbian/gay/bisexual/transgender/intersexual (lgbti), homophobia and heterosexism” must also be factored into our analysis.

PARTICIPATION

The culture of genuine participation in government has declined systematically and is most graphically explained by former president Mandela's assertion in 1996, that GEAR -that replaced the RDP was not negotiable. The economy cannot be excluded from democratisation given, the role of business, generally seen to have served Apartheid very faithfully. What is obvious is that at the most conservative phase of our macroeconomic strategy was also the time of the least consultation with stakeholders. At the heart of the RDP, and various other documents including the Social Summit was the opening and enhancing of participation of all people – old, young, male -female in policy making and programme development as well as in decision-making bodies at all levels. We call for greater commitment to broadbased participation in governance – it is only through such participation that social and economic rights issues can be effectively addressed.

HUMAN RIGHTS

The National Action Plan was a tool to track the promotion and protection of human rights and will be discussed fully further in the document. Our constitution is a human rights document and the guide to all our actions as a government and people.

The first theme for self assessments is: Democracy and Good Political Governance

a.1) Deal decisively and holistically with our past: The TRC recommendations; the reparations case,

racial discrimination and poverty legacies; apartheid era corruption,

Recommendations: TRC Recommendations, and our commitments to eradicate poverty and racism have still to be acted up. (Also look at WCAR recommendations; and TRC outcomes. They must be included in the programme of action to be implemented)

a.2) We must at the same time work towards archiving new government decisions and programmes as well as that of civil society and business must be recorded and archived and kept for safekeeping and historical memory for future generations. This is a greater challenge in the new electronic age.

b) There appears a tendency to slide away from a rights based conception of struggle, and social delivery, to one of a more market based approach. A rights-based approach was the dominant strategic approach evident in the early 1990's, reaching its height with the adoption of the RDP and subsequently the adoption of the South African Constitution in 1996. The shift from a more public sector / social welfarist/ or developmental state approach to social delivery to that which sees the market providing access / or survival of the fittest type of delivery premised on “market led efficiency,” “choice” and “trickle down delivery” clearly does not benefit the majority of the poor and working people. Whatever the reasons were for the change of of the more socialist / social democratic orientations of the ANC, it is clear that *real politic*; and the failure to assert the will of the people on that of the market led policies promoted by the World Bank , the International Monetary Fund and the World Trade Organisation.

The slide from an empowering approach to a competitive market led approach can be seen clearly in the case of education. In 1994, the ANC with Madiba at the helm scored a great and overwhelming electoral victory over a sordid, racist and exploitative five decades of apartheid. Its electoral manifesto affirmed the attainment of rights denied Black People, women, children - everybody. The education clause of the Manifesto spoke of a need to “ Opening the Doors of Learning and Culture.” Confirming the challenges it said that an “ ANC government will make education a priority. The challenge is immense, but it will not require finding more money. We need to ensure that the R23-billion set aside is used for the benefit of all. For too long, the NP government has denied too many people the right to education or the proper conditions for learning and teaching.

Emphasis will be placed on teacher training and upgrading and improving their conditions of service. Above all, we will encourage a culture of learning and teaching, and introduce a new curriculum which promotes both technical quality and humane ideals. .

An ANC government will:

- introduce one education system that provides ten years of free and compulsory education for all children;
- start utilising all existing school facilities;
- provide more classrooms and repair and modernise inadequate facilities;

- double the number of free text-books within one year;
- allow mother-tongue instruction and education in the language of choice;
- provide a national bursary and loan system;
- provide adult literacy programmes;
- assist youths who have not been able to complete their education;
- focus on ways of providing pre-school educare;
- give special assistance to women.

Then in 1994, the attainment of rights was seen as a means to overcome historical poverty and inequality inherited. The bill of rights (chapter 2) of the SA constitution of 1996 outlines the attainment of socio economic rights*as essential for democracy to prevail and lists the rights as follow:

Right to education: section 29; right to basic education including adult basic education; further education etc

Right to food: section 27(1) b, 28(11)(c) and 35(2)(e) outlines the right of everyone to have access to sufficient food, basic nutrition for children, and the right of everyone who is detained, including every sentenced to adequate nutrition at the states expense

Right to health: sections 27(1), 28(1), 24(a) and 35 of the constitution; health care rights including reproductive health care in section 27(1) means that every human being has the right to enjoy certain types of health goods, health facilities, conditions and services that are suitable for living life with dignity. These rights do not permit a sick person (physically and mentally) from being denied health care or emergency medical treatment on the grounds of race, sex, social origin, mental or physical disability, sexual orientation, health status (including HIV-Aids).

Right to land: section 25 of the constitution. Section 25(1) and (2) states that no one may be deprived of poverty except if there is a law which applies to the general to the general public and that law does not permit arbitrary deprivation of property. Property may be expropriated in terms of law, with compensation, for the public purpose or in the public interest

Environmental Rights: are found in section 24 of the constitution which stipulates that we have rights to an environment that is not harmful to health and well being of people; is sustainably developed in that it is protected for the benefit for present and future generations though reasonable legislative and other measures which will ensure that it; prevents pollution and ecological degradation; promotes conservation and secures ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.

Right to Social Security: section 27(1) (c) and section 28(1) (c) of the constitution. Section 27 (1) c States that everyone has access to social security, including if they are unable to support themselves

and their dependents, appropriate social security. The state is obligated to take appropriate measures to establish compulsory old age insurance, starting at a particular age; establish a retirement age that is flexible, depending on the occupation performed and working ability of elderly persons, taking into account demographic, social and economic factors, guarantee the provision of survivors' and orphans' benefits on the death of the breadwinner who was covered by social security, or receiving pension, institute old age benefits or other assistance for all persons, regardless of their sex.

As regards the **rights of children** on basic social services found in sections (28)1(c) of the constitution which include services that protect children from physical and mental violence, injury and abuse, protecting and assisting temporarily or permanently children separated from their families; assist children with mental and physical disabilities; protecting children from economic exploitation, drug abuse and sexual exploitation; promote the recovery and social acceptance of children in abuse.

Social security; is seen as covering all risks involved in the loss of means of subsistence for reasons beyond a person's concern; including social assistance for people who are not able to support themselves and their dependants. Ways of providing benefits for people with disabilities is also included in this section.

Right to Housing: section 26, 28 (1) (c) and 35 (2) (e) of the constitution provides for this right. Section 26 provides that everyone has the right to adequate housing for everyone. Section 28 (1) (c) says that everyone has the right to basic nutrition and shelter; whilst section 35(2) (e) provides for everyone who is detained, including every sentenced prisoner, the right to adequate accommodation at State expense.

Recommendations

1. We must **audit all international agreements, standards and conventions** and see where we have signed or ratified, and to assess progress made as indicated in the National Action Plan which we will discuss later.

2. The South African constitution needs to be realized fully and presented to the public for greater discussion. Simply put, this means that as a rights based constitution it must be costed and budgeted for taking into consideration immediately recognisable rights and those rights that are to be incrementally realised depending on resources being available. It follows that the electoral promises of the first democratic election and the constitutional imperatives must be realised as per guidelines of the constitutional court, and the will of the people.

According to the SA Human Rights Commission, the constitution in the bill of rights outlines many rights in particular the Bill of Rights. In section 7 (2) the constitution outlines four different types of obligations by the state. It reads that the state must respect, protect, promote and fulfill the rights in the Bill of Rights. The obligation to protect requires the State to prevent violations of such rights of third parties. The obligation to promote requires the State to inform people of their rights and explain how they can enjoy these rights by various means. The obligation to fulfill requires the State to take appropriate legislative, administrative, budgetary, judicial and other measures towards the full realisation of such rights. Under section 27 (2), 26 (2), 29 (1) (b), 25 (5) of the constitution the state is obliged to take reasonable measures, within available resources, to achieve progressive realisation of these rights.

Thus we must resource (fund?) the laws such as the Domestic Violence Act and others, and generally boost the criminal justice system to ensure that rights and obligations towards women and children are fully implemented. The scourge of violence against particularly women and abuse of children must stop. The constitution affirms that the rights of children's to protection, in particular are immediate. With childhood poverty extremely high, worsened, in particular by, HIV – Aids, this means we have a near crisis situation here.

