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THE STATE OF THE SOUTH AFRICAN STATE



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The State of the South African State: Capacity, capability and ethics

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SIXTEEN

Civil society and the South African state: Building a capable, ethical and responsive state

MARK HEYWOOD AND BRIAN LEVY

INTRODUCTION

Civil society played a key role in the struggle to end apartheid. In the first three decades of South Africa's democracy, civil society's continuing efforts to hold government to account have yielded some massive, vital victories. But times have changed and it is questionable whether changes in civil society's approach to activism have kept up with the challenges facing it. By exploring some aspects of the learning journey of reshaping the relationship between the state and civil society, this chapter addresses this question. As its authors, we have spent decades working as practitioners, researchers and writers at the state-society interface.¹ This chapter outlines what we hope is an

1 Heywood (2017) and Levy (2014) depict, in different ways, each author's 'lessons learned' from their decades-long journeys.

innovative approach to addressing some of the ongoing challenges at the interface of bureaucracy and civil society, using two case studies: South Africa's Treatment Action Campaign (TAC) and civil society efforts (in South Africa and elsewhere) to improve learning outcomes in basic education.

CIVIL SOCIETY AND ITS STRATEGIES

If by 'civil society' we mean organisations and individuals, independent of the state, who act voluntarily to advance the common good of a set of constituencies and social justice, then civil society organisations have been around for longer than democracy. In many countries, civil society was a precursor of democracy, organising for citizens' rights against the state. However, since the democratisation and human rights-centred constitutionalism that spread across most countries of the world in the 1990s, civil society has been given unprecedented recognition as a political stakeholder. It is often treated as a necessary – even if independent – partner to successful public governance and sustainable development.

Today, civil society takes numerous organisational shapes and forms and focuses on an endless and evolving list of social, political and economic issues. Legally, states have varying approaches to civil society. In China and Russia, for example, civil society is tightly controlled and there is extremely limited civic space.² Across Africa, although civil society is recognised by continental bodies such as the African Commission on Human and People's Rights (ACHPR), organisations such as the United Nations Office of the High Commissioner on Human Rights (OHCHR), Freedom House and Civicus show that 'civic space' is narrowing. OHCHR (n.d), for example, states that civil society is:

...increasingly under pressure from repressive laws and increased

2 'Civic space' is a term used by the United Nations and others to reflect on the degree of democratic space and freedom for organisations and individuals to organise voluntarily around social and political issues. Where that space is constrained by the state it is considered to be 'closed' or 'shrinking'.

restrictions on freedoms to express, participate, assemble and associate. Civil society actors, including human rights defenders and individuals who cooperate with the United Nations, are also facing a pushback, online and offline, across the world.

In contrast, since 1994, civil society in South Africa has been an indispensable pillar in the functioning of the new ‘participatory democracy’. Its standing is entrenched in the 1996 Constitution and much jurisprudence that has flowed from it. People have the right ‘to campaign for a political party or cause’ and the Constitution, through its Bill of Rights (Chapter 2), unambiguously protects the civil and political rights that are considered the bedrock of an effective civil society (Constitution of the Republic of South Africa, 1996). Consequently, there has been a rapid growth of civil society organisations and activity since 1994. Some of it is organic to communities; some of it is a deliberate taking advantage of civic space permitted by the Constitution. Thus, by 2019, statistics from the Department of Social Development (DSD) recorded over 200,000 registered and 50,000 unregistered non-profit organisations (NPOs). In 2023, the DSD put the number of registered NGOs at 270,313, employing over a million people, making it not just a political sector but an economic one as well (DSD, 2023).

South Africa’s civil society is hydra-headed and amorphous. However, since the late 1990s one of its most consistently visible and vociferous parts has been a relatively small subset of NGOs and social movements. These groups have sought to continue traditions started by the umbrella anti-apartheid organisation of the 1980s, the United Democratic Front (UDF) – to mobilise around rights in the new Constitution, and to demand social accountability and delivery from the state and, to a lesser extent, the private business sector (Raith Foundation, 2020). They mobilised successfully to protect and advance political rights, such as the rights of protest and assembly, as well as to demand social rights of access to adequate housing, healthcare services (particularly treatment for HIV/AIDS), basic education and children’s rights (Brickhill, 2018).

