

**Advancing transformative justice? A case study of a trade union, social movement and NGO network in South Africa**

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## **Abstract**

Transitional justice mechanisms have largely focused upon individual violations of a narrow set of civil and political rights and the provision of legal and quasi-legal remedies, typically truth commissions, amnesties and prosecutions. In contrast, this thesis highlights the significance of structural violence in producing and reproducing violations of socio-economic rights. The thesis argues that there is a need to utilise a different toolkit, and a different understanding of human rights, to that typically employed in transitional justice in order to remedy structural violations of human rights such as these. A critique of the scope of existing models of transitional justice is put forward and the thesis sets out a definition of transformative justice as expanding upon and providing an alternative to the transitional justice mechanisms typically employed in post-conflict and post-authoritarian contexts.

Focusing on a case study of a network of social movements, nongovernmental organisations and trade unions working on land and housing rights in South Africa, the thesis asks whether networks of this kind can advance transformative justice. In answering this question the thesis draws upon the idea of political responsibility as a means of analysing and assessing network action. The existing literature on political responsibilities and transnational advocacy networks is interrogated and adapted to the largely domestic case study network.

Based on empirical research on the case study network and an analysis of its political responsibilities the thesis finds that networks of this kind can contribute to transformative justice. They do this by providing space in which affected communities articulate their concerns over socio-economic rights issues. Providing a means by which existing structures and practices may be contested contributes to processes of transformative justice. However, based on the case study it is not certain that network action of this kind will necessarily lead to transformative outcomes.

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## Preface

This thesis is the culmination not only of the doctoral research upon which it is directly based but also prior study and the questions which were raised by this. Whilst none of this thesis has previously been submitted for an award, the study builds upon research carried out and occasionally makes use of data collected during earlier MA studies in Applied Human Rights at the University of York. Study during the MA highlighted issues surrounding land inequalities and housing rights activism in South Africa which were explored in part in dissertation research for the MA and which this thesis explores further.<sup>1</sup>

Contacts established through the University of York as well as through earlier research carried out for the MA in Applied Human Rights were utilised to open up opportunities for establishing research engagements for the study. For example, through carrying out an internship with the International Labour Research and Information Group in 2009, acting as a visiting student at the Institute for Poverty, Land and Agrarian Studies, University of Western Cape in 2010 and making contact with activists from social movements such as Abahlali baseMjondolo and the Western Cape Anti-Eviction Campaign whilst conducting MA research some contacts in relevant organisations were established prior to commencing PhD research. Moreover, being based at the University of Cape Town's Department of Private Law as a visiting researcher during the substantive period of data collection in 2012 facilitated the making of new contacts with relevant individuals and organisations which were utilised variously in the informal scoping and formal data collection parts of the study.

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<sup>1</sup> Matthew Evans, "How can land reform be utilised to facilitate the right to housing in urban areas of South Africa?". Unpublished MA dissertation, Centre for Applied Human Rights, University of York, (September 2010).

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There are numerous people without whom this research project would not have been possible. Necessarily, this list of acknowledgements will be incomplete. Nevertheless, specific thanks must go to a number of individuals and organisations. First and foremost, the practitioners, scholars and activists who gave up their time to participate in the research must be thanked. Furthermore, thanks must go to the supervisory team: Paul Gready for primary supervision, Jon Ensor (and earlier, Rob Aitken) for secondary supervision and Hanri Mostert for host supervision at the University of Cape Town (UCT). The Sir Richard Stapley Educational Trust must be thanked for contributing to the costs of carrying out the research. The Worldwide Universities Network must be thanked for facilitating the Researcher Mobility Programme which allowed research in South Africa to take place whilst visiting UCT. Harriet Cross deserves recognition for her vital assistance and advice in applying to the Researcher Mobility Programme and Anashri Pillay should be thanked for her assistance in making contacts at UCT. In South Africa additional thanks should go to Ruth Hall, Rebecca Pointer, Steven Robins, Leonard Gentle, Koni Benson, Fiona Ross, Sophie Oldfield, Alexander D'Angelo, Nkanyiso Sibanda, Cheri Young, Janine Howard, James Newdigate, Livashnee Naidoo, Williams Obeng, Karin Lehman and Meyer van den Berg.

## **Declaration**

All work contained in this thesis is the author's own. Where the work of others is referred to it is appropriately cited. No parts of this thesis have previously been presented for another award at the University of York or any other institution.

Matthew Evans

October 2013

# Introduction

## Part 1: Project overview

### **I: Background and Context**

This research aims to contribute towards advancing the agenda of transformative justice.<sup>2</sup> Specifically, it explores the role of networks in advancing transformative justice. Focusing on a case study of a landless people's and housing rights network in South Africa, the study explores the differing organisational forms of nongovernmental organisations (NGOs), trade unions and social movements, their strategies and their relationships with each other. The aim of the research is to contribute to ongoing debates in human rights and related fields of scholarship and practice regarding the broad dilemma of how networks working on human rights issues should be composed. That is to say, to discuss which actors should cooperate, and in what ways, in order to best promote and protect particular human rights.

The research takes place in the context of the mainstream human rights discourse's increasing focus upon economic and social rights following the end of the cold war – particularly in recent years – and in the context of ongoing debates about how human rights NGOs and other actors should promote and protect these rights.<sup>3</sup> Furthermore, perhaps in part due to the increasing attention being paid to economic and social rights, the linguistic and methodological framework of human rights is increasingly being adapted to a broader field of application. In recent years there has been an increase in the adoption of a human rights based approach and human rights framing by NGOs working on issues such as development<sup>4</sup> and by actors including NGOs and trade unions working to promote and protect labour

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<sup>2</sup> Paul Gready, Jelke Boesten, Gordon Crawford and Polly Wilding, "Transformative Justice – A Concept Note". Draft concept note developed by *the WUN Transformative Justice Group*, October 2010.

<sup>3</sup> E.g. Kenneth Roth, "Defending Economic, Social and Cultural Rights: Practical Issues Faced by an International Human Rights Organization," *Human Rights Quarterly* 26, No. 1 (2004): 63-73; Leonard S Rubenstein, "How International Human Rights Organizations Can Advance Economic, Social and Cultural Rights: A Response to Kenneth Roth," *Human Rights Quarterly* 26, No. 4 (2004): 845-865; Daniel J Whelan and Jack Donnelly, "The West, Economic and Social Rights, and the Global Human Rights Regime: Setting the Record Straight," *Human Rights Quarterly* 29, No. 4 (2007): 908-949; Susan L Kang, "The Unsettled Relationship of Economic and Social Rights to the West: A Response to Whelan and Donnelly," *Human Rights Quarterly* 31, No. 4 (2009): 1006-1029.

<sup>4</sup> E.g. Peter Uvin, *Human Rights and Development*, (Bloomfield: Kumarian Press, 2004); Philip Alston and Mary Robinson (eds.), *Human Rights and Development: Towards Mutual Reinforcement*, (Oxford: Oxford University Press, 2005).

rights.<sup>5</sup> Moreover, a variety of issues and activism surrounding them may be analysed from a human rights point of view regardless of whether the actors concerned explicitly frame their practice in terms of human rights.<sup>6</sup> This is the case for many of the issues and actors explored in this study. Indeed, in order for transformative justice to be meaningfully defined and pursued it is necessary to look beyond the constraints which the mainstream framing of human rights and the predominant focus of transitional justice mechanisms provide.<sup>7</sup>

The mainstream discourse has largely privileged individual rights over collective rights and civil and political rights over economic, social and cultural rights.<sup>8</sup> As a consequence, mainstream human rights NGOs have largely failed to engage with social movement struggles for human rights. There has been some engagement between organisations explicitly framed as human rights NGOs and trade unions but this is often on a very limited scale. For example, Amnesty International UK signed a joint memorandum of understanding with Trades Union Congress (TUC) in the UK in 2009.<sup>9</sup> Some international NGOs working on human rights issues but not traditionally considered to be human rights organisations, such as development and anti-poverty NGOs, have engaged with both trade unions and social movements to a greater extent than mainstream human rights NGOs. For example, War on Want works in partnership with trade union affiliates,<sup>10</sup> characterises itself as part of the labour movement<sup>11</sup> and supports a variety of social movements internationally,<sup>12</sup> and Oxfam Novib has worked with and supported trade union organisations in Egypt since the 1990s.<sup>13</sup>

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<sup>5</sup> E.g. Philip Alston (ed.), *Labour Rights as Human Rights*, (Oxford: Oxford University Press, 2005); Kevin Kolben, "Labor Rights as Human Rights?" *Virginia Journal of International Law* 50, No. 2 (2010): 449-484.

<sup>6</sup> E.g. Margaret E Keck and Kathryn Sikkink, *Activists beyond Borders: Advocacy Networks in International Politics*, (Ithaca: Cornell University Press, 1998): 18; Hannah Miller, "A change in charity law for England and Wales: examining War on Want's foremost adoption of the new human rights charitable purpose," *International Journal of Human Rights* 16, No. 7 (2012): 1003-1022.

<sup>7</sup> Neil Stammers, *Human Rights and Social Movements*, (London: Pluto Press, 2009): 8; Gready, Boesten, Crawford and Wilding, "Transformative Justice".

<sup>8</sup> *Ibid.*, 41.

<sup>9</sup> Trades Union Congress and Amnesty International UK, "Memorandum of Understanding: Co-operation and Partnership on Human and Labour Rights."

[http://www.amnesty.org.uk/uploads/documents/doc\\_19205.pdf](http://www.amnesty.org.uk/uploads/documents/doc_19205.pdf) [accessed May 28, 2010].

<sup>10</sup> War on Want, "War on Want & the trade unions." <http://www.waronwant.org/about-us/trade-unions> [accessed December 9, 2010].

<sup>11</sup> *Ibid.*.

<sup>12</sup> E.g. War on Want, "Shack dwellers in South Africa." <http://www.waronwant.org/overseas-work/informal-economy/shack-dwellers-in-south-africa> [accessed December 9, 2010]; War on Want,

In South Africa, where the case study for this research is located, a variety of formal and informal relationships between NGOs, trade unions and social movements exist. As discussed in greater detail in the literature review and case study discussion chapters, the relationships in the case study network are not for the most part linked to international NGOs or to overt framing of land and housing issues in terms of human rights.

## **II: Focus**

This research centred on a case study of the South African landless people's and housing rights network. Focusing particularly on this case study, the thesis aims to analyse the paradox of networks based around mainstream NGOs which explicitly focus on human rights largely failing to engage with either trade unions or social movements and the paradox of transitional justice mechanisms largely failing to address structural issues and socio-economic rights. The research explores the at times diverging approaches NGOs, trade unions and social movements have to network action protecting and promoting human rights. The study aims to provide useful recommendations for NGOs, trade unions and social movements working in networks so that they might improve the practice of promoting and protecting human rights – particularly economic and social rights – through engagement with and learning from each other. In particular the research focuses on:

- The relationships between NGOs, social movements and trade unions in networks.
- The strategies of NGOs, social movements and trade unions with regard to promoting and protecting human rights.
- The concept of transformative justice, particularly in relation to the contribution of networks to transformative justice in theory and practice.