- 3) The gap between policy and implementation needs to be factored into the policy/law making processes more effectively. The roles of the parliament in the law making process must be supported by adequate staff and resources to ensure that the aspect of good law has built within it the imperative of implementation, and a closer link to the budgetary allocation. We can learn from the Brazilian Constitution, which in many ways outlines; targets for social and economic rights such as education with the corresponding budget allocation for the different spheres of government.
- 4) We must regulate private donations to political parties as it distorts our new-found democracy. It undermines the hard fought right to vote, particularly one person one vote, denied the majority for over 300 years. At a conference hosted by IDASA and attended by SANGOCO regarding civil society it resolved we would consider setting up a Central Fund: can benefit from the genuine commitment by business to donate in support of a multi-party democracy. It also breaks the direct link between donors and political party thereby protecting both. It would also relieve the reliance on state resources. See www.idasa.org.za
- 5) We must encourage and re-invigorate, the role and activism of other social actors to ensuring that we enjoy a vibrant democracy. Civil society participation for us includes a critical media in particular the public broadcaster, and chapter 9 institutions. Media ownership must be diversified to an extent that not only many voices are heard but different and diverse voices especially those of the poor, working class, women and marginalised communities such as disabled peoples and refugees. It follows that these “voices” to be real must be in the languages of the *excluded people*, and by affirming their languages – we would also be contributing to the renewal of peoples cultures. Both the public broadcaster – the SABC and Chapter 9 institutions like the SA Human Rights Commission, Public Protector, Auditor General and Commission for Gender Equality – need to be adequately resourced to carry out their mandates. Parliament must vote long term funding, which may coincide with the full term of office respective the relevant chapter 9 institution eg Auditor General, Public Protector.
- 6) The public broadcaster, the SABC and its board must be independent and accountable to broader civil society. Criticism of the SABC as His Masters Voice, and not playing its role as a critical voice, thinker of the challenges of the day must be addressed.

7) **Parliament:**

The constitution provides for cooperative governance of national and provincial governments.

The legislature is the national sphere of government and it is referred to as parliament and it consists of two houses viz:

-the National Assembly and

-the National Council of Provinces

-The constitution also allows for provincial government.

The main function of parliament is to make laws for the country as well as holding the executive to account. In addition it has judicial functions which relate to its own activities and addressing public concerns.

Recommendation:

Our recommendation starts with the understanding that our democratically elected parliament must be supported to deliver on its mandate fully. This means boosting its research and monitoring capacities through the employment of dedicated human and financial resources.

Secondly, and in relation to one of the most important role of governments that is to pass a budget to deliver on government programmes of social delivery. The current budget cycle affirms extensive

opportunity for various role players from the prioritisation stage of the budget which commences in April as Treasury (working with all other provincial treasuries) prepare an initial government policy and spending priorities for the Ministers Committee Meeting of the Budget – right up to meetings with SALGA etc building up to the Presidents State of the Nation address. The role of parliament, however, appears to be limited, to merely “hearing” the budget, despite the constitutional power to make a bigger contribution such as amending money bills.

SANGOCO in line with the Peoples Budget Campaign -partners call for the amending of section 77 of the constitution to allow it to amend money bills enhancing capacity of parliament to enable it to exercise oversight over the executive. The Peoples Budget Campaign (2005) dealing with the years 2006-7 correctly asserts (page 53) that 7 years after the rejection by the Portfolio Committee of Finance having rejected a draft Money Amendment Bill because of the little power it gave to parliament – no new amendment has been brought before it and the house. The PBC further notes (p55) that “parliament will require enhanced research and analytical capacity if it is to exercise its budgetary amendment powers responsibly and effectively. Expert capacity will be particularly essential in areas such as macroeconomic analysis and modeling, analysis of spending and identification of obstacles to spending, and accurate costing of alternative proposals on both the expenditure and revenue sides.” The report then goes on to recommend that a Parliamentary Budget Office be set up, greater time given for plenary debate on the committees recommendations; enhanced capacity for portfolio committees and their relationship /s with departments preparing the budget. The PBC also calls for the Portfolio and Select Committees be “empowered” to make inputs to the “Joint Budget Committee around functional budgets.” Furthermore it notes that the reform of the budgetary cycle should pay close attention to the role of the NCOP – particularly to make greater use of it as a valuable link between, provincial and national structures “involved in policy making and resource allocation.”

At municipal level – civil society must utilise the space provided by the Municipal Systems Act 2000, to enhance democracy and accountability at local level. It makes provision for the development of Integrated Development Plan for each municipality. This “tool” must be fully understood by all for it to be used. It follows that capacity of councils and local community to participate must be addressed. On the whole, local government has been plagued with poor governance, failure to control assets, weak financial accounting, and exorbitant pay packages from some administrators. Project Consolidate, the DPLG rescue package, shows that 67% out of the 138 municipalities paid performance bonuses to the municipalities during 2005. We as part of the CSO have been also concerned about these salaries which surpass even that of the Presidents' pay – with less than half the responsibility and delivery.

Many municipal officials and the unions have however, raised the issues of the under funding of many municipalities where poor people live, including non-payment for services due to poverty. Additional concern about the need for a number of municipalities to introduce transparent and cost effective and practical measures and structures that will ensure the separation of legislative and executive powers and effective delivery.

Portfolio committees

The interaction with broader civil society is further explored by the Treatment Action Campaign – a campaign where many of our leading members – such as the Aids Consortium, Youth Channel Group and hundreds of others participate in, and indeed play a prominent role. Their experiences with the portfolio committee are extensive, and they provide the examples of the drug pricing, the registration of nevirapine for mother-to-child transmission prevention and the collapse of the NEDLAC agreement on HIV. TAC “found the committee an important forum in which to raise concerns and ideas. On numerous occasions, together with the AIDS Law Project, we have presented submissions on health legislation to this committee. Its work is important. However, our main concern with the Parliamentary Portfolio Committee on Health is that it lacks powers for, or does not perform, sufficient oversight of the Minister of Health and the Department of Health. While much that the Department and Minister do

(or do not do) is discussed in this forum, there appears to be little done when the Department or Minister's performance is questionable.

The Matthias Rath incident epitomises this. Rath is a pharmaceutical proprietor who has been making false claims about his drugs, distributing unregistered medicines and conducting an unauthorised clinical trial experimenting on people. The TAC has analysed five deaths on this trial and we have been informed of several more. Furthermore, Rath's advertising campaign has caused confusion on a large scale because he has made use of mass media and distributed tens of thousands of pamphlets making false claims. The Minister of Health has given support to Rath, or at a minimum failed to condemn and stop him. Complaints have been lodged against Rath with the law enforcement unit of the Department of Health, yet no action was taken. This was an opportunity for the Parliamentary Portfolio Committee to act by summoning the Minister of Health to a committee hearing and questioning her on the Rath issue. Yet, the committee has taken no action on this matter.” (Their full submission is in the annexure)

Parliament and the APRM / solidarity with African Parliaments

Whilst the role of most parliaments in Africa thus far with respect to the APRM has been small if not non-existent, this needs not be the case here in South Africa. The role of parliament in the SA process has been resolved to the extent that the National Governing Council will be responsible overall for the process whilst an administrative arrangement and coordination will be shared on different public hearings scheduled to be heard by the respective institutions structures. I hold the view that a greater role can be assigned alongside that of the executive, * (cabinet member Ms Fraser Moleketi – as the focal point, -) it arguably would have presented parliaments, (particularly for the portfolio committees) with a greater role of both making laws, and supporting them through budgets as well as ensuring oversight and continued oversight in the long haul of governance. This can still be rescued, if parliament can be given a greater role during the second phase of the APRM which involves discussing priorities and the development of the National Action Plan for South Africa. The participation in the APRM will connect our parliament more fully with the association of African Parliaments.

Parliament and the international Financial Institutions

Similarly we will work towards enhancing freedom and access to information, as well as capacity and law reform to allow for any major trade deal involving South Africa's natural resources and which may undermine struggle for self-sufficiency must be submitted before parliament for ratification. Together with our government and other civil society actors we must work towards the greater transparency, accountability and transformation of international financial institutions. Various international initiatives of civil society such as the campaign to transform multilateral organisations coordinated by UBUNTU (see www.ubuntu.org) and also a new platform called the Global Transparency Initiative. See also www.IFITransparencyResource.org. The aim of the initiatives to ensure that the traditions of secrecy and unequal voting power of parties enjoy votes based on their economic power rather than voting per country or on those most in need to overcome injustices such as hunger, poverty and inequality. Taking the case of the International Monetary Fund (IMF), its articles of association are meant to safeguard the interests of the powerful economies in particular the United States of America, who solely controls 15% of the votes in the fund.

8) Gender equality and equity

Our views are adequately covered in the Civil Society Speaks. It deals extensively with the MDG goals such as the necessity to eliminate gender disparity in primary and secondary education preferably by 2005 and at all levels by 2015. The report opened with the assertion that “A gender perspective and strategy must infuse all the MDG demands. Education, especially for girls and women, is the best way to break the cycle of health, hunger and poverty. Without it, we cannot achieve the Millennium Development Goals.”