Civil society, like South Africa’s new democratic government, has been on a learning curve about how to operate effectively in a

democratic state. The first 30 years of democratic civic activism and its relationship with the state have been diverse and evolutionary. However, it is possible to delineate two distinct approaches to the state that have been adopted by civil society organisations focused on social justice: an *adversarial approach*, oriented to holding government to account, and a *coalitional approach*, centred on building problem-focused developmental alliances among champions of reform, inside and outside of government. The preferred approach depends, to an important extent, on the agenda of the activists. It is important to emphasise that the two approaches are not necessarily mutually exclusive, and there are instances where they have been combined.

An adversarial approach

South African civil society has notched up many ‘victories’ using an adversarial approach to hold government to account. If the goal is to champion inclusion, then an adversarial approach that creates new ‘facts’ in the face of powerful, exclusionary status quo interests is almost certainly the preferred approach. This approach can also help civil society to act as a watchdog that helps deter the most egregious of laws, policies and actions. This is the dominant approach – focused on advocacy, social mobilisation and sometimes public impact litigation to *demand* the realisation of certain constitutional rights. The approach has led to demands for appropriate policy, sufficient resources and adequate budgets to bring about the actual realisation of constitutionally entrenched social and economic rights. A feature of this approach is that while it entails investment in research, policy development and direct service provision, legal services in particular, to marginalised communities, it is also confrontational and is therefore sometimes seen as divisive.

But even when an adversarial approach to improving public sector performance succeeds in bringing about the intended change, it operates on several assumptions: that the state *always* has the capability to implement demands; that it has the necessary financial resources and expertise to do so; and that it will abide by the will of the people or the order of the courts. This approach pays less attention to the capability of the state itself, or to the public servants employed

within it, to be crucial instruments for implementing change. Indeed, a danger of social justice advocacy is that it may fuel polarisation and civic disillusion – because the method of engagement with the state may be on opposing sides in a courtroom or the street, and not always through negotiations and meetings.

Further, when the realities of the political environment in which public officials operate make it impossible for them to respond positively, they are likely to have the all-too-human response of retreating into a defensive crouch. Overall, it must therefore be debated as to what extent and in what contexts civil society adopting an adversarial approach to the state is capable of bringing about lasting and sustainable change in relation to social rights such as adequate housing, basic education and children's rights, or is able to tackle the social and economic determinants of exclusion and inequality.

An approach that builds cross-cutting coalitions

The coalitional approach seeks to realise social rights through formal and informal processes of problem-focused engagement. These processes include cross-cutting coalition-building, ongoing negotiation and social learning between civil society and the state. By 'cross-cutting coalitions' we mean civil society engagement that entails partnering with committed, developmental officials within the public sector. Underlying this phrase is a recognition that the South African state is not homogeneous. Some parts, and some staff within it, are deeply committed to a vision of public service; others pursue their private interests; yet others are 'captured' by one or other political, business or criminal faction.

A coalitional approach is less visible than its adversarial counterpart and does not generally get media coverage. After 1994, the government attempted to create fora for such processes through bodies at a national level such as the National Economic, Development and Labour Council (NEDLAC), which includes a community constituency alongside business and labour; and, at a local level, bodies such as school governing bodies and community policing forums. In 1999, it established the South African National AIDS Council (SANAC). More recently, similar bodies have been set up around anti-corruption

efforts and early childhood development (ECD). Coalition-building can also take place through informal relationships with different departments and layers of government around the implementation of particular programmes.