It has already been mentioned that the research is focused upon a case study of NGOs, social movements and trade unions working in some way on the rights of landless people in South Africa. These include social movements such as Abahlali

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“Anti-eviction in South Africa.” <http://www.waronwant.org/overseas-work/informal-economy/anti-eviction-in-south-africa> [accessed December 9, 2010]; War on Want, “Landless in Brazil.” <http://www.waronwant.org/overseas-work/food-justice/landless-in-brazil> [accessed December 9, 2010].

<sup>13</sup> Catherine Essoyan, *From Poverty to Power Case Study: Centre for Trade Union and Workers' Services (CTUWS) (Egypt)*, (Oxfam International: Oxford, 2008).

baseMjondolo and the Western Cape Anti-Eviction Campaign as well as the Congress of South African Trade Unions (COSATU) and its constituent unions, and NGOs based and working in the region. The forms and strategies of these actors are analysed with a particular lens turned upon the networks in which they participate locally and nationally (and, where such ties exist, internationally – especially across the global South). The research includes a study of NGOs and other organisations which are not necessarily overtly human rights-oriented such as the International Labour Research and Information Group (ILRIG). To some degree the study of these actors is contextualised through comparison with Northern based networks containing mainstream human rights NGOs. However, the main purpose of this research is not to provide a comparison between Northern and Southern case studies. The purpose is, through the analysis of the case study network (detailed further below), to contribute practical knowledge to the advancement of transformative justice. In particular, the thesis aims to contribute to knowledge about processes of transformative justice. This is for several reasons. Processes are linked to outcomes and processes matter. Moreover, the scale, scope and duration of the research project allowed more data to be collected relating to processes than to transformative justice outcomes.

The study focuses upon an analysis of particular human rights issues, campaigns and, especially, networks. Primarily, the networks of actors working on the rights of the landless in South Africa are explored in relation to network composition and approaches taken to the issue. Study of campaigns for housing rights and against evictions are particularly central to the research. However, in order to provide relevant background and context, other networks and sites of engagement between diverse actors such as NGOs, trade unions and social movements are also explored, especially in the literature review section of the thesis (Chapters 1 and 2). For instance, the World Social Forum (WSF) is examined as one platform of engagement between NGOs, social movements and trade unions. Some attention, for instance, is paid to the role of the WSF in facilitating democratic dialogue and promoting campaigns (such as for the implementation of participatory budgeting)<sup>14</sup> along with critiques of the WSF's efficacy and structures, especially the suggestion

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<sup>14</sup> E.g. Teivo Teivainen, "The World Social Forum and global democratisation: learning from Porto Alegre," *Third World Quarterly* 23, No. 4 (2002): 621-632.



that the WSF is undemocratic and Western or NGO dominated.<sup>15</sup> In the literature review section, particularly Chapter 2, there is a discussion of other networks in the same terms, including of the campaign against the sale of conflict diamonds, the campaign to ban landmines and the campaign against small arms. There is also a focus in the literature review and the subsequent discussion sections of the thesis upon adapting and applying the framework of “political responsibility” to the case study network.<sup>16</sup> Political responsibility in networks may be defined as “a commitment to embrace not only goals in a campaign but to conduct the campaign with democratic principles foremost in the process”.<sup>17</sup> The political responsibilities framework is useful for a number of reasons. In particular, the emergence of the political responsibilities framework from practitioners’ analysis provides a clear link between the framework and attempts to address the lived reality of practitioner concerns surrounding network action.<sup>18</sup> The political responsibilities framework presents a means by which potentially problematic dynamics in network relationships may be identified, evaluated and, consequently, mitigated.<sup>19</sup> The concept “differs slightly from accountability in that accountability has formal obligations embedded within its definition” whereas in networks such as the case study “there are no formal mechanisms to enforce obligations. Thus, to discuss accountability within these networks would be to suggest something that is not yet existent”.<sup>20</sup> This feeds into the analysis of transformative justice processes in the case study network put forward in the thesis.

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<sup>15</sup> E.g. Jackie Smith, “The World Social Forum and the challenges of global democracy,” *Global Networks* 4, No. 4 (2004): 413-421; Mark Butler, “[re]connecting the World Social Forum.” January 2007, *Abahlali baseMjondolo*. <http://abahlali.org/node/619> [accessed January 6, 2011]; Mzonke Poni, “Another World is Possible: Reflections and Criticisms on the World Social Forum, 2009, Belem, Brazil.” *Abahlali baseMjondolo*. <http://www.abahlali.org/node/4959> [accessed January 6, 2011]; David Ntseng, “Brief Reflection on World Social Forum 2007 (Kenya, Nairobi).” *Abahlali baseMjondolo*. <http://abahlali.org/node/845> [accessed January 6, 2011]; Jai Sen, “Interrogating the Civil: Engaging Critically with the Reality and Concept of Civil Society.” [http://p2pfoundation.net/Engaging\\_Critically\\_with\\_the\\_Reality\\_and\\_Concept\\_of\\_Civil\\_Society](http://p2pfoundation.net/Engaging_Critically_with_the_Reality_and_Concept_of_Civil_Society) [accessed January 6, 2011].

<sup>16</sup> Lisa Jordan and Peter Van Tuijl, “Political Responsibility in Transnational NGO Advocacy,” *World Development* 28, No. 12 (2000): 2051-2065; Alan Hudson, “NGOs’ transnational advocacy networks: from ‘legitimacy’ to ‘political responsibility?’” *Global Networks* 1, No. 4 (2001): 331-352.

<sup>17</sup> Jordan and Van Tuijl, “Political Responsibility in Transnational NGO Advocacy”, 2053.

<sup>18</sup> Jordan and Van Tuijl, “Political Responsibility in Transnational NGO Advocacy”; Hudson, “NGOs’ transnational advocacy networks”.

<sup>19</sup> Jordan and Van Tuijl, “Political Responsibility in Transnational NGO Advocacy”.

<sup>20</sup> *Ibid.*, 2053.

As detailed more thoroughly in Chapter 1, the social movements that the research focuses upon are “specific social movements” rather than broader “general social movements”.<sup>21</sup> Specific social movements have specific, defined goals and a “definite” membership.<sup>22</sup> Both of these facts make the identification and study of such movements easier than that of “uncoordinated” general movements with “vague” aims.<sup>23</sup> Within these “specific” social movements this research focuses study on particular social movement organisations.<sup>24</sup> These are more formalised, complex organisations which share the specific goals of the social movement as a whole.<sup>25</sup>

### **III: Research question**

Main question:

- Can transformative justice be advanced through networks of trade unions, social movements and NGOs in the global South?

Secondary questions:

- How do NGOs, trade unions and social movements currently engage with each other in networks?
  - Which actors participate in networks?
  - How do these actors’ approaches to networks differ?
- What can be learned from the approaches of NGOs, trade unions and social movements in networks?
  - What risks and opportunities do these approaches present?

### **IV: Research objectives**

The research objectives are:

1. To map participation in the case study network.
2. To analyse relationships within the case study network.
3. Evaluate the political responsibility of the case study network.

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<sup>21</sup> Herbert Blumer, “Social Movements,” in *Social Movements: A Reader*, edited by Vincenzo Ruggiero and Nicola Mantagna (Abingdon: Routledge, 2008): 65-66.

<sup>22</sup> *Ibid.*, 66.

<sup>23</sup> *Ibid.*, 65.

<sup>24</sup> John D McCarthy and Mayer N Zald, “Resource Mobilization and Social Movements: A partial theory,” in *Social Movements: A Reader*, edited by Vincenzo Ruggiero and Nicola Mantagna (Abingdon: Routledge, 2008): 109.

<sup>25</sup> *Ibid.*.

4. Synthesise conclusions addressing the research questions.
5. Create recommendations for research and practice.

## **V: Research design**

In this project, a greater understanding of the ways in which NGOs, trade unions and social movements work on human rights issues, and the ways in which NGOs, trade unions and social movements engage (or fail to engage) with each other will be achieved through a variety of approaches. Within the case study, the research is predominantly based upon a series of in depth interviews with NGO, trade union and social movement actors with regards to their approaches to promoting and protecting human rights and their approaches to partnerships and engagement with each other in taking action on land and housing rights. Interviews with twenty-one informants are drawn upon in the thesis. In addition to interviews, some analysis of materials (not always published) produced by groups and organisations within the case study network was also carried out. A list of these is provided in the Appendix.

It should also be noted that this research project is not intended to attempt value-neutrality. This would neither be possible nor desirable.<sup>26</sup> The project takes place as a piece of human rights research and within this is intended to advance the agenda of transformative justice. It is through the lens of an applied human rights based approach and an awareness of the transformative justice research agenda that the data was collected, analysed and presented.

Care was taken to ensure that research for this project was carried out ethically. To this end an information sheet for research participants and a consent form were used in order to assist in ensuring participation took place with informed consent. Sample forms and a discussion of their content are provided in the Appendix. Participants were given a choice about taking part, about whether they wished to be named in the study, about whether they gave permission to be directly quoted and were given an opportunity to ask questions, to withdraw consent or to stipulate their own conditions under which their contributions could be used. For instance, some research participants asked that direct quotations be checked with

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<sup>26</sup> E.g. Howard S Becker, "Whose Side Are We On?" *Social Problems* 14, No. 3 (1967): 239-247; Alvin W Gouldner, "Anti-Minotaur: The Myth of a Value-Free Sociology," *Social Problems* 9, No. 3 (1962): 199-213.

them before use in the thesis. A detailed discussion of the ethical considerations associated with the study is provided in the Appendix.

#### **(a) Research tools and methods**

The data collected was qualitative and was analysed in an interpretative manner. As mentioned above, data was primarily collected through interviews. These are largely individual semi-structured interviews. In addition to conducting interviews in the field some telephone interviews also took place.

As the research strategy of this project is to undertake a case study, and the aim is not to produce representative results or results which are generalisable to every possible alternative case, the sampling is not random. A purposive sample was carried out with a view to interviewing groups and/or individuals who are a part of a number of the nested elements of the case. Informants within social movement organisations, trade unions and NGOs were interviewed aiming to shed light on their organisations in relation to the network of actors working on landless people's rights in South Africa. Snowballing was pursued in order to identify and interview potential informants. As part of the purpose of the research is to map the participants in the network, snowballing is particularly useful. If, for instance, an interview with an informant from one participant organisation signposted a network relationship with a previously unknown partner this could lead to further investigation into this partner and any potential informants and relevant data it may yield for the research project. The sampling was also to some degree based on convenience – the ability to access an informant being a key determinant of whether they were interviewed. Further discussion of the methodology, including regarding the gaps in the data and limitations of the approach taken, is provided in the conclusion section of the thesis.