Violence against women and children must be tackled seriously. See submission by the Joint Working Committee mentioned above. The JWC of gay and lesbian organisations have recommended that the following needs to be done:

The law reforms that have taken place since 1994 have had a great impact on the lives of many lesbian and gay people in South Africa. However, there are other changes to laws which need to take place in order for lesbian and gay people to be fully equal before the law.

Equal access to marriage and family protection

The Constitutional Court is due to make its findings with regard to same sex marriages. This will be the crucial next step in the progression of the law reform process toward ensuring the equal status of same sex relationships in the eyes of the law.

Family law

Many LGBTI people have children from previous marriages or relationships. Some choose to have children in same sex partnerships. Family law in South Africa needs to be developed so that lesbian and gay families are equal to heterosexual families.

Equal age of consent and a broader definition of rape

The Sexual Offences Act: The age for sexual consent remains unequal for lesbian and gay people. Currently the age of consent stands at 16 years for heterosexuals and 19 years for homosexuals. This is unfair discrimination and affects the legal status of relationships as well as the exercise of other rights.

At present the legal definition of 'rape' is defined as non-consensual penetration of a vagina by a penis. Other forms of rape including men who rape men, or women who rape women would be charged only as "indecent assault", a crime which carries a lower penalty. In this way lesbian and gay people are not protected against certain forms of sexual violence.

ECONOMIC GOVERNANCE AND MANAGEMENT

"Civil Society Speaks" (2005) outlines our considered view on the economic and social management and challenges. The recommendations must be fully explored and included in this report. Other useful documents and recommendations contained in the people's budget campaigns, for the latest see www.sangoco.org.za). Other documents of value for civil society include – UNDP 2003, report: Unlocking Human Potential is entirety. We have indicated above and in Civil Society Speaks that new liberatory tools of measuring progress and participation in the economic decision making of our society is clearly needed.

In Civil Society Speaks poverty and inequality was reported on in terms of the Millenium Development Goals thus:

what is hunger?

hun·ger (h?'ng'g?'r)

n.

a.A strong desire or need for food.

b.The discomfort, weakness, or pain caused by a prolonged lack of food.

2.A strong desire or craving: a hunger for affection.

In our Civil Society Speaks, the PBC referring to the MILLENNIUM DEVELOPMENT GOALS (MDG's)

GOAL 1, ERADICATE EXTREME POVERTY AND HUNGER

Target 1: Reduce by half the proportion of people living in less than one dollar a day noted that the the use one US dollar a day as an indicator of extreme poverty in South Africa is an extremely arbitrary

indicator.

Our country has a floating exchange rate: to link definitions of poverty to monetary and trade policy vagaries makes nonsense of the conceptualization of poverty. An eloquent critique of this measure states:” For international comparisons, the World Bank promotes the notion of “\$1 a day” as an international money-metric threshold that can be adjusted for purchasing power parity (PPP). A recent critique of the “dollar a day” poverty line argues that the measure is inherently flawed (Reddy and Pogge, forthcoming). Among other concerns, the authors contend that the selection of commodities in the basket is not grounded in a meaningful definition of poverty, nor are the purchasing power factors employed adequately matched to national currency equivalents. Others have vigorously criticized this norm, noting that it departs from the notion of a threshold income, does not take account of actual living standards or requirements, and conceals double standards in the measure of poverty, in that different poverty lines are applied to developed countries and developing countries (Chossudovsky, 1998)”.DBSA Development Report 2005, page 40.

Internationally, the approach in poverty studies has been to move away from just quantifying poverty as an income or expenditure issue, and to consider poverty as a broader concept which should be reflected in the choice of goals, targets and indicators. In South Africa, the 2001 Report of the Committee of Inquiry into a Comprehensive Social Security System for South Africa provided a comprehensive framework that considered three mutually reinforcing aspects of poverty, namely income poverty, asset poverty and capabilities poverty.

The measurement of poverty is a deeply contested terrain, not least because any measure that admits to the existence of poverty requires measures to be put in place to address the immediate needs of the people living in poverty and in the medium to longer term, to eradicate the poverty. The deeper the poverty accordingly, the more urgent the policies and measures need to be. Some civil society organizations have already initiated discussions around an appropriate and inclusive definition of poverty through the auspices of NALEDI (the National Labour and Economic Development Institute), with both members of civil society and relevant government departments.

Recently, the Human Sciences Research Council (HSRC) showed that the proportion of people living in poverty in South Africa had not changed significantly between 1996 and 2001. However, those households living in poverty have sunk deeper into poverty and the gap between rich and poor has widened (HSRC 2004). Based on the different poverty lines developed by the UNDP and HSRC we can see that the number of poor people in South Africa is between 48.5% and 57% of the population. However, when using the international poverty lines, this declines to between 10.5% (US\$1 per day) and 23.8% (US\$2 per day). Even though there have been claims of a slight decline in the number of poor people, there has been an increase in the number of people who are chronically poor. In 1995, 9.4% of people lived on less than US\$1 per day, but this increased to 10.5% in 2002.

The Development Report 2005 published by the Development Bank of Southern Africa concluded that there is arguably no “coherent, comprehensive” poverty eradication strategy in South Africa. In other words while the state is spending money on attempting to eradicate poverty, it is doing so in a piecemeal fashion that undermines the probability of successful comprehensive poverty eradication.

During 2004, “Civil Society Speaks” noted that “the South African government invited consultants to tender was published last year for an evaluation of government’s poverty relief programme, including the definition of what constitutes a poverty alleviation programme. As members of civil society we believe that such a process should be far more consultative and transparent than is ostensibly the case. Such a process should at least, proceed through the statutory social dialogue

body, the National Economic Development and Labour Council (NEDLAC).

Inequality

Again this is a contested indicator. Government's Draft MDG report indicated that in 2000, the Gini coefficient was 0.59, but fell to 0.35 if social transfers were included (Page 12). This claim remains a contested one, refuted by many economists. It again demonstrates the extent to which government would use data to portray its interventions in as positive a manner as possible. It is clear that there is no clear consensus about the direction in which the indicator of inequality is directed, in other words, whether our society is getting more or less equal. Finally, South Africa remains one of the most unequal societies in the world. There needs to be broader agreement on the measurement of inequality if we are to take the indicator seriously, as well as the appropriate use of social expenditure in calculating income inequality.

Employment and Poverty

For historical reasons that sought to ensure a constant supply of cheap African labour, South Africa is a cash – based society. Wages represent the largest source of income for South Africans.

The official (narrow) definition of unemployment (which excludes all unemployed people who did not “take active steps to find work in the four weeks prior to the interview”) rose from 15.9 % in 1995 to 30.5 % in 2002 (DBSA, page 47), declining to 25.6% in March 2005 (LFS, March 2005, p iii). According to the broad definition of unemployment, the rate of unemployment rose from 36.2% in 1997 to 41.2% in 2001 (Bhorat et al, page 15), declining slightly to 40.5% in March 2005 (LFS, March 2005, p xvii).

More recently, government has decided to do away with reporting on unemployment using the expanded definition of unemployment, claiming that the continued use of this term has caused confusion. Unemployment also has a gendered and spatial quality to it, with the highest unemployment affecting African women living in rural areas.

Whilst unemployment has risen, wages have declined. In 2004, 39% of the population earned under R1000 a month, virtually the same number as ten years earlier. Yet in this period, the purchasing power of R1000 fell by well over half. Both of these factors have increased the poverty levels of the working poor.

There has also been increased pressure on the disposable incomes of the poor from expenses such as these include school fees and increased transportation costs, effectively diminishing the potential for capital accumulation and savings. This has entrenched earning patterns and income disparities.

To describe the persistence of mass poverty and unemployment, the government has adopted the metaphor of the ‘first’ and ‘second’ economies. In this description, the ‘first’ economy comprises the formal economy which is characterised by modern technologies and legalised economic relationships. The ‘second’ economy comprises those excluded from the formal sector, either unemployed or engaged in the informal economy or subsistence agriculture. However, even in the ‘first’ economy, the majority of workers are poor – with many formal sector workers earning under R1 000 a month. Even for union members, half have wages of less than R2 500 a month. This conceptualization appears to accept – if not legitimize- the bifurcation of the economy and, by extension, society. This helps to insulate resources in the first economy against demands that might be made by those in the second economy. Furthermore it discourages people from thinking of a single, more egalitarian society.”