Coalition-building has been the focus of sustained research in developing countries. Fox (2015) and Fox et al. (2023) detail the evolution of coalitional processes. These entail relationships between users of services, reform-oriented public officials, social movements and other developmental stakeholders. The research explores how the processes are set in motion, how coalitions consolidate, and how they (sometimes) lead to the establishment of sustainable, state-society bridging organisations.³ As Fox et al.'s (2023) case studies show, reform-oriented public officials have leveraged these processes both to re-orient agency goals in more inclusive directions and to improve performance. As Fox et al. (2023: 12) put it, 'mutual empowerment between insiders and outsiders – a weapon of the weak'.

A coalitional approach to engaging with the public sector requires civil society actors to have different mindsets and skillsets from those required for the adversarial approach. Individuals or organisations that interface directly with government need to find ways to remain in contact with their constituencies and be seen as accountable to them, even as they engage collaboratively with reform-minded officials. They should not, in the language of the streets, be regarded as 'selling out'. For government, encouraging a coalitional approach requires political investment and systems that can demonstrate to civil society that cooperative engagement can actually make a difference. Collaboration must be viewed as capable of achieving beneficial outcomes.

The barriers to a coalitional approach do not lie only with civil society. Many government officials at national and provincial levels have an antipathy to civil society, and this sows distrust, including among public service employees and officials, and prevents effective collaboration. For example, painting civil society as a Trojan horse for 'imperialism' or 'White Monopoly Capital' – a common refrain of some government officials – does not assist attempts at cooperation.

3 For related contributions, see also Khan and Roy (2022), Mangla (2022), Tandler (1997) and Carpenter (2001).

CASE STUDY 1: ACCESS TO ANTIRETROVIRALS
– THE TREATMENT ACTION CAMPAIGN

The Treatment Action Campaign (TAC) is considered one of the most successful national civil society social movements since the end of apartheid and has been written about extensively (Forbath et al., 2011; Mbali, 2013). It was formed on 10 December 1998, International Human Rights Day and the anniversary of the signing of the South African Constitution two years earlier. Over 27 years later, it remains a vibrant and effective organisation.

Within a decade of its formation, TAC's activism contributed to a transformation of the landscapes of both policy and its implementation on the devastating HIV epidemic. Upon its formation in 1998, no person living with AIDS was receiving life-saving antiretroviral treatment (ARV) in the public health sector and almost all infected people died. HIV was widening inequalities and social exclusion. There followed almost a decade of intense conflict between TAC and the government over official policy, particularly government's refusal to include a treatment component to HIV prevention and care (Heywood, 2010a; 2010b). But ever since this was resolved in mid-2007, TAC has worked independently but collaboratively with the government to roll out the largest HIV treatment programme in the world, now covering over 5.8 million people and nearly 80 per cent of the eight million people living with HIV in South Africa (SANAC, n.d.). Perhaps the most dramatic evidence of this programme's results has been a rise in life expectancy of more than a decade for men and women and a massive drop in infant mortality due to HIV infection (SANAC, n.d.).

Viewed through the lens of the analytical framework outlined in this chapter, there are several distinct factors that help explain TAC's success:

- While TAC has been associated with confrontation, through adversarial activism, with the government of President Thabo Mbeki (1999–2008) and pharmaceutical companies, this approach was always combined with a coalitional approach; the balance/emphasis between these approaches depended on the response and capability of the state.

- Throughout its history, TAC attempted to engage with and strengthen the state bureaucracy in the public health service and the administration of health facilities. These relationships proved vital once policy obstacles were cleared, allowing the state and civil society to collaborate on the implementation of HIV treatment and prevention programmes.
- TAC always worked as the leader of a coalition of interests and organisations that it built patiently through advocacy; it managed to build sufficient power to catalyse change through the way it managed this coalition, making it more than the sum of its parts. TAC was created as a *campaign* (not a self-sufficient organisation) and its organisational architecture (of community branches and a national council of its different sectors) reflected this, bringing together trade unions, faith-based organisations, non-governmental organisation (NGOs), academics and clinicians, as well as influential international organisations such as Médecins Sans Frontières (MSF).