An explanation of the case study method as well as further details of how interview data analysis took place is provided in the Appendix. However, with regard to the analytical tools employed in the research project, several aspects may be highlighted here. It has previously been mentioned that this research takes an interpretative approach and is heuristic. The data collected through the empirical aspects of the case study research (interviews and documents) were analysed in relation to themes which were emergent within the data as it was collected and initially evaluated, as well as in relation to the findings of the literature review and a

reflexive synthesis of the literature review findings and the themes emergent within and across the interviews and documents. Furthermore, methods adapted from social network analysis, including the production of sociograms, were applied.

Drawing upon a social network analysis the thesis maps the elements of the case study network which were observed. Whilst this research is not strictly a social network analysis, adapting social network analysis tools allows for the data collected on the relationships between different groups to be organised and represented clearly, including diagrammatically.<sup>27</sup> This is particularly useful as once it has been established what the currently existing network looks like (which is done in Chapter 4) it is possible to move on to questions which emerge from reflexive application of the literature review findings and analysis of the empirical data collected with regard to why the network is structured as it is and whether it might be possible to change or improve the network. The use of sociograms in the thesis to map the case study network diagrammatically is discussed below. Further detail on the methodological approach taken is present in the Appendix to the thesis.

#### **(b) Use of sociograms**

In order to produce the sociograms which diagrammatically map the case study network *NetDraw* computer software was used.<sup>28</sup> This produces images of networks based on relationship information which can be described in matrices. For the simple sociograms used in this thesis it is necessary to input a matrix (as a text file) listing network actors in a column followed by a row of each actor to which they are linked.<sup>29</sup> So a column may list Actors A, B and C. The row beginning with Actor A may list Actors B, C and X, whereas the row beginning with Actor B may list Actors A and Y and the row beginning with Actor C may list Actors A, B and Z. Inputting this matrix to the software would allow the production of a sociogram detailing all the ties Actors A, B and C have to each other and to Actors X, Y and Z. For instance, Actor A is linked to all the other actors except Actor Y and Actor Z, whereas Actor Y is only tied to Actor B and Actor Z is only tied to Actor C. This sociogram would not show whether there were ties between Actors X, Y and Z. In order to show all

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<sup>27</sup> Robert A Hanneman and Mark Riddle, *Introduction to social network methods* (Riverside, CA: University of California, Riverside, 2005).

<sup>28</sup> Steve P. Borgatti, *NetDraw Network Visualization*, (Harvard: Analytic Technologies, 2002).

<sup>29</sup> Hanneman and Riddle, *Introduction to social network methods*; Borgatti, *NetDraw*.

the relationships Actors X, Y or Z have (assuming data on these relationships was available) it would be necessary to add rows beginning with these actors to the first column of the matrix and to add the Actors to which they are linked to the corresponding rows.<sup>30</sup>

For the sociograms of the case study network produced for this thesis (Figures 2 to 4, presented in Chapter 4) each actor about which it was possible to collect relevant data was listed in the first column of the matrix. This information was based on interview data plus published and unpublished literature. Due to the geographic and thematic focus of the case study and the limits on data collection not every relationship of every network node can be plotted. Nevertheless, as discussed in Chapter 4, these diagrams are an important, if not exhaustive, resource for the analysis put forward in the thesis.

The diagrams of the network in this thesis are simple sociograms. This means they do not plot directionality or reciprocity of relationships and do not differentiate between different kinds of links between actors in the diagrams. Using the example network above, in a simple sociogram the Actor B node would be linked by lines to the Actors A, C and Y. In more complex sociograms (which are not used in this thesis) differentiation would be made (for instance through adding directional arrowheads to lines linking network nodes) between reciprocated and unreciprocated relationships.<sup>31</sup> In this case, whilst the Actor B node would still be linked by lines to the Actors A, C and Y it would also be clear that information from Actor B did not indicate a relationship with Actor C but that information from Actor C did indicate a relationship.

It is also possible to differentiate between different kinds of relationship diagrammatically, for instance by using different coloured or shaped lines and arrows.<sup>32</sup> However, for the purposes of this thesis it is not necessary to use sociograms to analyse in detail the different kinds of relationships or the extent to which they are reciprocated. Indeed, with regard to many of the relationships in the case study network (discussed mainly in Chapter 4) it would not make sense to discuss reciprocity as the links described are not of the sort which can be one sided. Moreover, the purpose of using sociograms to depict the case study network is to

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<sup>30</sup> Hanneman and Riddle, *Introduction to social network methods*; Borgatti, *NetDraw*.

<sup>31</sup> Hanneman and Riddle, *Introduction to social network methods*.

<sup>32</sup> *Ibid.*.

present an overall map of links between the network actors rather than to disaggregate the data according to the variety of relationship. For the purposes of this thesis it is useful to see the shape and extent of the network presented diagrammatically in broad terms whilst the detail and specific characteristics of relationships within the network can better be discussed textually.

## **VI: Contribution**

The study makes contributions to knowledge relating to practice, theory and methodology. The methodological approach taken is explained in detail in the Appendix of the thesis. The major methodological contribution of the research is to adapt and apply methods for social network analysis to an exploration of the groups and organisations which make up the case study network. This aspect of the methodology is discussed above. Moreover, the development of an analytical framework (set out in Chapter 2) building upon existing analyses of transnational advocacy networks' political responsibilities and adapting these in order to apply the approach to the case study network (or other domestic networks containing actors other than NGOs) is an important methodological contribution.

The main contribution this study makes to theory is in developing the concept of transformative justice. The thesis proposes and applies a working definition of transformative justice (detailed more fully in Chapter 3) and makes the case for future research in this area to take account of the considerations proposed. In particular, it is argued that transformative justice should be considered separate to (though potentially at times overlapping with) transitional justice. Key features of a transformative justice approach are identified regarding the importance of processes (such as participation of affected communities) as well as outcomes. Moreover, it is proposed that transformative justice must be concerned with socio-economic structures and wide-reaching societal changes.

Practical contributions of the thesis are largely made in the recommendations proposed in the final section. These relate to the ways in which actors engaged in or pursuing relationships in advocacy networks might strengthen these networks and overcome risks attached to network action. In particular, key practical contributions are made through the findings that ostensibly unconnected or even antagonistic actors may in fact be able to build useful links with one another (for instance based

on individual rather than organisational ties) in order to pursue mutually beneficial goals.

## **Part 2: Justification of case study**

### **I: Introduction**

A number of key themes and reasons why the case study is of interest are discussed throughout this part of the thesis in relation to both the focus on South Africa and the focus on landlessness. First, the participation of South African NGOs, trade unions and social movements working on landless people's rights in networks across the global South (rather than just in North-South partnerships) allows for attention to be paid to the operation of Southern networks, which is not widely explored in the existing literature. Second, the importance of paying attention to socio-economic rights and issues relating to land inequalities in order to further transformative justice has been recognised. A study of the South African landless people's rights network is therefore useful in order to meet these recognised requirements. Third, the specific social, cultural and political circumstances of NGOs, trade unions and social movements in South Africa and conditions present in South Africa provide interest which may not be found in alternative case studies.

### **II: Why South Africa?**

Several factors contribute to the reasons South Africa is an appropriate case study location for this research. Principal among these are the utility the research provides to the emerging discourse and agenda of transformative justice through taking place specifically in the South African context, and the interest generated by the particular kinds of actors – and the particular approaches and positioning thereof – operating in this context.

#### **(a) Transformative justice**

The framework of transformative justice is useful for providing explanatory grounds in relation to the choice of South Africa as the location of the case study for this research. Since the end of apartheid in 1994 a number of transitional justice mechanisms have been employed in South Africa. Principally these include the Truth and Reconciliation Commission (TRC) as well as both an amnesty process and some



recommended prosecutions for apartheid-era political crimes.<sup>33</sup> The South African model of transitional justice – particularly the TRC – has been held up as a successful and praiseworthy example and has been used as the basis for similar models in other post-conflict and post-authoritarian contexts.<sup>34</sup> However, broadening the focus from truth commissions and trials to issues of societal transformation provides a lens through which the South African model may be seen as less successful.<sup>35</sup> Steven Robins, for instance, posits that the whilst there have been “considerable gains” in the realisation of civil and political rights in post-apartheid South Africa, concurrent gains with regard to economic and social rights have not been evident.<sup>36</sup>

At best transformative justice in post-apartheid South Africa is an ongoing project. The sharp contrast between much of the perceived success of the South African model of transitional justice and the lack of broader societal transformation since 1994 provides a potentially illuminating context in which to study the actions of trade unions, social movements and NGOs. These kinds of actors have worked individually and in networks on promoting and protecting human rights beyond the narrow focus of transitional justice mechanisms. In relation to the case study network, the human rights issues which these actors address have their roots in the same set of (apartheid era and earlier) injustices which transitional justice mechanisms also seek to remedy. It is interesting to explore the approaches of and relationships between these actors in relation to transformative (rather than transitional) justice. South Africa provides a particularly good location for this exploration due to the apparent success of transitional justice processes and the lack of wider societal transformation post-apartheid. Chapter 3 discusses the conceptual framework of transformative justice in more detail.

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<sup>33</sup> International Center for Transitional Justice, “South Africa.” <http://ictj.org/our-work/regions-and-countries/south-africa> [accessed August 31, 2011].

<sup>34</sup> Sidney Tarrow, *The New Transnational Activism*, (New York: Cambridge University Press, 2005): 183-192.

<sup>35</sup> Nigel C Gibson, “Introduction – Calling everything into question: Broken promises, social movements and emergent intellectual currents in post-apartheid South Africa,” in *Challenging Hegemony: Social Movements and the Quest for a New Humanism in Post-Apartheid South Africa*, edited by Nigel C Gibson (Trenton: Africa World Press, 2006): 1-28.

<sup>36</sup> Steven L Robins, “Introduction,” in *Limits to Liberation after Apartheid*, edited by Steven L Robins (Oxford: James Currey, 2005): 2.