We also argued that after all this has been done, 12 years down the line, we note that the promises of both foreign direct investment (FDI) and jobs have not materialised, even after the whole structural

adjustment package has been implemented in particular, outsourcing and privatisation which caused severe job losses and cuts in social services resulting in many people denied access to services and thousands more suffering poorer quality of social services. But it is not to say that this warning was not given at that time. Rob Davies, then MP and former Chairperson of the Parliamentary Finance Committee writing in 1997 in a discussion document, said of GEAR that its “ “ integrated scenario projections “ do not guarantee that if the above described measures are implemented we will achieve 6% growth and 400, 000 new jobs by the year 2000. These results depend on assumptions that lie beyond macro economic policy measures proposed viz, that the new policies generate “confidence” among domestic and foreign private investors. There is thus no causal linkage between the budget deficit reduction, tariff liberalisation measures etc and the assumptions that additional foreign direct investment will increase five-fold from \$ 155 million in 1996 to \$804 million in 2000 and there will be real domestic private investment growth averaging 11.7 per cent.”

We recommend the whole report as well as other historical documents like the RDP which had detailed targets on pushing the frontiers of poverty and inequality.

The RDP

The Mandela government that was elected into power in 1994 adopted as its macro economic programme the RDP. This programme was endorsed by large sections of the Civil Society Organisations, in particular the unions led by COSATU. The programme aimed at meeting basic needs and to democratise society fundamentally. These were its core principles:

Changing RDP to GEAR. Growth, Employment and Redistribution (GEAR) strategy

During 1996, the government changed its RDP to a GEAR strategy which to opening the economy to the world stronger economies guided by the WTO policies. Its package included privatisation and creating friendly investor climate to attract foreign direct investment. According to the strategy GEAR correctly identified the need for higher growth (but as we will argue did not redistribute this growth equitably) rate on several related elements:

- re-prioritization of the government budget towards social spending;
- acceleration of the fiscal reform process;
- gradual relaxation of exchange controls;
- consolidation of trade and industrial reforms;
- public sector restructuring;
- structured labour market flexibility with collective bargaining; and
- a social agreement to facilitate wage and price moderation.

The last six elements are considered below with respect to their impact on poverty and inequality. Re-prioritisation of the government budget is considered in Section 3.4 in the context of a public expenditure Adopted in 1996 by Finance Minister it set out the goals to achieve annual real, sustained, GDP growth of 6% or more by the year 2000; creating 400 000 new jobs annually.

By all accounts GEAR managed to ensure greater financial discipline , financial accountability (Medium-Term Expenditure Framework and the Public Finance Management Act) and stability but exacerbated the “jobloss bloodbath” as Cosatu's General Secretary Zwelinzima Vavi called it. Whilst jobs were not created, the middle classes appear to have been the major gainers. The much needed and desperately sought after Foreign Direct Investment, as well as local investment failed to materialise to

the anticipated levels to sustain a 6% growth rate. Trade liberalisation and privatisation of state owned enterprises resulted in serious job losses and cuts in social services.

The fact that GEAR has failed in meeting its job targets and has formally run its course- it is clear that a new macro economic framework and inclusive vision and strategy is called upon – something which the NAP that will emerge out of this process – may begin to shape. The NAP can assist in developing a new “confidence” amongst not the domestic and foreign private investors, but mainly for its own people, those in the sub-region and the continent at large. A solidaristic economy will start with the aforementioned and build upon its political linkages that exist with other South countries such as Brazil, India, China and so on, whilst at the same time respecting workers and human rights.

THE DEVELOPMENT STATE

GEAR has had devastating effect on jobs losses and undermined solidarity. We call for a macro-economic framework that promotes solidarity, quality public sector delivery; creates quality and sustainable jobs and affirms quality, universal quality public services such as health, housing and water and electricity and housing supplies. By putting people at the centre of development also means listening to peoples views and aspiration. Listening, not only of their problems but as well as the solutions that they propose. It also means ensuring mass participation by mass organisations of civil society in policy making. Specifically, this will mean that we think carefully of keeping civil society involved during and after the drafting of the NPA.

At the SANGOCO workshop participants in the economic management breakaway asked: if the economy is working why it is that poverty and inequality persists? Why is it that people still go hungry?

Some participants that we must look for alternatives to the current macro economic policies which are indeed capitalistic and proposed socialism as a genuine alternative to the misery of homelessness and poverty that they live daily. Our economy must be integrated in the region on the basis of fair and mutual solidarity trade and not “beggar my neighbour” policies which we may be currently living

We must find lasting and credible monitoring mechanisms – because the reports on progress that shows housing and education “delivery” appears not to be fully justified, on grounds of quality.

There was a need for civil society to engage all in demystifying economics. If economics do not benefit people what is it then? A peoples economy that is democratic and inclusive, and meets for a start -the basic needs of the poor and the working people – will inspire confidence for South Africans to become truly a winning nation.

CORPORATE GOVERNANCE

1) The corporate sector has failed our new democracy over the past dozen years of freedom. In our Poverty hearings (1998) the summary of recommendations clearly stated: **TOGETHER WE ENDED APARTHEID; TOGETHER WE CAN END POVERTY**, which we re-submit for consideration and action in the section “Actions by the Private Sector” it argued to take “individual responsibility to ensure the fight against poverty becomes the nation’s priority” by:

- Establishing a poverty eradication fund to which a percentage of profits will be contributed;
- Establishing partnerships with government to decentralise activity and prioritise investment and job creation in rural areas;
- Investing in environmentally friendly production methods;
- Encouraging partnership with local communities and government around poverty eradication programmes;
- Establishing partnerships with NGO’s and CBO’s to implement tenders awarded;

·Contributing a percentage of the cost of all land sold or purchased as a voluntary development tax to meet the needs of the homeless.

2) At the Growth and Development Summit (GDS) broad agreement between government and labour in 2002 resolved that 5% of all income in that sector should be invested in one of a number of instruments that promote employment and development. Very little progress in regards to this agreement can be shown to date. The business community has to deliver on its social objectives. For us, we believe the GDS outcomes and agreement whilst not parties to it, if implemented could go some way towards meeting the developmental challenges we face today. Civil society organisations, however, must do more to make this agreement widely known and publicly monitored.

3) We also recommend the study by Transparency SA and Transparency international authored by ISS, which clearly calls for a national integrity pact for south Africa. It reports that corporate fraud amounts to about R 50 billion per annum.

The recommendations as a whole must be utilised for this report in its entirety and can be found at: www.tisa.org.za; and www.transparency.org. The national integrity study, is part of the Transparency movement's programmes to ensure both participation of CSO , transparency and accountability.

The TI Integrity Pact, which has been successfully implemented in numerous developing and developed countries, attempts to bind governments and businesses in a legal agreement to ensure that procurement processes are corruption free. This requires all companies tendering for a public contract to sign an agreement – together with the government/public sector agency – that states that should any party pay a bribe they will be automatically excluded from the contract and certain penalties will be imposed. An important aspect is that civil society monitors the implementation of this agreement. For more details see: www.transparency.org

The report also deals with the income inequality gap, arguing that civil society must “call on greater public awareness, discussion and campaigning on the huge pay gap between the directors and the lowest paid workers”. The report further stated “inequality remains the hallmark of South Africa. The size of the divide means that two distinct groups are created, the majority who aspire to live a better life and those in the top tier who aspire to climb even higher as they fear the thought of living like the majority. This sort of instinct leads to a form of short-termism that encourages corruption and greed, particularly among the elite. Much is spoken of moral regeneration, and elected leaders should be exemplary in this regard and scornful of those who aspire to fabulous wealth. This may be the largest structural problem that must be tackled. It is, however, necessary to break the cycle of greed and corruption which, though they that are not uniquely South African, are particularly pronounced in this society.

CORRUPTION AND GOOD GOVERNANCE

This report relies heavily on the work done by the study mentioned above. It deals with the various areas of concern: protect whistleblowers; access to information be enhanced, criminal justice system to be supported; resourced to accomplish their functions. Under the section **Implementing Legislation**, the author argues that the “ implementation of the Prevention and Combating of Corrupt Activities Act should be a source of concern for all sectors. Once the Register of Tender Defaulters is completed, it, together with other aspects of the Act provides the state with a potent tool with which to combat corruption. This will require prosecutors, magistrates and judges to be familiar with its contents. Awareness needs also to be raised about the Act among the public and private sectors to ensure its deterrent function. Life imprisonment is a sentence that should not be wished on anyone and the fear of being caught should become a motivating factor in curbing corruption. Equally, the implementation of other pieces of legislation, such as the Promotion of Access to Information Act, needs to be monitored, with its use promoted in civil society and by the media but only after other channels have been closed

by the public body concerned. The onus is therefore also on the relevant institution to promote and not hinder access to information that would be in any case be granted after a lengthy legal procedure”.