Understood within this framework, TAC's history can be divided into two parts: (i) the period of confrontation over government policy and President Mbeki's AIDS denialism (1998–2007); and (ii) the coalitional period (and when deemed necessary, confrontation and/or challenge), working with committed public officials over implementation of a policy that TAC eventually managed to co-create with the government (2007 to the present).

It is important to note that during the first period (1998–2007), TAC had simultaneously continued with its advocacy and political mobilisation to make demands, and worked to overcome obstacles that the government would encounter on the health service supply/delivery side should it come to implementation of a human rights-based programme. In particular:

- TAC addressed the excessive cost of medicines by continuing to campaign and litigate against multinational pharmaceutical companies to make them affordable. By 2007, the cost of ARVs and several other essential medicines, such as the anti-fungal Fluconazole (patented by Pfizer), had been reduced significantly.
- TAC tackled the very serious stigma that surrounds HIV infection

by building hundreds of branches for people living with HIV. Its branches were conduits for its pioneering programme of ‘treatment literacy’ carried out with the guidance and support of health professionals. It also worked with MSF to pilot treatment programmes in urban informal settlements such as Khayelitsha, and rural areas such as Lusikisiki in the Eastern Cape, to prove that a treatment programme was feasible. In this way, it empowered both patients and health providers with knowledge about AIDS treatment. This meant that when a government-led treatment programme was started in 2004 (albeit initially without the full political support of the then Minister of Health, Dr Manto Tshabalala-Msimang), there was high take-up and high adherence to the medicines; this has been sustained for two decades.

Although the first period was bitter and divisive, TAC worked behind the scenes to keep some channels of communication open with officials in the national Health Department and the Western Cape Health Department. This period ended in early 2007 when TAC reached agreement with then Deputy President Phumzile Mlambo-Ngcuka, on a new National Strategic Plan on HIV/AIDS and TB (2007–2011). Thereafter, TAC adapted its demand strategy to focus on working with the Health Department to encourage HIV testing and treatment, strengthening public health systems and financing, and closely monitoring implementation of the programme.

TAC worked from both inside and outside of the state. In late 2006/07, it delegated several of its leaders to work with the Office of the Deputy President to develop a new framework for a National Strategic Plan on HIV. The objective of this partnership was a plan that would encompass access to treatment (TAC’s main demand) and an institutional framework that would be a coalition between government and civil society, capable of directing and overseeing implementation of the plan. This involved restructuring and thereby legitimising the South African National AIDS Council (SANAC), a body that had been set up by President Mbeki in 1999. Key TAC leaders were appointed to senior positions in SANAC, where they worked closely with the government and built the Council. For a period, SANAC became a

forum for *de facto* co-governance of the AIDS response, although *de jure* power remained with government. SANAC created a forum for interactions between scientists, government departments, business and many sectors of civil society about policy and programmes. It also fostered greater transparency, a system of accountability and became a problem-solving institution.

At the same time, TAC's branches remained operational, treatment literacy and local advocacy campaigns continued, and TAC maintained an independent media profile. Through its branches, operating in all provinces except the Northern Cape, TAC assessed the actual state of delivery on the ground and frequently allied with local health workers. It was central to setting up organisations like the Stop Stockouts Project which monitors the availability of essential healthcare medicines and children's vaccines. More recently, TAC developed innovative new programmes that aim to improve the *quality* of service delivery, such as the Ritshidze programme of community-led clinic monitoring. TAC's general secretary is a board member of the Office of Health Standards Compliance, a statutory body, and it has allied itself with struggles over other health issues, particularly TB, mental health and cancer. This coalitional approach was aided in 2008 with the change of the Minister and the Director-General in the Department of Health; both were replaced with officials who were prepared to work with civil society. The new minister was first Barbara Hogan, followed by Dr Aaron Motsoaledi.

In the new coalitional context, there were rapid and demonstrable changes. Not only did the ARV-treatment programme expand rapidly, but important new interventions were introduced. For example, once the benefits of voluntary medical male circumcision (VMMC) for reducing HIV transmission were conclusively proven by research studies, a programme for it could rapidly be rolled out. SANAC's inclusion of traditional leaders and healers enhanced the likelihood of them accepting biomedical programmes like VMMC, and hence the high take-up of the programme. There was also a huge infusion of financial resources into the AIDS programme, mainly from international donors.