## **(b) Positioning of NGOs, trade unions and social movements**

During the apartheid period social movements emerged in opposition to the apartheid system. Many of these were aligned with the United Democratic Front (UDF) and forged close links to the African National Congress (ANC) which since the end of apartheid has been the ruling party in South Africa. During the apartheid period social movements affiliated to the UDF shared many of the same aims as the ANC in striving towards principles such as those set out in the Freedom Charter.<sup>37</sup> However, the failure of the post-apartheid ANC government to fully implement these principles has led to contemporary social movements (plus NGOs and trade unions) operating across a broader spectrum of support for and opposition to the ANC and the wider post-apartheid state. It has been argued that these actors (especially social movements) have filled a vacuum in political opposition in post-apartheid South Africa since the late 1990s.<sup>38</sup> There remain some social movements which engage the state and the ANC to some extent, and some which have been entirely co-opted, whilst others display outright opposition.<sup>39</sup> A similar state of affairs exists regarding trade unions. The activities of trade unions, often in alliance with the ANC and anti-apartheid social movements, were central to the anti-apartheid struggle and the eventual transition to democracy.<sup>40</sup> Indeed, since the end of apartheid, COSATU, the main trade union confederation in South Africa, has been partnered in government with the ANC and South African Communist Party (SACP) in the Tripartite Alliance.<sup>41</sup> However, COSATU has been critical of many of the ANC's policies in government and a number of non-COSATU affiliated unions have emerged occupying a range of positions in relation to engagement with the state, such as the farm workers' union Sikhula Sonke, which has taken part in election boycott campaigns.<sup>42</sup> These issues are discussed in more detail in Chapter 1.

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<sup>37</sup> Gibson, "Introduction", 18-23.

<sup>38</sup> Richard Ballard, Adam Habib, Imraan Valodia and Elke Zuern, "Introduction: From Anti-Apartheid to Post-Apartheid Social Movements," in *Voices of Protest: Social Movements in Post-apartheid South Africa*, edited by Richard Ballard, Adam Habib and Imraan Valodia (Scottsville: University of KwaZulu-Natal Press, 2006): 15.

<sup>39</sup> Gibson, "Introduction", 1-27.

<sup>40</sup> SAinfo, "Trade unions in South Africa."

<http://www.southafrica.info/business/economy/policies/tradeunions.htm> [accessed August 31, 2011].

<sup>41</sup> Congress of South African Trade Unions, "Tripartite Alliance."

<http://www.cosatu.org.za/show.php?ID=2051> [accessed August 31, 2011].

<sup>42</sup> Robins, "Introduction", 9-11; SAinfo, "Trade unions in South Africa"; Woman On Farms Project, "Who is Sikhula Sonke?" <http://www.wfp.org.za/sikhula-sonke/> accessed August 31, 2011];

NGOs occupy an important position in the politics of post-apartheid South Africa. With many NGOs having operated during the apartheid era working towards various different specific ends and being based on a variety of ideological positions the same is true in the post-apartheid era. As a result of the different ends being pursued and their varying political positions there is a precarious relationship between NGOs and social movements, which themselves hold a range of different aims and political positions.<sup>43</sup> This is complicated further by these actors' relationships with trade unions and with the post-apartheid state. Moreover, NGOs often act as intermediaries between local or community-based activism and the formal political sphere at a national level as well as providing links to international spheres of influence through funding streams and participation in transnational networks.<sup>44</sup> It is therefore important to explore the ways in which the action of NGOs in promoting and protecting human rights in contemporary South Africa is affected by their approaches to partnerships with other actors and positions within transnational or domestic networks. Chapter 2 provides a more thorough exploration of the theory and practice of advocacy networks.

### **III: Why landlessness?**

Land is a particularly important area of contestation with regard to socio-economic inequalities and structural violence. According to Tafadzwa Pasipanodya “the demand for equitable redistribution of land motivated people to wage war” in a variety of countries (including South Africa) yet has largely failed to be addressed as a “source of unrest” in these countries post-conflict.<sup>45</sup> Land ownership, access and use acts as a nexus in which a variety of – at times competing – human rights claims intersect. There are a number of established and legally protected human rights which can be seen as articulating a right to land. For example, there is a right to property (which may include land) articulated in the Universal Declaration of

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Yugendree Naidoo, “Farm workers announce election boycott.” *West Cape News*, April 7, 2009. <http://westcapenews.com/?p=599> [accessed August 31, 2011].

<sup>43</sup> Steven L Robins, *From Revolution to Rights in South Africa: Social Movements, NGOs and Popular Politics after Apartheid*, (Woodbridge: James Currey, 2008): 21-25.

<sup>44</sup> Keck and Sikkink, *Activists beyond Borders*, 9.

<sup>45</sup> Tafadzwa Pasipanodya, “A Deeper Justice: Economic and Social justice as Transitional Justice in Nepal,” *International Journal of Transitional Justice* 2, No. 3 (2008): 390

Human Rights.<sup>46</sup> The right to food (which is also protected by United Nations mechanisms)<sup>47</sup> may be seen as providing a gateway to a right to land as this right may be realised through access to agricultural land. Similarly, the right to housing – again protected by international mechanisms<sup>48</sup> – can be seen as a gateway right through which existing structures of land ownership and access may be challenged on human rights grounds.

Human rights issues relating to landlessness are a particularly exciting area upon which to focus this research. This is for a number of reasons. Landlessness and human rights issues related to landlessness impact upon the praxis of trade unions, NGOs and social movements in a range of different contexts. Actors working on a variety of different issues and from a range of different perspectives are affected by landlessness. For instance, this includes groups which explicitly adopt human rights framings when working on issues to do with evictions, housing, tenure or food as well as those that adopt alternative linguistic and discursive frameworks such as development, anti-poverty, social justice or political emancipation framings. Land inequalities and landlessness are particularly relevant to the study of transformative justice.<sup>49</sup> In this regard South Africa provides an especially good case study.

Social movements of landless people and shack dwellers have emerged in the post-apartheid period in sharp opposition to the ANC and, indeed, to participation in electoral politics.<sup>50</sup> The fact that collective action by landless people in South Africa has taken place outside of the formal political sphere and is not well supported by a major political party makes for an interesting case study which contrasts with the experiences of landless peoples' movements in other contexts. In Brazil, for example, the Landless Workers' Movement (MST) is known to have had a close relationship to the (now ruling) Workers' Party (PT).<sup>51</sup> There is therefore potential

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<sup>46</sup> United Nations, *Universal Declaration of Human Rights* General Assembly resolution 217A (III), 1948, UN Doc A/810 at 71, Article 17

<sup>47</sup> United Nations, *International Covenant on Economic, Social and Cultural Rights* General Assembly resolution 2200A (XXI) of 16 December 1966, entered into force 3 January 1976, Article 11

<sup>48</sup> *Ibid.*

<sup>49</sup> Gready, Boesten, Crawford and Wilding, "Transformative Justice"

<sup>50</sup> E.g. War on Want, "No Land! No House! No Vote!"

<http://www.waronwant.org/component/content/article/16523> [accessed August 31, 2011].

<sup>51</sup> Kathryn Hochstetler, *Civil Society in Lula's Brazil*, Working Paper 57, Centre for Brazilian Studies, University of Oxford, (Oxford: University of Oxford, 2004): 10-11; Leandro Vergara-Camus, "The Politics of the MST: Autonomous Rural Communities, the State, and Electoral Politics," *Latin American Perspectives* 36, No. 4 (2009): 179.

for new insight to be gained from a study of the relationships between and the approaches of actors working on landlessness in South Africa which would not be gained from an alternate case study. Additionally, the relatively recent transition of South Africa to democracy in 1994 compared to possible alternative case studies such as Brazil or India allows for a more contemporary insight to be gained into the praxis of transformative justice with regard to land inequalities and landlessness in the aftermath of authoritarian rule. Whilst authoritarian rule in South Africa ended long enough ago for many aspects of transition to democracy to take place, as noted above, the effects of apartheid are still clear to see with wider societal transformation yet to occur. South Africa therefore occupies a space in which the effects of authoritarian rule as well as the effects of post-transition policies can be explored in relation to their influence on contemporary politics. In relation to landlessness this means that South Africa is useful as a case study as it is possible to compare and contrast the actions of social movements, NGOs and trade unions in the present with that of the earlier stages of post-apartheid transition, and indeed these actors' approaches and relationships during the (still comparatively recent) apartheid period.

#### **(a) Land and landlessness in South Africa**

Whilst it is the case that South Africa's high profile and oft-praised transitional justice processes (especially the Truth and Reconciliation Commission) did not focus on structural, socio-economic grievances such as those relating to land, there have been some attempts to address these structural issues since the transition to democracy. Since 1994 a number of land reform policies have been put in place. These cover three broad categories: restitution, redistribution and tenure reform.<sup>52</sup> The initial target of these policies was to redistribute 30% of white-owned agricultural land into black ownership by 2014.<sup>53</sup> This was to be achieved through a market-based "willing buyer, willing seller" approach.<sup>54</sup> By 2008, however, the date

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<sup>52</sup> James, *Gaining Ground?*, 3-5.

<sup>53</sup> Cheryl Walker, *Landmarked: Land Claims and Land Restitution in South Africa*, (Johannesburg: Jacana, 2008): 20; World Bank, "Options for Land Reform and Rural Restructuring in South Africa". Report presented at the *Conference on Land Distribution Options*, (Land and Agricultural Policy Centre, Johannesburg), October 12-15, 1993.

<sup>54</sup> World Bank, "Options for Land Reform and Rural Restructuring in South Africa".

by which this target was expected to be achieved was moved back to 2025.<sup>55</sup> These targets are not as far-reaching as many would have liked. James Gibson highlights that in surveys of a representative sample population 85% of the black respondents indicated agreement with the statement that “Most land in South Africa was taken unfairly by white settlers, and they therefore have no right to the land today” and 68% of black respondents agreed that “land must be returned to blacks in South Africa, no matter what the consequences are for the current owners and for political stability in the country”.<sup>56</sup> Regardless, even the (arguably) modest targets of the ANC’s post-1994 policies for land redistribution have not been achieved on time and the government’s approach has been subject to significant criticism in recent academic commentary.<sup>57</sup>

Furthermore, there has been opposition and resistance to the current land reform paradigm from a range of actors including NGOs,<sup>58</sup> trade unions<sup>59</sup> and social movements.<sup>60</sup> It is important to highlight the fact that trade unions and union groupings critical of the current approach include those attached to COSATU as well as independent unions.<sup>61</sup> Along with similar calls from the SACP for faster and more radical land reform,<sup>62</sup> the opposition of COSATU to existing land reform policies is

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<sup>55</sup> Republic of South Africa, Department of Land Affairs and Department of Agriculture, *The Land and Agrarian Reform Project (LARP): The Concept Document*, February 2008 (Pretoria: DoA, 2008): 35.

<sup>56</sup> James L Gibson, *Overcoming Historical Injustices: Land Reconciliation in South Africa*, (Cambridge: Cambridge University Press, 2009): 31-32.

<sup>57</sup> E.g. Greenberg, *The Landless People’s Movement and the Failure of Post-Apartheid Land Reform*; James, *Gaining ground?*; Lungisile Ntsebeza and Ruth Hall, eds., *The land question in South Africa: the challenge of transformation and redistribution*, (Cape Town: HSRC Press, 2007).

<sup>58</sup> Tilley, *An Examination of Market-assisted Agrarian Reform in South Africa*; Urban LandMark, *Do Informal Land Markets Work for Poor People?*, 13-16; War on Want, “Landless in South Africa”.