Civil society

The report argues that the “ role of civil society in combating corruption must be promoted. This should involve lead actors at the forefront but should also ensure the involvement of civil society organisations at a community level. The funding of civil society organisations is also a cause for concern: Government continues to be the magnet for much donor support for anti-corruption initiatives. However, in the medium term Government should shift from this strategy to one of allocations from the Treasury for such work. Investment in anti-corruption activities, if these are well thought through and strategies implemented, almost always results in cost recovery and the state should see anti-corruption work in this light. Greater investment by the state (taking into account that it is already the source of the majority of funding for anti-corruption activity) will also ensure that there can be greater public accountability for the use of resources, which is difficult to ensure when the state uses donor funds for this purpose.

Co-ordination among agencies

The Anti-Corruption Co-ordination Committee has had some success in bringing together South Africa’s various anti-corruption agencies. However, as this report suggests, it may be wise to revisit the issue of a single anti-corruption agency again in the near future. No detailed study has yet been made public as to why this would be more costly than having the myriad of agencies in place at present. If the cost can be recovered over a period of time, and if there is consensus that such an agency would be sufficiently independent, then this is an option worthy of consideration or at least debate. The heads of various agencies will always be susceptible to pressure from the powerful to act in a certain manner and it takes a person of great integrity and certain political nous to counter such advances. The establishment of a single, dedicated anti-corruption agency would also centre the mind of the public on one institution, building confidence and promoting a sense of who should be held to account when certain matters are not investigated or prosecuted.

Ethics and disclosure

The implementation of disclosure regimes among members of the Executive (at national and provincial levels), national and provincial Assemblies and senior public sector managers must be enforced and, in certain instances (such as in Parliament), the sanctions mechanisms need to be made more severe when gifts or interests have not been declared. The PSC also needs to promote the prosecution of senior managers who are repeat offenders in this regard. With high public office comes certain responsibilities and where trends are observed regarding non-compliance, this should be seen as a warning that there is not sufficient respect for the ethics regime.

See – annexure for the full range of recommendations.

4) Revolving Door: We recommend that legislation be drafted to close the revolving door. This phenomenon refers to the practice where political leaders from the executive and heads of administration such as directors general (DG's) once leaving office in no time work for those whom they were doing work with – in the same sector or related.

·5) Civil society and NGO's in particular must do more to ensure that corporate social responsibility is not mere window dressing. In addition, corporate sector to make a greater contribution to redress beyond the gestures of corporate social responsibility. This is a view shared by the **Bench Marks Foundation of Southern Africa for Corporate Social Responsibility** in their submission.

I will quote fully from their executive summary thus: “The financial sector operates as a catalyst. It is,

or can be, the driving force behind economic growth across sectors of a society, private and public, and thereby contribute constructively to the alleviation and eventual elimination of inequalities. Thereby, the financial sector can play a leading role in transforming an unequal society into one which is more equitable, facilitating societal participants' access to sustainable, dignified livelihoods.

It is vital in a country such as South Africa to harness the power of the financial sector to catalyze such transformation of inequality into opportunity of and for economic growth. It is particularly imperative to raise the level of domestic savings, which currently stands at an abysmal 0.4%, in order to boost local confidence and to attract foreign investment. It is important to take the current conditions into account, including both local and global pressures, and from there to intervene to promote progressive trends toward greater socio-economic equality through access and opportunity to finance and sustained livelihoods.

In order that this aim be achieved, a number of critical conditions and contributions are required of this financial sector. These include:

An understanding of the existent inequalities that need to be addressed;

1. A commitment on the part of the financial sector not merely to engage in philanthropic activity but to alter its core business to cater against existing inequalities and for expansive financial access and economic growth;
2. Involvement of insurance, both of banks for its shareholders as well as its customers, who stand to lose their entire savings in scams if they are not insured, and so are dissuaded again from investing in banks, and of the insurance industry to engage with and to alleviate instead of only avoiding risk;
3. A synergy between the financial sector and broader society, in order to create an enabling environment for the equitable development of dignity of all its members.

These goals and aspirations can be achieved. In fact, the continued economic stability and success of South Africa, financially and socially, depends upon the successful catalyst of the financial sector for sustainable livelihoods of all of South African society. This report will illustrate the viability of interventions to promote the development of dignity”.

·6) South African corporations investing in the African continent must commit to a charter to respect worker and human rights and source their raw materials in the country where they are based. They have to commit to build the country they are investing in and specifically to respect both South African labour and working conditions and the national conditions whichever is the higher.

·7) Civil society groups – unions and NGO's – must engage more in the business sector and consider ways of advancing a culture of stake-holder and share-holder activism in companies. It is our view that the lack of activism is a contributory factor in mal-governance in the corporate world, where corruption, bribery and greedy incomes inequality prevails.

SOCIO-ECONOMIC GOVERNANCE

Commitment 2 of the Social Summit (1995)

“We commit ourselves to the goal of eradicating poverty in the world, through decisive national actions and international cooperation, as an ethical, social, political and economic imperative of humankind.

To this end, at the national level, in partnership with all actors of civil society and in the context of a multidimensional and integrated approach, we will:

(a) Formulate or strengthen, as a matter of urgency, and preferably by the year 1996, the International Year for the Eradication of Poverty, 9/ national policies and strategies geared to substantially reducing

overall poverty in the shortest possible time, reducing inequalities and eradicating absolute poverty by a target date to be specified by each country in its national context;

(b) Focus our efforts and policies to address the root causes of poverty and to provide for the basic needs of all. These efforts should include the elimination of hunger and malnutrition; the provision of food security, education, employment and livelihood, primary health-care services including reproductive health care, safe drinking water and sanitation, and adequate shelter; and participation in social and cultural life. Special priority will be given to the needs and rights of women and children, who often bear the greatest burden of poverty, and to the needs of vulnerable and disadvantaged groups and persons;

(c) Ensure that people living in poverty have access to productive resources, including credit, land, education and training, technology, knowledge and information, as well as to public services, and participate in decision-making on a policy and regulatory environment that would enable them to benefit from expanding employment and economic opportunities;

(d) Develop and implement policies to ensure that all people have adequate economic and social protection during unemployment, ill health, maternity, child-rearing, widowhood, disability and old age;

(e) Ensure that national budgets and policies are oriented, as necessary, to meeting basic needs, reducing inequalities and targeting poverty, as a strategic objective;

(f) Seek to reduce inequalities, increase opportunities and access to resources and income, and remove any political, legal, economic and social factors and constraints that foster and sustain inequality. “

In this section we submit our various reports SANGOCO has produced on its own and those in partnership with other civil society organisations in particular – the following:

-Civil society speaks (2005); Peoples Budget Campaign proposals

-Poverty Hearings Submission (1998);

-WSSD outcomes (2000)

-WCAR outcomes (2001);

-World Social Summit; Copenhagen (1995)

UNDP, South Africa Human Development Report Unlocking Peoples Creativity (2003).

We also submit the various national documents like the constitution, and the Freedom Charter, the RDP and various other documents from various liberation movements. The Freedom Charter affirms civil society's call for free quality education and the use of national resources for the people. The RDP on "Environmentally Sustainable Development" listed 5 key programmes. Meeting basic needs meant setting "South Africa firmly on the road to eliminating hunger, providing land and housing to all our people, providing access to safe water and sanitation for all, ensuring availability of affordable and sustainable energy sources, eliminating illiteracy, raising the quality of education and training for children and adults, protecting the environment, and improving our health services and making them accessible to all."

For the RDP sustainable development was development "which addresses the needs of our people without compromising the interests of future generations." Underwriting the necessity of tackling poverty and inequality by meeting basic needs it stated that "without meeting basic needs, no political democracy can survive in South Africa."

In line with a participatory approach the Base Document states that "the government must work towards a participatory decision-making process around environmental issues, empowering

communities to manage their natural environment." Underwriting integrated planning and sustainable development audits and monitoring it affirmed that the "[e]nvironmental considerations must be built into every decision" and "[d]evelopment strategies must incorporate environmental consequences in the course of planning" which will assist in "environmental auditing" and the monitoring of "industrial activities" which impact on the environment.

It further dealt with:

- preventing pollution and reducing waste,
- avoiding community exclusion in conservation decisions and the subsequent benefits from tourism, encouraging environmental education
- establishing workers' rights to monitor the environment within and surrounding their workplace.

This will give us a tool for evaluating how much of this was accomplished?

