Civil Society and Social Movements

As announced in our previous newsletter, this year's *Thinking Africa* colloquium, which will take place on the weekend of 27-28 September, is on the topic of ‘NGOs and Social Justice in Africa’. The colloquium will be preceded by a workshop organised by the Unemployed People’s Movement on the topic of ‘NGOs and Social Movements in South Africa’ to be held on Friday 26 September. We also remind members of the public that, as always, our colloquia and other events are open to the public and free of charge. Participants in each event are welcome to attend the other as the two events are of mutual interest.

While the programme for the colloquium is still being put together, some of the participants include:

1. Mazibuko Jara, Director of the organisation *Ntinga Ntaba kaNdoda*.
2. Marjorie Jobson, National Director of the Khulumani support group.
3. Tshepo Madlingozi, who teaches law at the University of Pretoria.
4. Firoze Manji, who has recently joined ThoughtWorks as Director of the Pan-Africanism Institute.
5. Lungisile Ntsebeza, Professor of African Studies and NRF Chair in Land Reform and Democracy at the University of Cape Town.

www.ru.ac.za/politics/thinkingafrica
‘This interdisciplinary study, which brings together scholars from South Africa and elsewhere, is long overdue. Its value lies in unapologetic scholarship, engaged ethics and a political insight unparalleled in such publications. It subjects a concept that has become part of a sentimental post-apartheid lexicon to a rigorous critique. Frankly, from the judges of the Constitutional Court to church leaders, references to Ubuntu have been marked by a conceptual laziness that expects the mere mention of the word to give it meaning. This is a commendable contribution to scholarship by the Thinking Africa project’

- **Barney Pityana**, former Vice Chancellor and Emeritus Professor in Law, University of South Africa

‘Hudson has also noted the importance of the intersections between traditional values and legal instruments that guarantee the protection of women’s inclusion. Hudson argues that the liberal feminist focus on attaining legal and political equality for women to participate in different stages of peace-building contributes to women being included as an add-on to peace-building, thus assuming that ‘they will behave like men when given men’s roles and that the fundamental frameworks of peacebuilding, though they were created by men for men, are unproblematic and will remain intact’ (2009: 291). Using as an example the limited success of United Nations Resolution 1325, Hudson argues that the top-down nature of liberal peace-building has resulted in a ‘piecemeal’ inclusion of women in conflict zones that continue to ignore gender analysis and that, at times, the resolution has ‘brought about backlash in several conflicts’ (301). It is in this light that Hudson argues that African feminism offers better insight into how feminist agendas can be reconciled with African women’s special needs and the peculiarities of their context, informed by their own understanding and the utilisation of local knowledge and traditional values, such as Ubuntu.’
Sally Matthews, convenor of the 2014 Colloquium on NGOs and Social Justice, interviews Tshepo Madlingozi who teaches law at the University of Pretoria and who serves as an advocacy adviser and board member for the Khulumani Support Group. He is also a member of the Council for the Advancement of the South African Constitution and co-editor of *Socio-economic Rights in South Africa: Symbol or Substance* (Cambridge University Press, 2013).

**SM:** Can you briefly explain what Khulumani does?

**TM:** Khulumani is not an NGO but explicitly self-identifies as a social movement. I will elaborate on this point later. Khulumani was set up in 1995 in response to the Truth and Reconciliation Commission (TRC). Victims and survivors of pre-1994 gross violations of human rights – including killings, disappearances, violence of a sexual nature, unlawful detention, denationalization, torture and destruction of property – had not been consulted in setting up the TRC; nonetheless they decided that they will not be silent or silenced but will ‘Speak Out’ – hence ‘Khulumani’. During the TRC, Khulumani members worked to offer those testifying support and to make sure the TRC functioned in a victim-centred way. After the TRC, victims realised that to a large extent the TRC had been merely an exercise in legitimating the elite settlement, that victims were merely fodder for facilitating ‘the transition’ and that victims’ pain and suffering had been used by the new black ruling elite to extract concessions from the white establishment.