TAC offered public servants in the Health Department a vision of

care and treatment that provided hope, encouraged innovation and inspired (rather than commanded) performance. However, TAC's coalitional approach has faced increasing strain in the last decade. Today, health systems are failing due to a combination of budget cuts, corruption and poor management. When coalitional approaches no longer appear to yield tangible progress, often due to macro factors that are beyond the control of the Health Department, there is pressure on civil society to return to a more aggressive 'them and us' adversarial approach – a 'populism' of social justice. In the face of this, there is a renewed risk of the AIDS programme failing (80 per cent of people on ARVs is still below the target of 90 per cent, and over one million people have been lost to care). This, perhaps, will be the real test of a coalitional approach: it remains to be seen whether civil society and government can work together on a programme aimed at finding a path through the current morass to continue to deliver quality healthcare services.

CASE STUDY 2: BASIC EDUCATION AND CIVIL SOCIETY IN SOUTH AFRICA – A COMPARATIVE PERSPECTIVE

Our second case study focuses on the role of civil society organisations in improving education outcomes for schoolgoers in South Africa. There are three desired outcomes. First, providing universal access to basic education, in which, relative to other middle-income countries, South Africa has done well. Second, providing the infrastructure and other inputs (textbooks, toilets and sanitation, qualified teachers) that are the 'scaffolding' of an education system. South Africa's performance has been uneven, demonstrated by some egregious failures in infrastructure provision which have been a high-profile focus of adversarial civil society activism. Third, fostering learning in teacher-student interactions; on this, South Africa has done poorly (Levy et al., 2018).

Three decades into democracy, an unconscionably large proportion of children leave South Africa's public school system without adequate literacy or numeracy skills. Civil society organisations have vocally

challenged government to improve, including via a series of court victories. But the shortfalls persist. This case study explores the possible opportunities for civil society to aid in improving learning outcomes by complementing adversarial strategies with enhanced attention to cross-cutting coalitional initiatives.

In South Africa, the institutional arrangements established by the 1996 South African Schools Act opened up the possibility for coalitional approaches to improve learning across multiple tiers of the education sector: policymaking, regulation and financing are national responsibilities; implementation is delegated to provinces (and districts); school governing bodies play a significant role at school level. In practice, though, education sector governance has generally been legalistic, and civil society strategies adversarial. A contrast between South Africa's experience across the various tiers and those of other countries, such as Peru, India, Ghana and Kenya, is instructional.⁴

The national level – South Africa and Peru

Multiple stakeholders influence the education sector at the national level. They include political leaders, public officials, trade unions, professional organisations, academic specialists and NGOs, such as the learner-based movement, Equal Education. The contrasting experiences of Peru and South Africa illustrate the differences in sector performance that result from whether these national-level interactions are centred on coalitional or adversarial approaches.

As detailed by Balarin and Saavedra (2022), Peru has long had to navigate an extraordinarily turbulent political and institutional environment – including an education sector led by 20 ministers in 25 years. This has resulted in a form of 'protracted incrementalism': small incremental gains achieved by one administration are dismantled by the next, only to be partially reinstated at a later stage (Balarin and Saavedra, 2022: 15). Yet, contrary to expectations, Peru achieved

4 See Levy (2022) for a comparative analysis of the political economy of basic education across a dozen countries.

significant gains in learning outcomes between 2000 and 2018.⁵

Coalition-building accounts for Peru's impressive performance. As described by Balarin and Saavedra (2022), civil society entities such as NGOs, universities, think tanks and research centres also play a pivotal role in shaping policy agendas and driving education reforms. The country's messy, iterative process of policy formulation and adaptation helped build broad legitimacy among stakeholders. This legitimacy enhanced the ability of those technocrats within government orientated towards civil society and reform to push back effectively against idiosyncratic initiatives proposed by political appointees and their ministerial teams. This contributed to agenda continuity and incremental progress in reforms (Balarin and Saavedra, 2022: 16).