The RDP Base Document dealt with the developmental challenge comprehensively and must be reconsidered if we are to have an honest debate. Its core principles still guide much of civil society and have sustained some of our activities in particular in the Peoples Budget Campaign which we collaborate with the SACC and COSATU.

These reports variously point out the conditions of persistence in poverty and inequality, lack of investment, and low wage employment as discussed above. We reaffirm recommendations made in both Civil Society Speaks and the various Peoples Budget Campaign reports which point to the need for a people-centered macro economy meets basic needs of people and assists in building a socially and politically just society. They also call for quality and decent job creation, especially in a society where no real social security net exists; land reform/ restitution, free basic services such as education and health, the need to provide quality early childhood education as well as quality adult education. These initiatives are seen as effective anti poverty interventions for adults, including people with disabilities. This we believe will develop skills, information, and knowledge needed to ameliorate and transform their conditions and livelihoods. In addition they call for:

- decisive action and delivery on HIV Aids
- greater investment by SA business in labour intensive quality jobs
- boosting parliament's capacity to engage and approve budgets
- decisive action and capacity at local government
- providing for a Basic income grant
- a basket of quality public services, supporting the social wage of families and their communities tackling domestic violence and gender based violence generally, and the need to fight inequality.

In addition, we seek to stimulate serious debate and consideration of a transaction tax (www.sane.org.za) which will bring in much needed funds for development. Our member organisations working with refugees and non nationals call for a recognition that poverty is multi fold and impacts most severely on new immigrants and non nationals and nationals severely. These results in xenophobic attacks which are not yet adequately addressed by the protection and security services. In addition, member organisations have asked that greater research and monitoring be placed on childhood poverty and in line with Beijing Platform on gender impact of poverty.

-We affirm our call for no privatisation of water, electricity, health and education and for them not to be treated as commodities

- government led housing programme must ensure standards of quality that have been lacking recently
- education and health services must be free and of high quality
- HIV aids treatment and care must be rolled out to all expeditiously with a detailed plan.
- Malaria and TB be also subject to a separate and detailed plan and roll-out to ensure that that treatment is comprehensive to avoid drug resistance and on part of the user- full adherence to the programmes
- the public broadcaster (SABC) to be used to provide information that empowers citizens and must be non party political
- For all this to be realized, means that the public service be resourced to ensure accountability, quality service delivery and transparency.

Local government level -is the level of closest to the people and has thus far failed to deliver on its mandate. We firmly believe that the Integrated Development Plans (IDPs) are critical planning tools for municipalities to realise “their developmental objectives, contribute to employment, foster economic development and provide basic services. Local government faces capacity and resource constraints in developing and implementing IDPs”, as outlined in the GDS agreements. Training on the new MFMA as well as a public accountability and service ethos must be introduced. More work must be done government to educate the public and civil society organisations on the potential of using the IDP's for participatory and accountable budgeting at local level.

All trade deals that advance or retard our social and economic development and status as a country must be passed through parliament.

The much vaunted **Expanded Public Works Programme**, it seems may not assist in stemming the tide of poverty and inequality. To recollect, the GDS recognised the importance of job creation by committing to roll out the Expanded Public Works Programme by creating employment and tackling some of the priority skills interventions as well as the needs of people such as HIV – Aids, entrepreneurial skills, adult education and literacy etc. However – this was seen to be weak. In an important contribution Ann McCord, Critical Appraisal of the EPWP Component of the Department of Public Works Annual Report 2004/5, presented to the Parliamentary Portfolio committee during 2005 reflects on the challenges facing the expanded public works and is worth considering in its entirety. She points out that the key objective is to create 1 million temporary work opportunities, coupled with training, over the first 5 years of the programme, namely 2004-2009; and concludes that the "Size of objective is modest" compared with the level and extent of the unemployment crisis said to be by Stats SA to be 4.3 million people and the at the time of writing appears that the only 200,000 EPWP employees (4%) were covered.

McCord, further points out that:

- Learnerships are only accessible for a small minority (3%) of EPWP participants.
- For the majority of the workers, the training options are far more limited
- 2 days training per 20 days worked (not learnerships)

On training she notes:

- Labour intensive construction industry employment opportunities last only 4 to 6 months
- Gives entitlement of only 8 to 12 days of paid training
- Not sufficient to train unskilled labourers to become skilled/semi-skilled e.g. artisans
- Therefore the DoL is creating a training course for these workers that will consist of: General Life skills, awareness of HIV and AIDS, and labour markets and the world of work.'

(Infrastructure Sector Plan for the EPWP)

Mcord note that the problems with work experience as follows:

- Construction sector accounts for 71% of planned EPWP employment
- There is no indication of unmet demand in the construction sector for low/unskilled labour
- Approx 190,000 unemployed workers with construction experience in 2005 (Stats SA 2005)
- Risk of substitution: those who participated in EPWP replace others who would have been employed
- Limited net employment benefit
- EPWP work experience for majority of workers (construction sector) does not match skills -shortages for artisans (currently being imported)
- Lack of demand for low/unskilled labour

The Environment and Land

The environment and land are covered as separate sections in the Poverty hearings 1998 report, but they will be presented in one section here. During the poverty hearings (1998: 60) Poverty hearings commissioner Barney Pitso noted in his closing address to this section that the “interlinkages between the environment, health, jobs, economic development and how all these things go towards improving the quality of lives of people, or taking it away and bringing death in the lives of people.” He then went on to recommend that at the end of the hearings they all had to say that we need an “integrated approach that frustrates people who attempts to bring about solutions, because they have deal with many doors in the government bureaucracy.”

The **recommendations on the environment and sustainable development** deals with issues of land and they are contained in the People's Budget Coalition and the Civil Society Speaks. In the last mentioned the Access to secure tenure, it noted that as regards housing and land reform, we acknowledge that the initiatives on housing for all has been gallant, and truly believe both the quality and demand could be met by greater public sector delivery in this sector, rather than only relying on the private sector.

We endorse the concerns of the Peoples Budget Coalition (2005) regarding land tenure and reform. The PBC reported: “While the progress of land and agrarian reform to date has been disappointing, important advances have been made. New laws have been introduced to give effect to the rights and obligations contained in the Constitution; new institutions, such as provincial land reform offices, the Commission on the Restitution of Land Rights and the Land Claims Court have been established; and a sizeable number of beneficiaries have gained access to land and other resources.” Other notable achievements in recent years have included:

- an increased rate of land transfer under the redistribution programme;
- An increased rate of settling restitution claims;
- larger budgetary allocations to land reform;
- an improvement in the ability of the DLA to spend its land reform budget; and
- the creation of implementing partnerships with statutory and non-statutory agencies. The PBC stated that although these achievements are significant, and there is evidence of steady improvement in certain areas of delivery, major problems remain. Broad areas for concern include the failure to meet targets in terms of land transfer, the ineffective protection of tenure rights on commercial farms and in communal areas, the lack of attention to livelihoods issues, and the continued neglect of poor and

marginalised groups, particularly women.

Additional Recommendations

The NEDLAC community and NDA led conference on sustainable livelihoods conference held at Birchwood 14-16 October 2005, entitled “mobilising our people for realising sustainable livelihoods”- also asked serious questions which I refer to here as recommendations:

Under the section **land and agrarian reform**: it noted that whilst acknowledging that targets for ownership and increasing support for emerging farmers have been set – these targets are “very ambitious.” The authors elaborate adding (2005: 11) that given the slow pace of change to date, and implementation of measures such as the installation of irrigation systems the provision of extension services and so on to support the process has been slow and needs to be speeded up. “They call for:

- mechanisms be set up to speed up the change
- funding and a need assessment for this, plus the institutional mechanism “responsible for this work” needs to be assessed. They ask – can more be expected of provincial agencies and such institutions as the Land Bank, for example? Could land committees assist in identifying blockages and facilitating solutions?
- The role of municipalities, and related institutions, needs to be clarified
- The role of cooperatives (village co-ops and retail co-ops) could play an important role and at the same time provide work for local people. It added the section by calling on the need for “practical measures” to address the problems.

DISABILITY.

WCAR NGO DECLARATION (2001) identified people with disabilities are vulnerable or affected by multiple and intersectional discrimination based on race, ethnic origin, gender, age and other grounds and are victims of governmental and societal neglect. They also noted that:

- A growing number of persons with disabilities are also victims of racism, racial discrimination, xenophobia and related intolerance, especially in situations of conflict and when victimised by religious persecution and other forms of intolerance.
 - ∞ In particular, persons with disabilities experience grave discrimination in having access to health, education, employment, sports, accommodation as well as access to public transport and buildings, and access to language, in situations when sign language and other forms of communication are not available, especially with regard to their reproductive rights and access to health education.
 - ∞ Exclusion and non-consideration of disability in the allocation of resources in particular basic essentials, assistive devices and other basic technology and communication devices is another key form of discrimination against persons with disabilities.