<sup>59</sup> Congress of South African Trade Unions, “COSATU submission regarding the Expropriation Bill,” Draft Submission on the Expropriation Bill [B16-2008] presented to the Portfolio Committee on Public Works, June 18, 2008. [https://www.givengain.com/cgi-bin/giga.cgi?cmd=cause\\_dir\\_news\\_item&cause\\_id=2137&news\\_id=72432&cat\\_id=1585](https://www.givengain.com/cgi-bin/giga.cgi?cmd=cause_dir_news_item&cause_id=2137&news_id=72432&cat_id=1585) [accessed September 1, 2010]; Patrick Craven, “COSATU backs SACP campaign,” November 3, 2004. <http://hosting1.unwembi.co.za/sacp/main.php?include=docs/pr/2004/pr1103.html> [accessed September 1, 2010]; South African Press Association, “Speed up land reform”.

<sup>60</sup> Greenberg, *The Landless People’s Movement and the Failure of Post-Apartheid Land Reform*; Kienast, “Abahlali baseMjondolo”; War on Want, “Landless in South Africa”; Losier, “The Struggle for Land & Housing in Post-Apartheid South Africa”.

<sup>61</sup> E.g. South African Press Association, “Speed up land reform – Cosatu”; War on Want, “No Land! No House! No Vote!”.

<sup>62</sup> IRIN, “South Africa: Land redistribution back on the front burner”; Blade Nzimande, “Build working class power in the whole of society: SACP May Day 2007 Message,” Address to *SACP May Day Rally*, (Secunda, Mpumalanga), May 1, 2007. <http://www.sacp.org.za/main.php?include=docs/sp/2007/sp0501.html> [accessed September 1, 2010];

particularly significant given the roles of COSATU and the SACP in government as part of the Tripartite Alliance with the ANC. Recent suggestions by the government that their approach to land reform may change are discussed in Chapter 3.<sup>63</sup> The relationships between and approaches of actors such as NGOs, social movements and trade unions are particularly relevant for understanding how a transformative justice agenda might be pursued. These are discussed in relation to the concepts of structural violence and transformative justice in Chapter 3.

### **(b) Criticism of South Africa's current approach**

Current South African land reform policies have not been particularly successful in overcoming historical injustices and facilitating the equal realisation of rights for all people in South Africa. Criticisms of the current approach have come from a range of actors and have been for a number of reasons. One issue, which is particularly pertinent when analysing the degree to which structural violence can be reduced, is the suggestion that the current land reform process has focused too much on restitution rather than on redistribution or on addressing tenure reform.<sup>64</sup> Chris Huggins states that “there is a strong argument that any attempt to redress injustice over land rights must look not just at individual cases of dispossession but at the entire land tenure system”.<sup>65</sup> In South Africa many of those who have benefited from land reform (through restitution) have not been the poorest or most marginalised groups (who might benefit from wider redistribution or tenure reform). Those black people who are in a position to have land restored to them are likely to have been part of the relatively small and comparatively well-off group of black people who owned land prior to losing it during minority rule.<sup>66</sup> In order to address the structural

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David P Thomas, “The South African Communist Party (SACP) in the Post-apartheid Period,” *Review of African Political Economy* 34, No. 111 (2007): 135.

<sup>63</sup> E.g. South African Press Association, “‘No abandoning land reform’,” *Independent Online* February 21, 2012. <http://www.iol.co.za/business/business-news/no-abandoning-land-reform-1.1239139> [accessed March 4, 2012]; Jacob Zuma, “State of the Nation Address by Jacob G Zuma, President of the RSA on the occasion of the Joint Sitting of Parliament,” February 14, 2013, <http://anc.org.za/show.php?id=10074> [accessed March 10, 2013].

<sup>64</sup> Walker, *Landmarked*, 28-29; James, *Gaining Ground?*, 7-8.

<sup>65</sup> Chris Huggins, “Linking Broad Constellations of Ideas: Transitional Justice, Land Tenure Reform, and Development,” in *Transitional Justice and Development: Making Connections*, edited by Pablo de Greiff and Roger Duthie (New York: Social Science Research Council, 2009): 352.

<sup>66</sup> Paul Gready, “Land scarcity, land grabs, land reform, land rights”, (lecture, University of York, February 25, 2010) ; James, *Gaining Ground?*, 7-8.

inequalities which remain present in South Africa a wider reaching, transformative agenda is necessary. Components of such an agenda are set out in Chapter 3.

#### **IV: Key elements explaining case study choice**

Importantly for this study, a variety of different actors including NGOs, trade unions and social movements take action both independently and in networks working on issues relating to landlessness in South Africa. Analysis of these networks is useful for this research both in terms of gaining an understanding of the relationships between and approaches of the social movements, trade unions and NGOs being researched and in terms of exploring how these relationships relate to the wider project of promoting human rights through broad social transformation in post-authoritarian societies. This represents an under-researched area as most studies of networks working on human rights and social justice issues have focused upon North-South partnerships, particularly partnerships between NGOs.

Moreover, landlessness and inequalities in land link directly to several different legally codified human rights, including those protected by the South African Constitution.<sup>67</sup> Specifically, the right to housing, right to food and right to work are directly related to access to land and by extension the realisation of other legally established human rights – especially economic and social rights – are affected by land inequalities and landlessness.<sup>68</sup> In order to contribute to practice-based scholarship moving the agenda of transformative justice forward it is necessary for landlessness to be focused upon in studies such as this. Those actors working on landlessness in South Africa therefore present an ideal case study for this research.

### **Part 3: Thesis Outline**

This study comprises an introduction, five chapters and a conclusion. The introduction provides background and context regarding the motivation for the study, sets out the research questions and objectives as well as discussing the methodological approach of the study and explaining the choice of case study. Chapters 1 and 2 constitute the literature review section of the thesis. These chapters

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<sup>67</sup> E.g. Republic of South Africa, *Constitution of the Republic of South Africa*, Act No. 108 of 1996, [Date of Promulgation: December 18, 1996] [Date of Commencement: February 4, 1997]: Section 26.

<sup>68</sup> E.g. *International Covenant on Economic, Social and Cultural Rights*, Article 11; *Ibid.*, Article 6.



develop the analytical framework employed in the remainder of the thesis to analyse the relationships in the case study network. Chapter 3 is the main conceptual chapter, synthesising theoretical understandings of key concepts (particularly structural violence and transformative justice) which are applied to the practical reality of the case study data in the rest of the thesis. Chapters 4 and 5 constitute the case study discussion section. Here the empirical findings of the case study are discussed in relation to the network's political responsibilities and the question of whether networks of this kind contribute to advancing transformative justice. The final part of the thesis is the conclusion, which also puts forward recommendations for practice and research.

Chapter 1 is concerned with social movement theories and a discussion of the practice of trade unions. In particular the interactions between social movements and trade unions in relation to human rights are highlighted. The chapter explains the definition of social movements used in the thesis, highlights the relevance of trade unions and social movements to human rights in post-apartheid South Africa and raises key questions about the risks and opportunities attached to social movement and trade union action and interaction.

Chapter 2 discusses the theory and practice of networks, coalitions and related forms of collective action. It interrogates the assumptions made in the literature on transnational advocacy networks and introduces the concept of political responsibility as a means of analysing network action. The chapter concludes by highlighting the need for research focusing on domestic, Southern networks (such as the case study) and synthesises the analytical framework for overcoming tensions and strengthening networks through political responsibility.

Chapter 3 discusses the concepts of structural violence and transformative justice, particularly in relation to socio-economic rights and their interaction with land and landlessness in South Africa. It puts forward a critique of the standard model of transitional justice and proposes a definition of transformative justice which is drawn upon in the subsequent analysis of the case study network.

Chapter 4 is the first chapter focused upon discussing empirical findings from the case study. The chapter is focused on the existing ties between network nodes in the case study network and the opportunities for developing new or stronger ties. The chapter analyses what kinds of ties exist between different network nodes. It first

attempts to explain which of the various organisations and groups working on land reform and anti-eviction in the urban Western Cape are linked to each other and shows some of the wider national and international links these groups have. Following this, it establishes that some groups engage in highly formalised partnerships with others, whereas some other relationships appear to be much more ad hoc, informal or based largely on irregular sharing of platforms and information-sharing. The Housing Assembly, which links several community based organisations and movements such as Informal Settlements In Struggle (ISIS) with the South African Municipal Workers' Union (SAMWU) in Cape Town and ILRIG, for example holds formal meetings and produces jointly-authored materials for lobbying the local government. On the other hand, the Western Cape Anti-Eviction Campaign (AEC) and Sikhula Sonke have both put their names to rhetorically supporting the same campaigns but do not maintain close or regular contact or coordinate action together. The chapter continues with an analysis of the opportunities that exist for new or more effective collaboration between actors within the network.

Chapter 5 covers the limitations of and threats to the existing and potential ties between network nodes. The chapter moves further away from the descriptive elements of the earlier chapters and consolidates the analysis put forward in Chapter 4. Specifically, the chapter balances the focus of Chapter 4 on opportunities with a critique. This covers the limitations of existing ties between network nodes and of the possibilities for building new or stronger relationships between nodes viewed through the lens of political responsibilities. Ultimately, a synthesis of the analyses put forward in Chapters 4 and 5 are used as the main basis for the conclusions and recommendations presented in the thesis.

The conclusion section of the thesis links the case study back to a number of broader themes explored in the study. The conclusion presents recommendations about how networks of NGOs, trade unions and social movements – specifically those explored in the case study, but also those in other contexts which share similar characteristics – may usefully analyse their existing and potential relationships with other actors in order to be as effective as possible. Within this section there are conclusions drawn and recommendations made about the kinds of decision-making processes which appear to have been most appropriate for the development of effective relationships and for advancing transformative justice in the case study

network. This draws upon data collected surrounding various case study network actors' strategies, overall aims and approaches to relationships with other actors, as well as earlier discussions brought to the fore in the literature review and conceptual sections of the thesis (Chapters 1 to 3). The conclusion section also features a significant discussion of power. Conclusions are drawn with regard to the instances within the case study network where existing power dynamics between (and within) network nodes hinder effective action. Similarly, conclusions are drawn about when existing power dynamics may be challenged or altered in order to better facilitate networked action. Following on from this, conclusions are made with regard to whether actors in the case study network live up to their political responsibilities. Recommendations are then made regarding the extent to which the political responsibility framework can be applied to nodes within the case study network in order to promote more effective collective action. Key to all of the conclusions and recommendations put forward in this section is recognition of the limitations of different actors' capacities to act due to constraints on access to power and other resources. Whilst recommendations are made with regard to issues such as decision-making around participation in networks, these recommendations are grounded in the empirical reality of the case study network rather than abstract recommendations for an ideal type network. Consequently, in relation to some areas around which it can be seen that the relationship between nodes within the case study network is not ideal it is not possible to meaningfully recommend change. In other instances, however, changes in the approach or strategy of network actors should be possible and are recommended. This section also identifies the contribution and limitations of the study and makes recommendations for the conduct of future research.