As one of the first post-1994 social movements, the experience of the pre and post TRC processes taught Khulumani several lessons; some of which were articulated explicitly by members, others less so. These are, inter alia, experiences relating to the lack of consultation in the setting up of the TRC (only big human rights NGOs and churches were consulted); the fact that narrow legalistic definitions and requirements of the TRC Act excluded many victims; that the TRC operated in a manner favourable to powerful actors (by being perpetrator-friendly); that beneficiaries of Apartheid and colonialism were given a free pass into the ‘new South Africa’; that the drafting of TRC recommendations did not involve victims, and that resonant cultural symbols and rituals – such as *ubuntu* and traditional African cleansing ceremonies – could be mobilised and abused in the service of ends that had nothing to do with African conceptions of justice and in ways that paradoxically perpetuated epistemicide. These experiences taught victims that there were many continuities in the State mode of politics between the pre-1994 and post-1994 regimes in the sense of regarding poor and vulnerable people as dispensable in decision-making processes; that statist processes should always be approached with suspicion, and that laws derived from the ‘best-constitution-in-the-world’ can be exclusionary.
**SM:** Would you describe Khulumani as an NGO or as a social movement? Is it possible and helpful to differentiate between NGOs and social movements or are the lines between them not often blurred?

**TM:** Khulumani Support Group is a membership-based organisation with branches made up of between 50 and sometimes more than 100 people in different provinces. The most active branches meet twice a month, while some meet perhaps once in three months. The branches elect representatives to respective Provincial Steering Committees. The highest decision-making body of Khulumani is the National Steering Committee. A National Contact Centre is based in Johannesburg. Based on this bottom-up structure and the fact that members identify their biggest victory as being able to develop a collective identity and a sense of belonging when they previously felt alone and their pain unacknowledged, Khulumani self-identifies as a social movement.

It is rather voguish to claim that the lines between social movements and NGO blur: NGOs are usually made up of a professional staff, have registered themselves in terms of the Non-Profit Organisations Act, rely on and are inspired by donor and funders’ programmes. They usually have a ‘stakeholder’ relationship with the state and have client communities who never have any meaningful say in the policies drawn up by NGO ‘programme officers’. In that sense, NGOs can be very statist. A more important distinction is that NGOs inhabit the sphere of civil society. Social movements are made up of people and organisations that are often at the margins of, or worse, totally excluded from the sphere of civil society. In civil society the logic of liberal democracy obtains. Social movements often operate in a sphere where a mixture of patronage, repression, social fascism and illiberalism are the order of the day. While State-NGO relationships are adorned with parliamentary submissions, angry ‘Op-eds’, police-sanctioned marches, ‘workshopping’ and ‘stakeholder-meetings’, talk-radio face-offs, and litigation, state-movement dialogue is usually mediated by bullets, tyre-barricades, arrests, disruptive marches and general harassment by state and non-state elites. It is not far-fetched to suggest that, in neoApartheid South Africa, NGOs function in what Fanon, designated the ‘zone of beings’ while, as the many cases of police torture suggests, social movements operate in the ‘zone of non-beings’. Or to invoke another theorist, Boaventura de Sousa Santos, there is an ‘abyssal line’ where on the civil society side governance is geared towards managing the tension between regulation and emancipation while on the other side of the line appropriation and coercion are the order of the day.

Having said that, it is true that lines are often blurred. Because of the nature of its constituency – overwhelmingly middle-aged, often sickly and having suffered for more than two decades – Khulumani often forgo tactical repertoires associated with social movements for more in-system tactics and innovative cultural forms of protests. Likewise, somebody not familiar with the out-of-public operations of Abahlali baseMjondolo, and choices forced on the movement by repression, will see it clamouring for ‘meaningful engagement’, and respect for court processes and think that these ‘in-system’ tactics and civil society jargon make it a membership-based civil society organisation. So yes, the lines sometimes do get blurred.