We also take our recommendations from Civil Society Speaks (2005) which included a new Goal Nine to the MDG's which we want to endorse in this report. Entitled : Ensure equitability and inclusion of people with disabilities within the mainstream, it argued with reference to South Africa that “the needs of people living with disabilities, which is not addressed in any of the other goals.” We believe this omission is serious as it wipes out and makes invisible the role disabled persons play in the economy and implicitly negates their potential as a key component of life and civil society in meeting the developmental goals.

Thus Civil Society recommends that not only South Africa but also the whole world attach a new goal

to the MDG targets. South Africa currently has a population of approximately 47 million people. In a joint publication by Disabled People South Africa (DPSA) and the Office on the Status of Disabled People (OSDP) in 2004, "Disability our voices, our rights", it is stated that an estimated 4,8 million South Africans are disabled.

The Census 2001 statistics indicate that there were 2 255 982 people with various forms of disability. This number constituted 5 % of the total population of this census. (in 2001 – 44 819 778 according to the census).

We do not ascribe to the racial categorization of people. These descriptions are merely used to illustrate the huge task before us and our collective inheritance and challenges as it derives from our Apartheid past and more recent history. Of this number 1 854 376 (82.2%%) are African, 168 676 (7.5%) coloured, 41 235 (1.8%%) Indian / Asian and 191 693 (8.5%) are white South Africans. The number of females affected was 1 173 939, compared to 1 082 043 males. The province with the highest number of people living with disabilities was KwaZulu Natal (470 588) while Northern Cape had the lowest number (46 973). In terms of prevalence, Free State had the highest percentage (6,8 %) and the least affected province was Gauteng (3,8 %). The prevalence increased by age from 2 % in the age group 0 – 9 years to 27 % in the age group 80 years and above.

The percentage of disabled persons was highest among people with no education (10,5 %) and lowest among those with higher levels of education. This could be a reflection of the fact that disabled persons were often excluded from educational opportunities, as the environment in regular schools does not facilitate integration. Another possible explanation is that low levels of education are generally associated with prevalence of poverty, which in turn renders people more vulnerable to become impaired because of factors such as lack of access to healthcare and rehabilitation.

Only 1,6% or 65 342 disabled people had higher education and approximately 30% or 672 288 disabled people had no education. Only 18,4% of disabled people were employed in 2004. This could be due to diverse socioeconomic and social cultural factors, particularly their low levels of education, discrimination in the labour market and negative attitudes of those they live amongst. The low levels of employment for the disabled population highlight their continued marginalisation and lack of independence within society.

We believe the following inclusive guidelines will assist in including people with disabilities within mainstream economic activities. These are:

- Break invisibility and affirm the rights of disabled persons. That is why we have created this goal. For this to work government must take the lead in policy making as well as effective implementation of laws and policies.
- Provide good pay and working conditions for service providers and the retention of staff, all social workers and those NGO's that work with the disabled
- Obtain supportive devices to lessen the burden.
- Create Quality Jobs and Justice Building Capacity. In this manner the disability sector can make a meaningful contribution to the economy of our country.

Roll back Xenophobia

Government and civil society organisations must do more to educate citizens of the hazards of xenophobia as part of our struggle to build social inclusivity in our society. Police must prosecute lawbreakers who humiliate and or harm or maim non-nationals. The public broadcaster and chapter 9

institutions collectively must see if they can play a role in this educational campaign.

Health

Our views and recommendations are adequately covered in Civil Society Speaks and Peoples Budget Coalition (2005-7). Our inspiration and guidance remains the critical guiding documents of our democracy: our constitution, the Alma ata 1978; WHO Health for all by 2000; the Freedom Charter and the Reconstruction and Development Programme.

During the Health Charter process (2005) we noted that despite progressive legislation and policy the crisis in the health sector persists. What is lacking is we argued is the mobilisation of critical resources and political will to ensure quality delivery. The Draft Health Charter of the public and private health sectors of the republic of SA, adequately lists the challenges of equity and financing health care as follows:

The revised Draft of the Health Charter released by the Minister of Health 28 October 2005, noted the following which is worth remembering

“2.2 Equity

2.2.6 The basic package of care must reflect the minimum acceptable standard of health services to be made available as the health care safety net for all. This will not preclude the purchase or provision of larger baskets of health services by persons who can afford to do so.

2.2.7 There is a small minority of South Africans, (between 15 and 20 percent of the population) who have a high degree of access to health services and a large majority (between 75 and 80 percent of the population) who have limited access to health services. According to the latest figures, the state spends some R33.2 billion on health care for 38 million people while the private sector spends some R43 billion servicing 7 million people.

2.2.11 Financing

(ii) The financing of health care in South Africa currently contributes to the inequity between the public and private health sectors. Slightly more than 38% of total health care funds in South Africa flow via public sector financing intermediaries (primarily the national, provincial and local departments of health) while 62% flows via private intermediaries. Medical schemes are the single largest financing intermediary accounting for nearly 47% of all healthcare expenditure followed by the provincial health departments at 33% and households (in terms of out-of-pocket payments directly to health care providers) at 14% of all health care expenditure. The national and local government health departments and direct expenditure by firms account for less than 6%. In relation to the original sources of finance, the vast majority of funds flowing through public sector financing intermediaries are funded through nationally collected general tax and other revenues. From the provider perspective, about 39% of all health care expenditure occurs on public sector providers and 61% on private sector providers. This is inequitable when one considers the number of persons treated by private sector providers as opposed to public sector providers.”

It is with the challenge in mind that we resolved that there was too much private sector involvement and dominance in health compared with the under-sourcing of public health. To add salt to injury health and disease continues whilst some amongst us – enjoy first class health benefits. sustainable and equitable reform was needed via taxation, and regulation. In addition, the PBC member the SACC argued in their joint submission with the TAC that the subsidisation of private health care be phased out.

The Peoples Budget Campaign, (2005: 32) has argued that between 1997 and 2002, the health budget fell relative to both total government spending and the GDP. In 2003, and 2004, however, it increased relative to both. In 2004, at 11% of government spending, it accounted for more of the total budget than

at any time in the past 15 minutes. Relative to the GDP, however, at 3.1% it remained below its 1998 peak.”

In addition the PBC argued that government policy on Social Health Insurance will not work because ((2005:37); because it will; impose huge health costs on working people; raise the overall cost of health care, constitute effective privatisation of the healthcare for at least a substantial minority.

During the health charter Process we were extremely critical of the involvement of new capitalist initiatives into a fragmented and largely under-resourced sector. What is needed is clearly greater public sector led renewal for quality services.

RECOMMENDATIONS:

- 1)given that health is a constitutional imperative; and the need for health for all must be realised and that no interests including private corporate interest must not be an obstacle.
- 2)Government and the Health Department must ensure that the dire human resource scarcity in the health sector must be addressed
- 3)Government must deal with anti competitive practices of the private health care sector, and
- 4) government and all South Africans must commit to building a unified health system (social and national health system)quality health care services which do not rely on the ability to pay.
- 5) Government and the health department and civil society at large must work towards defining what constitutes an essential package of services,
(Thanks to health charter working group, which includes TAC, ALN, Aids Consortium, SACBC, SADNU, DENOSA, SANGOCO and many others)

HIV Aids: Delivery needs political will and collective leadership

The president in his state of the Nation address mentioned antiretroviral drugs which is now reaching about 70 000 persons. As members of the Peoples Budget Campaign our response has been that we know that the capacity exists to roll out the treatment to the over 500 000 persons who currently need them. For this we need to mobilise political will and leadership; as well as resources such as ARV's, condoms as well as some interventions as promoting leadership of women and tackling patriarchy and machismo in our communities.