# Chapter 1

## Social movements and trade unions

### **I: Introduction and Background**

Social movements and trade unions can be seen as playing an important role in the praxis of human rights. Historically, both trade unions and social movements were pivotal in initially articulating and promoting the notion of human rights.<sup>69</sup> More contemporaneously, specific human rights legal mechanisms have been developed which both explicitly relate to trade unions and the broad aims of trade unions as well as to the collective action required for social movements and trade unions to exist. The International Covenant on Economic, Social and Cultural Rights (ICESCR), for instance, codifies the right to form and join trade unions, the right to just and favourable working conditions including the right to equal pay for equal work and the right to strike.<sup>70</sup> Freedom of collective association including the right to form and join trade unions is also protected in the International Covenant on Civil and Political Rights (ICCPR)<sup>71</sup> and in the ILO's human rights treaties.<sup>72</sup> These mechanisms and other links between social movements, trade unions and human rights are set out in more detail in the introductory section of the thesis. This chapter seeks to explore the praxis of trade unions and social movements in relation to the protection and promotion of human rights. In particular there is a focus upon the various kinds of social movement and their approaches to relationships with trade unions. Moreover, keeping in mind the focus of this research on the case study of landlessness in South Africa, this chapter explores the specific context of trade unions and social movements in South Africa.

A number of key debates can be identified within the literature. There is a debate over whether social movements and trade unions should seek to organise and act autonomously or collaborate with powerful actors such as governments, donor

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<sup>69</sup> Stammers, *Human Rights and Social Movements*.

<sup>70</sup> E.g. *International Covenant on Economic, Social and Cultural Rights*, Article 7; *Ibid.*, Article 8.

<sup>71</sup> United Nations, *International Covenant on Civil and Political Rights* General Assembly resolution 2200A (XXI) of 16 December 1966, entered into force 23 March 1976, Article 22.

<sup>72</sup> Michael Freeman, *Human Rights: An interdisciplinary approach*, (Cambridge: Polity, 2002): 39.

agencies and NGOs, and to what extent any collaboration may lead to co-option.<sup>73</sup> It is also evident that there is a debate surrounding the ability of trade unions and social movements to act legitimately and responsibly in relation to their various constituents.<sup>74</sup> A further debate emerges from the literature with regard to the appropriate political positioning of social movements and trade unions and, relatedly, with regard to the appropriate composition and organisational forms taken by these actors.<sup>75</sup>

### **(a) Varieties of social movement**

It is important to come to some definition of what a social movement is. The literature on social movements describes a variety of different phenomena as falling under this broad category. For instance, Mario Diani defines a social movement as “a network of informal interactions between a plurality of individuals, groups and/or organisations, engaged in political or cultural conflict, on the basis of a shared collective identity”.<sup>76</sup> On the other hand, Neil Stammers contends that economic, political, social or cultural dimensions may be present in social movements, that both informal and non-institutional action must be present in order for an actor to be a social movement (as opposed to a network for instance) and that informal interactions between formalised organisations and institutions alone would not constitute a social movement.<sup>77</sup> Further discussion is nevertheless warranted.

Herbert Blumer identifies three kinds of social movement, which differ in their composition, organisation and aims. What Blumer describes as “general social movements” take action in relation to broad goals and “vague” aims.<sup>78</sup> For example,

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<sup>73</sup> E.g. Richard Pithouse, “Solidarity, Co-option and Assimilation: The Necessity, Promises and Pitfalls of Global Linkages for South African Movements,” in *Challenging Hegemony: Social Movements and the Quest for a New Humanism in Post-Apartheid South Africa*, edited by Nigel C Gibson (Trenton: Africa World Press, 2006): 247-286.

<sup>74</sup> Fiona White, “Strengthening Democracy? The Role of Social Movements as Agents of Civil Society in Post-Apartheid South Africa”. Unpublished PhD thesis, Institute of Commonwealth Studies, School of Advanced Study, University of London, (January 2008): 169-215.

<sup>75</sup> E.g. Alex Callinicos and Chris Nineham, “At an impasse? Anti-capitalism and the social forums today,” *International Socialism* 115 (2007): 69-110; Megan Meyer, “Organizational Identity, Political Contexts, and SMO Action: explaining the tactical choices made by peace organizations in Israel, Northern Ireland, and South Africa,” *Social Movement Studies* 3, No. 2 (2004): 167-197.

<sup>76</sup> Mario Diani, “The Concept of Social Movement,” in *Readings in Contemporary Political Sociology*, edited by Kate Nash (Oxford: Blackwell, 2000): 165.

<sup>77</sup> Stammers, *Human Rights and Social Movements*, 35.

<sup>78</sup> Herbert Blumer, “Social Movements,” in *Social Movements: Critiques, Concepts, Case-Studies*, edited by Stanford M Lyman (New York: New York University Press, 1995): 60-61.

the women's movement, with the goal of promoting women's interests generally, and the peace movement, with the aims broadly in favour of peace, are general social movements. Less vague are movements termed "specific social movements" by Blumer. These take action on clearly definable issues. For instance, the anti-slavery movement, solely focused upon ending the practice of slavery, can be seen as a specific social movement.<sup>79</sup> The third category of movement Blumer identifies consists of "expressive social movements". These include religious movements and cultural movements within fashion for example.<sup>80</sup> This study is primarily concerned with the former two varieties: general social movements and specific social movements. This is due to the political character of these movements, seeking to alter society or political, economic and social relations within society, whereas expressive social movements generally do not. It should be noted, however, that the three categories of social movement are not always clear cut and mutually exclusive. It is possible that a religious movement is both expressive and concerned with either general or specific societal change, and expressive movements within fashion for instance may be associated with membership of a politically minded (general or specific) social movement.<sup>81</sup> In particular this study is concerned with the human rights movement (which may be seen as a general social movement) and constituent and overlapping movements such as the (general, overlapping) labour movement and the (specific, constituent) landless people's social movement.

### **(b) Movements and organisations**

A distinction may also be made between movements and organisations. Diani posits that "social movements are not organisations, not even of a peculiar kind".<sup>82</sup> Whilst Diani proposes the defining feature of social movements is the fact that they are not formal organisations, and Stammers highlights the importance of movements' "collective self-consciousness",<sup>83</sup> the analysis of John McCarthy and Mayer Zald also points to the centrality of organisations to broader, informal social movements. In McCarthy and Zald's analysis, "social movement organisations" (SMOs) are formal organisations with identifiable memberships which share the same aims as a

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<sup>79</sup> Ibid., 63.

<sup>80</sup> Ibid., 76-77.

<sup>81</sup> Ibid., 82.

<sup>82</sup> Diani, "The Concept of Social Movement", 166.

<sup>83</sup> Stammers, *Human Rights and Social Movements*, 34.

wider, informal social movement.<sup>84</sup> For instance, synthesising this understanding with the categories put forward by Blumer, an organisation such as the Campaign for Nuclear Disarmament (CND) may be seen as a social movement organisation sharing its aims with the wider, informal (specific) anti-nuclear movement, which in turn forms a part of the broad (general) peace movement.

Groups often self-identify as movements, for example MST – the Brazilian Landless Workers’ Movement – or the South African shack dwellers’ movement Abahlali baseMjondolo.<sup>85</sup> However, it is often the case that under McCarthy and Zald’s definition these groups are in fact SMOs, formalised organisations of some kind. In this thesis a distinction is made between those groups which are organisations and therefore not strictly social movements as defined by Diani, but are in fact SMOs, and organisations “of a peculiar kind” which may also act as SMOs. An SMO might be an NGO, a trade union or another form of organisation, such as a (less easily defined) community based organisation. Trade unions, for instance, are organisations “of a peculiar kind”. They take particular forms which define them as separate phenomena to corporations or NGOs for example. Similarly, NGOs take identifiable organisational forms distinct from other actors (as “self-governing, private, not-for-profit organizations that are geared to improving the quality of life of disadvantaged people” according to one definition).<sup>86</sup> Both trade unions and NGOs may act as SMOs but other kinds of organisations may also be SMOs. Abahlali baseMjondolo, for example, is neither an NGO nor a trade union but it is an organisation with a definable membership. Though Abahlali baseMjondolo describes itself as a social movement, it is more accurately an SMO. For the purposes of this thesis, organisations such as this – self-identifying as social movements – are considered and referred to as social movements unless they can be identified as a particular kind of organisation (such as an NGO or trade union) or if it is necessary to distinguish between the SMO and other phenomena such as a broader social movement of which the SMO is a part.

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<sup>84</sup> McCarthy and Zald, “Resource Mobilization and Social Movements”, 109.

<sup>85</sup> Abahlali baseMjondolo, “A Short History of Abahlali baseMjondolo, the Durban Shack Dwellers’ Movement”; Friends of the MST, “What is the MST?” <http://www.mstbrazil.org/whatismst> [accessed October 10, 2011].

<sup>86</sup> Anna C Vakil, “Confronting the classification problem: Toward a taxonomy of NGOs,” *World Development* 25, No. 12 (1997): 2060.

## II: Links between social movements and trade unions

Trade unions and social movements are linked in a number of ways. Trade unions can act as SMOs within broader social movements, most directly within the labour movement but also others such as the human rights movement. The development of trade unions as formal organisations can also be traced to informal social movements taking action in favour of the recognition of labour rights through workers' associations.<sup>87</sup> However, whilst the historical links between trade unions and some wider social movements such as the general labour movement are clear to see, there is some debate over the relevance of trade unions to more recently emerging social movements. On the one hand it has been argued that so-called "new social movements" (NSMs), which came to prominence in second half of the twentieth century focusing upon cross-cutting identity issues such as feminism, stand in stark contrast to the "old" class-based movements such as the labour movement and its formalised constituent SMOs, trade unions, which focus upon economic rather than cultural change.<sup>88</sup> On the other hand, however, it has been argued by a range of authors that NSMs are not in fact as new or as incompatible with old movements as they may superficially appear.<sup>89</sup> Nelson Pichardo goes so far as to suggest that the NSM thesis is defensible neither as a theory nor as a paradigm.<sup>90</sup> It is certainly the case (as will be discussed in more detail below) that since NSMs came to the fore trade unions have taken action alongside and within social movements outside of the narrow framing of a class-based labour movement, for instance as part of the South African anti-apartheid movement.<sup>91</sup> It is also the case that social movements, including NSMs, participate in some of the same national and transnational networks and coalitions as trade unions, for example as part of the World Social Forum.<sup>92</sup>

The utility of an NSM analysis has been questioned in several further ways. Indeed, its application to societies other than economically developed Western countries has been criticised as inappropriate. This is due to the assumption in NSM

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<sup>87</sup> Stammers, *Human Rights and Social Movements*, 83.