In contrast to Peru, South Africa's national-level education sector stakeholders (inside and outside of government) have failed to cooperate sufficiently to be able to bring about effective change. Part of the reason for this failure can be traced to more general societal preoccupations with adversarial civil society approaches and to bureaucratic insulation. However, there are also three sector-specific explanations:

- First, there has been a failure among experts to constructively work through their disagreements. Gustafsson and Taylor (2022) outline how an unusually strident conflict over how best to measure and monitor learning outcomes has been an important part of why the country has repeatedly failed to put in place any systematic assessments of learning before the end of twelfth grade.
- Second, perceptions within the sector about South Africa's leading teachers' union, South African Democratic Teachers Union (SADTU). As with teachers' unions everywhere, SADTU has to navigate inherent tensions between its role as an advocate of the material interests of teachers and its role as a professional organisation. Coalitional approaches to strengthening sector performance would include efforts to build common cause with teachers committed to the more professional parts of this dual

5 Between 2000 and 2018, Peru's Programme for International Student Assessment scores rose from 292 to 400 for mathematics, and from 327 to 401 for reading.

identity.⁶ Instead, SADTU has almost uniformly been demonised by sector professionals, media and many politicians as disruptive and as a principal cause of the sector's failures.

- Third, fault-lines rooted in South Africa's racial history set the stage for adversarial modes of engagement between civil society and government over how to improve learning outcomes. The underlying issue was identified in the early 1990s by Blade Nzimande, who was later appointed Minister of Higher Education (Gustafsson and Taylor, 2022: 51):

The National Education Policy Initiative classically represents the problem of this division of labour, in that the experts are academics, university-based people largely, who are predominantly white; whilst the mass-based structures ... are predominantly black. That has got the potential of creating severe tensions.

Transcending these deeply rooted divisions and working instead to build a national-level, pro-learning developmental coalition will not happen easily. Yet, experience elsewhere suggests that this would be a more realistic way forward than either government efforts to insulate the education technocracy from external pressures, or adversarial strategies on the part of civil society.

Provincial and district levels – South Africa, India and Ghana

Subnational institutions play a central role in governance of the education sector in many countries. This section contrasts governance of provincial-level education in South Africa with that in India and district-level governance in South Africa with that in Ghana.

Mangla's (2022) pathbreaking analysis of education sector governance in two states in India, Uttar Pradesh and Himachal Pradesh, provides a useful point of reference for South Africa's provincial-level experience. Mangla's analysis centres on two distinctions: between logistical and

6 See Grindle's (2004) in-depth analysis of Mexico's education sector reforms for an example of a reform process, which placed working with the teachers' union at centre stage.

craft activities, and between legalistic and craft bureaucracies.

- Logistical activities (the provision of school infrastructure, for example) are engineering-oriented in nature; they combine up-front planning and tightly managed, top-down implementation by hierarchical organisations. By contrast, ‘craft-oriented’ activities (for example, classroom teaching and learning) are ones where ongoing iteration and adaptation to local-level circumstances produce the best results.
- A legalistic bureaucracy is insulated from political pressures and centred on a commitment to rational-legal norms. Mangla (2022: 52–55) writes: ‘Bureaucrats are judged for following rules and not for the consequences that emanate from their actions.’ Deliberative bureaucracy, on the other hand, ‘...promotes flexibility and problem-solving... it induces a participatory dynamic that urges officials to negotiate policy problems through discussion and adjust their outlooks to shifting circumstances.’

Table 16.1 summarises how Mangla’s two distinctions align with each other, and how both align with the adversarial/coalitional distinction central to this chapter.

Table 16.1: Two contrasting patterns of sectoral governance

	Pattern I	Pattern II
Type of task	Logistical (e.g. school infrastructure)	Craft (e.g. teaching)
Approach to public administration	Legalistic	Deliberative
Civil society strategy	Adversarial	Coalitional

Source: Adapted from Mangla (2022)

Both the strengths and limits of legalistic bureaucracies are vividly evident in Mangla’s in-depth case study of Uttar Pradesh (Mangla, 2022: 134, 168–170).