Failure to lead uncompromisingly leads to deaths and also lack of confidence in our democracy. It also means ensuring that SANAC – the South African National AIDS Council work with greater purpose and efficacy. Since its founding it has failed to deliver on its mandate and with renewed civil society and government cooperation in the Health Charter Process – it must be re-constituted, with a clear budget and leadership. Reports of unspent budgets by SANAC, in times of such critical need – must be addressed and corrected. (see TAC submission for additional information and perspectives)

CIVIL SOCIETY

Putting people at the centre of development means we need to mobilise our people to work against poverty and inequality which implies empowering and nurturing civil society capacity to ensure quality participation

RECOMMENDATION

- Each of the components of civil society especially those working on the APRM and serving on its Governing Council must commit to work in a transparency accountable and participator to members and broader societal needs
- ECOSOC-SA which has no budgets, and not seen as fully representative, must be resourced and supported to overcome its difficulties

- NGO's funding crisis of sustainability, and in this case we call on the NDA be fully resourced to get a national funding agency. Corporate social responsibility funds and others must place money within a common fund.
- look for ways to affirm our parliaments working hand in hand with other African parliaments. A simple start will be to fund research capacity, to ensure policy and implementation imperatives

FORWARD TO THE NATIONAL PROGRAMME OF ACTION (NPA)

(<http://www.unhchr.ch/html/menu2/safrica3.htm>) - The NAP – a potential

The opportunity to reformulate or formulate a national action plan in South Africa is not unique, and has been done before. Like the historical activities and the resultant documents of great and enduring value, such Freedom Charter, RDP we may be asked why their relevance has not made the dramatic and persistent impact that is needed? Similarly, the 1998 “national action plan for the promotion and protection of human rights” (December 1998) under the custodianship of the Dept of Justice – appears to have been a one off event, despite great promise.

As discussed earlier with reference to CSO's it would appear that government and other social sectors too, have a “policy and declarations” overload, which makes both implementation and monitoring difficult if not impossible. This is not to undermine the importance of many of the declarations and outcomes, but what is its worth if it is not even remembered after people have left the conference venue, and if they are not resourced and implementable? (We have indicated some of the critical documents for our sector – which still warrants streamlining but definitely implementation. What is dearly needed is a social and political audit, by all stake-holders about what is truly needed from the range of documents and to agree on a modus operandi of both tackling the mandates, and reporting back to the respective local and national community, government and international partners. We do not have to simply agree on one document because it is a world's lowest common denominator. That's not good enough, because it is in the nature of these conferences that we must, obtain consensus, which often is not the best agreements but the best that was possible at that time. Thus it is hoped the NAC, will address this issue.

The NAP of 1998

During 1998 the then deputy Minister of Justice Dr M E Tshabalala - Msimang correctly pointed out in the forward as convener of the NAP steering committee that “we have completed one process. We have produced a National Action Plan. This was perhaps the easier part. The real challenge that lies before us is implementing the National Action Plan. Only this will ensure that all our people are able to enjoy all the human rights provided for in our constitution and the Bill of Rights, and in the international and regional human rights instruments that we have signed, ratified or acceded to. Promoting, protecting and advancing human rights for all our people are the only guarantee of a better life for each and every one of us.” What is important is to learn from our own experiences and why it we failed to realise our good initiatives.

Launched on the occasion of the 50th anniversary of the UN Declaration of Human rights on Human Rights Day 10 December 1988, it envisaged as a contribution towards ending poverty and inequality and realise the fundamental freedoms provided in the constitution and the bill of rights (1998: 10) The introduction of the NAP outlined that the “Reconstruction and Development Programme is the policy framework for the realisation of the NAP. Integral to the NAP, therefore, is government's commitment to the eradication of poverty and the end of discrimination and inequality.”(Ibid)

It argued further which is endorsed by us, that “the realisation of human rights, particularly socio-economic rights, requires public expenditure to meet basic needs, develop infrastructure, promote

growth and stimulate job creation.” It confirmed that government has “moved far along the path of re-prioritising the spending to meet the needs and aspirations of the majority of our people. Social service expenditure now amounts to nearly two-thirds of non interest expenditure of government, and most of it targeted at the poor.”

The NAP introduction then called itself a “national initiative. And, it argued “it should be seen not only as a part of the process of democratisation of our country, but as an integral and indispensable part of it.” It further added that the NAP as a human rights document is “at once all of the following”: (1998: 11)

- a tool for evaluating our country's vision on human rights
- a tool for evaluating our performance with regard to our international human rights obligations
- a record of government's performance with regard to the promotion and protection of human rights
- a tool for setting human rights goals and priorities within achievable time frames
- a tool for planning the management of resources for the promotion and enhancement of human rights
- a statement of strategies and measurable targets with regard to the protection and promotion of human rights

Importantly, it correctly asserts the view that whilst we are all part of the process of evolving a national action plan, this did not imply equal responsibility for implementation. The NAP document (1998) notes that whilst the “elaboration, drafting and adoption” of the NAP was based on “extensive consultation and active collaboration between government and civil society, the ultimate responsibility for the implementation of the NAP rests with us, the government.” The document was then present to “our people and the international community.”

What we can learn from this process and take into the current APRM process is the basic Framework which is outlined as follows:

- Constitutional obligations
- International obligations
- Budgetary allocations
- Implementation and monitoring

It also has further sub headings and themes and the document as a whole can be found on (<http://www.unhchr.ch/html/menu2/safrica3.htm>). This does beg the question: what has gone wrong? Why did this model not work? Secondly, we must ask what we can do to institute such as model of partnership – civic accountable that is deep and lasting. If the NAP must out of necessity become the national consensus, and the strategy to eradicate poverty and inequality must become nationally owned. The Nap’s way forward is worth considering for its importance; hence we repeat it hereunder:

IMPLEMENTATION- THE WAY FORWARD

The international and regional human rights Conventions, Covenants and treaties

Strengthen the rights of everyone in the South African Constitution. They also draw on a long and informative jurisprudence in the application of the rights. For these reasons, the South African Government has, within the first four years of office, approved them, and parliament is currently engaged in the process of ratifying them. They are:

The International Covenant on Civil and Political Rights (Signed in 1994)

The International Covenant on Economic, Social and Cultural Rights (1994)

The International Convention on the Elimination of All Forms of Racial Discrimination (1994)

The Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment
(Signed in 1993)

The ratification of all these instruments, documents and treaties will enjoy priority attention.

The lifetime of this National Action Plan (NAP) will be three years. After that, it will be revised and re-adopted. The Government Communication and Information System (GCIS) will play the key role during this time in providing all who live in South Africa with information on their rights and how to access them, in the light of this NAP.

Implementation of the NAP will be the responsibility of the government and the nine provincial governments.

In retrospect, one of the most significant achievements of the process that lead to the production of the NAP document has been the development of a consultative mechanism on human rights issues. This is unique in South Africa's history. It is something that we believe should be preserved in the present, and for the future. We are therefore proposing to set up a National Consultative Forum on Human Rights, to be convened by the Minister or Deputy Minister of Justice.

The various government departments, commissions and offices that are responsible for monitoring and implementing the NAP will have to report periodically on their progress. Therefore, one of the first tasks of the National Consultative Forum on Human Rights will be to formulate:

- a strategy for implementing and monitoring the NAP
- a reporting structure

This will be done in close consultation with government departments as well as organizations of civil society. A full review of the progress achieved in implementing the NAP will take place half way through the period of this Plan, and again near the end.

MONITORING

The various bodies, institutions and entities that are referred to in the NAP, under the sections "Monitoring" will be invited to participate actively in monitoring the Plan. These include the following:

The South African Human Rights Commission

The Office of the Public Protector

The Judicial Inspectorate

The Courts

Parliament

NGOs

CBOs

The media

In order to ensure that the process of monitoring the NAP is effective, the government will take steps to strengthen its support for those bodies and institutions, and also create opportunities for wider public awareness of, and involvement in, the NAP.

With the adoption of South Africa's final Constitution in 1996 and the steps taken since then, South Africa has emerged from its apartheid past and placed itself on the road to democratisation, transformation, and respect for human rights and the rule of law.

Compared to the past, South Africa has taken a giant leap forward. But the legacy of the past remains and much still needs to be done. This National Action Plan will light the way for us.

CONCLUSIONS

We hope a new National Action Plan will truly be the light for the way for us, and be fully inclusive, resourced and sincerely implemented.

The critical challenge for NGO's and CSO's generally especially those that choose to participate in this process how can they participate in the process /structure? – How can they do this without both losing power and influence with their members? Whatever the outcome to this issue, it is clear that the new NAP and whatever structures it spawns it must be a long term fresh non bureaucratic formation, and it will struggle to remain the main show in town. Progressive participants must ask themselves how it is possible for it to survive and not meet the fate of so much before it like the old NAP, the RDP, and arguably even NEDLAC.

The politics of engagement is more difficult than non engagement, and boycott. How can a progressive and pro-active civil society, maintain its cross sectoral unity of principle viz fighting for its beliefs and avoid being co-opted? These questions cannot be resolved outside struggle – but if the political will exists for a radical transformation of the economy and society towards meeting peoples needs as espoused here in – with people rather than for people, we would have made some good progress.

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