<sup>88</sup> E.g. Nelson A Pichardo, "New Social Movements: A Critical Review," *Annual Review of Sociology* 23 (1997): 411-412.

<sup>89</sup> E.g. Steven M Buechler, "New Social Movement Theories," *The Sociological Quarterly* 36, No. 3 (1995): 459-460; Pichardo, "New Social Movements", 411-430; Stammers, *Human Rights and Social Movements*, 131-159.

<sup>90</sup> Pichardo, "New Social Movements", 411.

<sup>91</sup> Gibson, "Introduction", 18-20; SAinfo, "Trade unions in South Africa".

<sup>92</sup> Immanuel Wallerstein, "New Revolts Against the System," *New Left Review* 18 (2002): 36.



theory that “new” movements grow out of action by members of a new post-industrial middle class, in situations where the population is economically and physically secure, allowing identity-based quality of life issues to come to the fore. These conditions do not exist outside of the West.<sup>93</sup> Furthermore, in addition to the historical links between workers’ social movements and the creation of trade unions there continues to be an overlapping and fluid relationship between social movements and trade unions. The sharpness in contrast between “old” class-based movements and “new” identity-based movements may be questioned. For example, Sikhula Sonke has been described as a social movement, as a trade union and as a “social movement trade union”.<sup>94</sup> Whilst it is now a formalised organisation, its roots are in more informal praxis, and though an analysis of Sikhula Sonke could focus upon its NSM characteristics, framing it as a “new” women’s movement, this analysis could obscure the economic focus of Sikhula Sonke’s “old” trade union type activities. In addition to highlighting the issue of how the application of an analytical framework may affect how an actor is interpreted, this exemplifies the debate within the literature regarding the appropriate composition and organisational forms of social movements and trade unions.

**(a) Importance of social movement and trade union action to human rights praxis through time**

It has been argued – for example by Neil Stammers – that human rights cannot be fully understood without attention being paid to social movements.<sup>95</sup> This is due to human rights initially being articulated by social movements as ““struggle concepts’ to support social movement challenges to power”.<sup>96</sup> As such, the collective struggle and claim for collective rights is fundamental to social movements, just as collective struggle and the claim for collective rights are fundamental to trade unions. Indeed, the existence of trade unions as formal organisations can be seen as being preceded by and intrinsically linked to less formal social movements striving for collective

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<sup>93</sup> E.g., Gibson, “Introduction”, 18-20; Pichardo, “New Social Movements”, 412-414; *Ibid.*, 423-425.

<sup>94</sup> Sikhula Sonke, “About us.”

[http://www.ssonke.org.za/index.php?option=com\\_content&view=article&id=53&Itemid=27](http://www.ssonke.org.za/index.php?option=com_content&view=article&id=53&Itemid=27) [accessed October 10, 2011]; Fiona White, “Deepening Democracy: A Farm Workers’ Movement in the Western Cape,” *Journal of Southern African Studies* 36, No. 3 (2010): 673.

<sup>95</sup> Stammers, *Human Rights and Social Movements*, 1-3.

<sup>96</sup> *Ibid.*, 3.

rights such as the Chartists and eighteenth- and nineteenth-century movements to set up workers' co-operatives and associations.<sup>97</sup> Furthermore, formal organisations such as trade unions may form part of wider social movements with other actors.<sup>98</sup> Stammers argues, however, that the majority of literature on human rights has failed to take this into account and has led to the mainstreaming of a distorted conception of the origins and practice of human rights.<sup>99</sup>

Without the action of social movements and trade unions the modern application of human rights framings and development of mechanisms protecting human rights would not have occurred in the same way. This is for a number of reasons. Primary among these is the emphasis placed upon collective rights by social movements and trade unions. Whilst much of the scholarship, and indeed practice, of human rights has disproportionately focused upon individual rights, privileging these over collective rights, the collective “struggle concepts” view of human rights which were articulated by social movements and early trade unions provides a counterbalance in both law and discourse (as well as in practice) to the distorted mainstream presentation.<sup>100</sup>

Regardless of the mainstream presentation, there is good reason for considering trade unions to be intrinsically linked with human rights. As mentioned above, the right to form and join trade unions is articulated in the Universal Declaration of Human Rights (UDHR)<sup>101</sup> and is codified in international law in both the ICCPR<sup>102</sup> and the ICESCR<sup>103</sup> as well as in other international human rights instruments.<sup>104</sup> The International Labour Organisation (ILO) also codifies a variety of human rights relating to trade unions in its own treaties.<sup>105</sup> Moreover, much of the remit of trade unions can justifiably be said to cover human rights issues. Trade unions work on a number of clear, codified rights issues. This is particularly evident when looking at economic and social rights, for example the right to equal pay for

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<sup>97</sup> Stammers, *Human Rights and Social Movements*, 80-82.

<sup>98</sup> *Ibid.*, 126; *Ibid.*, 34-35; Upendra Baxi, *The Future of Human Rights*, (Oxford: Oxford University Press, 2002): 45.

<sup>99</sup> Stammers, *Human Rights and Social Movements*, 8.

<sup>100</sup> Stammers, *Human Rights and Social Movements*, 3; *Ibid.*, 8.

<sup>101</sup> *Universal Declaration of Human Right*, Article 23.

<sup>102</sup> *International Covenant on Civil and Political Rights*, Article 22.

<sup>103</sup> *International Covenant on Economic, Social and Cultural Rights*, Article 8.

<sup>104</sup> E.g. Council of Europe, *Convention for the Protection of Human Rights and Fundamental Freedoms* (as amended by Protocol No. 11) Rome, 4.XI.1950, Article 11.

<sup>105</sup> Freeman, *Human Rights*, 39.

equal work<sup>106</sup> and the right to just and favourable conditions at work.<sup>107</sup> Indeed, the defence and promotion of the right to just and favourable working conditions can be seen as one of the main purposes of trade union activity and of the existence of the ILO. There is also an emerging discourse on the framing of labour rights as human rights.<sup>108</sup> For these reasons it has been argued that all the work of ILO concerns human rights.<sup>109</sup>

It should also be noted that the existence of the ILO predates that of the United Nations (UN),<sup>110</sup> which is often presented as the main or only international mechanism for articulating human rights.<sup>111</sup> Furthermore, the TUC in the UK, for example, states that trade unions affiliated to it “campaign for a fair deal at work and for social justice”.<sup>112</sup> Social justice has been articulated as being both achieved through human rights and as descriptive of a state in which human rights are fully realised.<sup>113</sup> Moreover, a number of trade unions and trade union confederations – such as the International Trade Union Confederation (ITUC) – explicitly state that the promotion and protection of human rights falls under their remit.<sup>114</sup>

The bills of rights put forward in the wake of the French and American revolutions may be criticised as “bourgeois” due to their neglect of protections for the economic and social rights assumed to be realised as a prerequisite for the realisation of many of the civil and political rights which were articulated. However, twentieth century international mechanisms articulating and protecting human rights

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<sup>106</sup> *Universal Declaration of Human Rights*, Article 23; *International Covenant on Economic, Social and Cultural Rights*, Article 7.

<sup>107</sup> *Universal Declaration of Human Rights*, Article 23; *International Covenant on Economic, Social and Cultural Rights*, Article 7.

<sup>108</sup> E.g. Alston, *Labour Rights as Human Rights*; Kolben, “Labor Rights as Human Rights?”.

<sup>109</sup> Virginia A Leary, “Lessons from the experience of the International Labour Organization,” in *The United Nations and Human Rights: a critical appraisal*, edited by Philip Alston (Oxford: Clarendon Press, 1992): 582-584.

<sup>110</sup> International Labour Organisation, “Origins and History” <http://www.ilo.org/global/about-the-ilo/history/lang--en/index.htm> [accessed December 9, 2010].

<sup>111</sup> E.g. The Advocates for Human Rights, “Guide to International Human Rights Mechanisms” [http://www.theadvocatesforhumanrights.org/international\\_human\\_rights\\_mechanisms\\_2.html](http://www.theadvocatesforhumanrights.org/international_human_rights_mechanisms_2.html) [accessed December 9, 2010].

<sup>112</sup> Trades Union Congress, “TUC – Britain at Work” <https://www.tuc.org.uk/> [accessed May 28, 2010].

<sup>113</sup> E.g. Centre for Applied Human Rights, *Social Justice in Changing and Challenging Times*, Conference, (University of York, York), November 6, 2009; Margot E Salomon, “Human rights are also about social justice,” *Open Democracy*, July 25, 2013. <http://www.opendemocracy.net/openglobalrights/margot-salomon/human-rights-are-also-about-social-justice> [accessed August 7, 2013].

<sup>114</sup> E.g. International Trade Union Confederation, “Human and Trade Union Rights” <http://www.ituc-csi.org/-human-trade-union-rights-.html> [accessed May 28, 2010].

recognise collective rights and protect principles for which trade unions and social movements struggled.<sup>115</sup> Though mainstream approaches may obscure collective rights and economic, social and cultural rights which relate to the praxis of social movements and trade unions, these rights are articulated in and protected by the modern international human rights instruments. In addition to contributing to the articulation and codification of a broad and inclusive understanding of human rights through their discourse and collective struggle, trade unions and social movements have made important contributions to human rights praxis since the development of international human rights mechanisms in the mid-twentieth century. For example, trade unions have contributed to the establishment of universal suffrage, welfare provisions such as minimum wages and healthcare provision and have taken action on wider human rights issues such as gender equality and against domestic violence.<sup>116</sup> It is however, important to recognise that neither social movements nor trade unions are homogenous entities. Social movements do not always work together and trade unions do not always work together. Furthermore, trade unions do not necessarily work with social movements. A variety of approaches, political foci and strategic positions exist across social movements and trade unions. Much the same can be said of NGOs and the networks and coalitions in which these and other actors collaborate.<sup>117</sup>

### **III: Social movements and trade unions during and after apartheid**

A variety of tactics and political positions were pursued by trade unions and social movements during the apartheid era. Predominantly, anti-apartheid social movements and trade unions collaborated with the UDF, seeking to make the apartheid state ungovernable.<sup>118</sup> There were, however, other positions and approaches. Within the broad, overall anti-apartheid movement in South Africa in

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<sup>115</sup> E.g. *International Covenant on Economic, Social and Cultural Rights*; Stephen A Brown, "The problem with Marx on rights," *Journal of Human Rights* 2, No. 4 (2003): 517-522.

<sup>116</sup> Alastair J Reid, "Trade unions: a foundation for political pluralism." Policy paper, May 2002, *History and Policy*. <http://www.historyandpolicy.org/papers/policy-paper-05.html> [accessed November 8, 2011].

<sup>117</sup> E.g. Blumer, "Social Movements", 74-76; Callinicos and Nineham, "At an impasse?"; Pichardo, "New Social Movements", 413; Helen Yanacopulos, "The strategies that bind: NGO coalitions and their influence," *Global Networks* 5, No. 1 (2005): 93-110.