Legalistic bureaucracy in Uttar Pradesh has promoted gains in primary school enrolment and infrastructure ... enabling officials to resist political interference when providing inputs

to schools... [But] local administration's adherence to rules imposed administrative burdens... Cumulatively, these processes contributed to low-quality education.

In contrast (Mangla, 2022: 171–172, 217, 327, 332):

At independence, Himachal Pradesh was among India's least literate states... [Subsequently, it] began to record significant gains in primary schooling... HP is now among India's leading states with respect to literacy and primary education policy education indicators... Deliberative bureaucracy is found to have made a decisive impact ... enabling state officials to undertake complex tasks, co-ordinate with society and adapt policies to local needs, yielding higher quality education services.

As in India, national-level policymakers and civil society activists in South Africa pay close attention to implementation challenges at provincial level. However, rather than calibrating engagement to the varied realities of provincial-level governance, there has been something of a uniformity of approach. Bureaucracies generally are conceived to be legalistic; tasks generally are characterised as logistical and, as per the central theme of this chapter, civil society's default mode of engagement at provincial level often has been adversarial. Yet, as Levy et al. (2018) explored for South Africa's Western Cape and Eastern Cape provinces, adversarial approaches are not well calibrated to improve learning outcomes.

In politically and bureaucratically fragmented contexts such as the Eastern Cape (see Kota et al., 2018), judicial victories and resulting court-imposed obligations to improve infrastructure have limited potential for impact whereas bureaucracies lack the legalistic/logistical capacity for follow-through. In the Western Cape, though legalistic and logistical capacities are present, the legalistic norms that underpin the province's bureaucracy (Cameron and Levy, 2018) can all too readily stymie efforts to foster the motivation and flexibility that are key to improving learning outcomes.

Turning to the district level, it can be an intriguing intermediate

locus for efforts to improve learning outcomes. For one thing, it is the most localised level of governance which encompasses the full range of services, capabilities and resources needed to improve learning outcomes.⁷ For another, as Ghana illustrates, its locale between the hyper-local and the provincial makes it a potent strategic entry point for motivated local champions to come together to build coalitions to improve learning outcomes.

According to Ampratwum et al. (2019), Ghana's messy political realities created a stark disjuncture between the formal rules and the realities of education-sector governance. Even so, decentralisation of education service delivery enabled the emergence of islands of effectiveness. The drivers of performance and accountability did not simply trickle down from the national level; rather, they were shaped by district and school-level coalitional dynamics. In one district, intense intra- and inter-party competition among major political actors hindered efforts to promote teacher accountability and reduce absenteeism. Conversely, in another district, a developmental coalition among community, school and district-level actors, including political officials and teachers' unions, provided a valuable platform for improving learning outcomes (Ampratwum et al., 2019: 55–59).

South Africa's national Department of Basic Education is increasingly embracing localised districts as entry points for fostering improvement. Civil society could usefully follow suit. Following the lead of PILO, a not-for-profit organisation aimed at improving learning outcomes in South Africa, and a few other civil society organisations, heightened attention to coalitional approaches at district level could provide a valuable additional entry point for improving learning outcomes.

Community and school levels – South Africa and Kenya

Our concerns about civil society approaches to engagement at the school-level contrast with those about the national and provincial levels, where we fear an excess of adversarialism. At school level, our

7 We are grateful to Mary Metcalfe, Executive Director of PILO, for this insight.

concerns are more around whether there has been a (so far) under-realised opportunity to improve learning outcomes by fostering micro-level developmental coalitions.

The 1996 South African Schools Act (SASA) included reforms that gave far-reaching authority to school governing bodies (SGBs) in which parents were the majority. The reforms were motivated both by the concerns of apartheid-era elites about how schools would be governed, and by the liberatory impulses of the United Democratic Front and other grassroots movements. South African school-level case studies (Fleisch and Christie, 2004; Levy et al., 2018) document striking examples of how, within low-income communities, school-level coalitions incorporating school principals, motivated teachers, parents and community leaders have achieved successful learning outcomes. Yet, while a few exemplary civil society organisations work collaboratively at school and community levels, there has been little sustained effort to breathe life into the SASA/SGB architecture within low-income communities.⁸ Kenya's experience illustrates what a more systematic commitment to micro-level coalition-building might achieve.

Kenya's public bureaucracy is notoriously uneven in its performance (Branch and Cheeseman, 2006). Yet, notwithstanding bureaucratic weaknesses, the country has long been a top performer among Eastern and Southern African countries; its learning outcomes are better than those achieved by South Africa's best-performing provinces.⁹ Key to achieving these outcomes have been school-level coalitional strategies. Ben Piper, a senior adviser on education policy and practice in Kenya

8 A 2003 review of school governance commissioned by the Minister of Education, and led by Professor Crain Soudien, identified some key obstacles to horizontal governance in poor communities and put forward a series of proposals on how the obstacles might be overcome; the report was never released. Eberhard (2016), prepared as an input into Levy et al. (2018), provides an overview of South Africa's SGB support initiatives up to that date.

9 In the 2007 SACMEQ learning assessment (the most recent that provided directly comparable data), Kenya's median score was 548 and South Africa's 483. The median score for the Nairobi region was 535, as compared with the Western Cape's 496. See Levy et al. (2018): chapters 2, 7 and 10 for further details.

and head of the Gates Foundation's global education practice, offers further insights (quoted in Levy et al., 2018: 280):

What one sees in rural Kenya is an expectation for kids to learn and be able to have basic skills... Exam results are far more readily available in Kenya than in other countries in the region. The 'mean scores' for the Kenya Certificate of Primary Education (KCPE) and equivalent KCSE at secondary school are posted in every school and over time so that trends can be seen. Head teachers are held accountable for those results to the extent of being paraded around the community if they did well, or literally banned from school and kicked out of the community if they did badly.

We recognise that, outside elite settings, it can be difficult for parents and communities to exercise their voices. Further, that inviting parents and other community stakeholders to participate in school governance can add to the risks of those with predatory interests capturing positions and resources. Nevertheless, it is not the practical challenges facing civil society that account for the lack of attention paid to the possibilities for inclusive governance created by SASA. Rather, it is the ideational lens through which South Africans approach the role of civil society in public service provision.

CONCLUSION

Has the time come to shift how South African civil society engages with government to emphasise more coalitional approaches? This question becomes even more pertinent considering the coalition Government of National Unity that followed the 2024 general election. Keeping in mind that adversarial approaches continue to have their place, our two case studies suggest that the answer is 'yes'. Here, stepping back from the details of the cases, are four conclusions from our analysis:

- First, since the late 1990s, South African civil society has mostly adopted adversarial approaches for reasons rooted in history. These adversarial approaches have yielded some massive, vital victories –

with gains more likely when the relevant tasks are logistical rather than craft.

- In cases where strategic coalitions between government and civil society have been forged, these have proven capable of yielding results that strengthen society's access to improved public services.
- Third, adversarial approaches are more likely to succeed when underlying state capability is strong than when it is weak – however, the administrative capability of the South African state has declined over the past 15 years.
- Fourth, going forward, there is a case for civil society also giving heightened attention to approaches to engagement that focus on building cross-cutting coalitions of stakeholders (inside and outside government) who are committed to addressing concrete problems.

A crucial, continuing challenge for the South African state is to renew a sense of hope and possibility. Mobilising around failures does not renew hope – on the contrary, it can risk deepening disillusionment. The times call not for deepening confrontation, but for a mode of social mobilisation on the part of civil society that fosters, rather than undercuts, a sense of solidarity and shared purpose. Our hope is that this chapter helps, in some small way, to add value to the call for a more hopeful path.

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