<sup>118</sup> Patrick Bond, "Johannesburg's Resurgent Social Movements," in *Challenging Hegemony: Social Movements and the Quest for a New Humanism in Post-Apartheid South Africa*, edited by Nigel C Gibson (Trenton: Africa World Press, 2006): 111.

addition to the insurrectionist tendencies and contentious approaches of the banned liberation organisations, UDF and COSATU-affiliated unions, there were also reformist and less contentious currents. Some politicians opposed apartheid whilst continuing to participate in parliament and other formal political channels, for instance, and politically liberal anti-apartheid SMOs such as Black Sash actively distanced themselves from the more contentious tactics of the UDF-aligned movements.<sup>119</sup> Furthermore, whilst COSATU is the largest trade union federation in South Africa, other union groupings took different approaches to apartheid. Indeed, not all trade unions took a position against apartheid, with some seeking incremental benefits for workers under apartheid rather than the abolition of the system.<sup>120</sup> Within the anti-apartheid trade unions though, perhaps the most important difference was between those closely aligned with the ANC and those aligned with the Pan-Africanist Congress (PAC). Whilst the ANC-aligned trade unions and social movements came to influence the transition from apartheid more than those aligned to the PAC, it is pertinent to highlight the significance of alternative positions and framings with regard to opposition to apartheid. Adherence to the PAC's ideology of black leadership prevented aligned trade unions from taking the same action and participating in the same processes as other trade unions, with PAC-aligned unions refusing to join a single union federation based on non-racialism.<sup>121</sup>

The extent to which collaboration is possible between trade unions and between social movements and trade unions depends to a large extent on whether each actor frames the issue in a compatible way. From the apartheid era, through the transition to democracy and into the post-apartheid era social movements' positioning in relation to the ANC shifted. To some extent this can also be seen in trade unions' positioning. This shift is partly explainable through an analysis of how each actor frames the issue upon which they are taking action. The unity of purpose evident across a broad anti-apartheid movement could be more coherently maintained under apartheid than once a replacement system of government began to be put in place. There was, for instance, debate within South African trade unionism during apartheid over whether national liberation should be prioritised over material

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<sup>119</sup> Meyer, "Organizational Identity, Political Contexts, and SMO Action", 174; *Ibid.*, 179.

<sup>120</sup> Sakhela Buhlungu, Mick Brookes and Geoffrey Wood, "Trade Unions and Democracy in South Africa: Union Organizational Challenges and Solidarities in a Time of Transformation," *British Journal of Industrial Relations* 46, No. 3 (2008): 440-443.

<sup>121</sup> SAinfo, "Trade unions in South Africa".

improvements for workers, or whether the emancipation of workers from exploitation was inextricably tied up with liberation from apartheid. In the sense that the aims of both these positions require the ending of apartheid in order to be realised, how these aims manifest in practice could be reconciled – until apartheid ended, upon which this kind of debate became perhaps more crucial.<sup>122</sup> Similarly, whilst liberal anti-apartheid SMOs like Black Sash did not affiliate themselves with the more overtly anti-capitalist and pro-illegal action currents within the anti-apartheid movement, they did cooperate with groups such as the UDF.<sup>123</sup>

Fractures between anti-apartheid actors are more evident since the 1994 transition. The political and tactical positions of social movements range from those utterly co-opted by the ANC (or indeed by “authoritarian” NGOs and foreign interests) to those committed to autonomous organisation, contentious politics and illegal activism.<sup>124</sup> There are a significant number of social movements which occupy something of the middle ground between these points of reference. Moreover, with the presumed exception of those which can be seen as having been co-opted and falling under the control of the ANC, social movements have been described as making up the political opposition in post-apartheid South Africa.<sup>125</sup> Indeed, Richard Ballard, Adam Habib, Imraan Valodia and Elke Zuern argue that in the immediate aftermath of the transition to democracy in the mid to late 1990s a vacuum existed in relation to political opposition.<sup>126</sup> Social movements (and therefore opposition to the ANC) became more prominent from the late 1990s and early 2000s as the patience of the poor and marginalised began to run out.<sup>127</sup> Similarly, in the early years of the ANC government trade unions were more supportive than they have been since the late 1990s. In particular, the shift from the Reconstruction and Development Programme (RDP) to the Growth, Employment

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<sup>122</sup> Gibson, “Introduction”, 19; Dale T McKinley, “COSATU and the Tripartite Alliance since 1994,” in *Rethinking the Labour Movement in the “New South Africa”*, edited by Tom Bramble and Franco Barchiesi (Aldershot: Ashgate, 2003): 43-45; Robins, “Introduction”, 1.

<sup>123</sup> Meyer, “Organizational Identity, Political Contexts, and SMO Action”, 179.

<sup>124</sup> E.g. Gibson, “Introduction”, 15-28; White, “Strengthening Democracy?”, 166-167.

<sup>125</sup> Richard Ballard, Adam Habib, Imraan Valodia and Elke Zuern, “Globalization, Marginalization and Contemporary Social Movements in South Africa,” *African Affairs* 104, No. 417 (2005): 615-623.

<sup>126</sup> *Ibid.*, 622; Ballard, Habib, Valodia and Zuern, “Introduction”, 15.

<sup>127</sup> Ballard, Habib, Valodia and Zuern, “Globalization, Marginalization and Contemporary Social Movements in South Africa”; Ballard, Habib, Valodia and Zuern, “Introduction”; Ashwin Desai, *We Are The Poors: Community Struggles in Post-apartheid South Africa*, (New York: Monthly Review Press, 2002): 8-9.

and Redistribution (GEAR) policy and the policy of Black Economic Empowerment (BEE) created tension between the ANC and trade unions.<sup>128</sup> The neoliberal character of these policies has been presented by both trade unions and social movements as a move away from the socialist orientation of the ANC's apartheid-era rhetoric and as an abandonment of the principles around which much of the anti-apartheid movement was built. There has been a discursive shift in South Africa "from revolution to rights" post-apartheid.<sup>129</sup> In Michael Neocosmos's view this discursive shift can lead to an acceptance of neoliberal hegemony and a failure to question the state-centrism of contemporary democratic politics, rendering human rights meaningless and emancipatory politics impossible.<sup>130</sup> There is a question over how actors such as trade unions and social movements understand and place themselves discursively and politically with regard to notions of contentious and non-contentious tactics, revolution, rights and other frameworks. This affects how they respond to issues such as post-apartheid inequalities and the extent and nature of their engagements with other actors.

#### **IV: Landlessness, social movements and trade unions**

A key element in the ANC's apparent ideological shift towards neoliberalism has been the low priority given to addressing land and associated inequalities since the mid-1990s (discussed in greater detail below).<sup>131</sup> Responding to this, the action taken by social movements and trade unions in relation to landlessness in South Africa exemplify a number of positions and approaches and bring forward debates surrounding these.

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<sup>128</sup> E.g. Maria van Driel, "Unions and Privatisation in South Africa, 1990-2001," in *Rethinking the Labour Movement in the "New South Africa"*, edited by Tom Bramble and Franco Barchiesi (Aldershot: Ashgate, 2003): 66-77.

<sup>129</sup> Robins, *From Revolution to Rights in South Africa*.

<sup>130</sup> Michael Neocosmos, "Rethinking Politics in Southern Africa Today: Elements of a Critique of political Liberalism," in *Challenging Hegemony: Social Movements and the Quest for a New Humanism in Post-Apartheid South Africa*, edited by Nigel C Gibson (Trenton: Africa World Press, 2006): 55-102.

<sup>131</sup> E.g. Stephen Greenberg, "The Landless People's Movement and the Failure of Post-Apartheid Land Reform," in *Voices of Protest: Social Movements in Post-apartheid South Africa*, edited by Richard Ballard, Adam Habib and Imraan Valodia (Scottsville: University of KwaZulu-Natal Press, 2006): 133-134; Andile Mngxitama, "National Land Committee, 1994-2004: A Critical Insider's Perspective," in *Challenging Hegemony: Social Movements and the Quest for a New Humanism in Post-Apartheid South Africa*, edited by Nigel C Gibson (Trenton: Africa World Press, 2006): 158; Robins, "Introduction".

As a result of colonial and apartheid policies the vast majority of people in South Africa are landless; around 85% of land remains under white ownership, though estimates vary.<sup>132</sup> Indeed, it has been estimated that by the end of apartheid in 1994 up to 87% of land in South Africa was owned by the white minority.<sup>133</sup> As mentioned above, this was largely a result of colonialism and the subsequent implementation of laws such as the 1913 Native Lands Act and the policy of forced removals under apartheid.<sup>134</sup> In South Africa, addressing structural violence stemming from land inequalities can be seen as a key element in the promotion of transformation towards a more just society post-apartheid. Conceptual issues surrounding structural violence and transformative justice are discussed in more detail in Chapter 3.

The redistribution and restitution of land and the reform of tenure was central to the ANC's programme prior to the end of apartheid. Despite land issues reducing in prominence in the ANC's priorities since the 1990s a certain degree of rhetorical commitment to address land inequalities has remained since the ANC entered government. Some land reform has taken place, predominantly restitution to the formerly dispossessed (rather than wider redistribution), through market-based "willing buyer, willing seller" processes. However, even the (arguably) modest commitments of the post-apartheid government to addressing land issues have not been realised. Consequently, the ANC has been subject to criticism over its land policies from NGOs, trade unions (including COSATU alliance partners) and social movements.<sup>135</sup>

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<sup>132</sup> War on Want, "Landless in South Africa." <http://www.waronwant.org/overseas-work/food-justice/landless-in-south-africa> [accessed September 1, 2010].

<sup>133</sup> Integrated Regional Information Networks (IRIN), "South Africa: Land redistribution back on the front burner." October 23, 2008. <http://www.unhcr.org/refworld/docid/4901bec0c.html> [accessed September 1, 2010]; Sam Moyo, "The Politics of Land Distribution and Race Relations in Southern Africa," *Identities, Conflict and Cohesion (2000-2005) Programme Paper No. 10* (Geneva: United Nations Research Institute for Social Development, 2004): 1-2; Deborah James, *Gaining ground?: "rights" and "property" in South African land reform*, (Abingdon: Routledge, 2007): 3.

<sup>134</sup> IRIN, "South Africa: Land redistribution back on the front burner"; Moyo, "The Politics of Land Distribution and Race Relations in Southern Africa", 1-2; James, *Gaining Ground?*, 3.

<sup>135</sup> Stephen Greenberg, *The Landless People's Movement and the Failure of Post-Apartheid Land Reform*, (Durban: University of KwaZulu-Natal, 2004); IRIN, "South Africa: Land redistribution back on the front burner"; Gerhard Kienast, "Abahlali baseMjondolo – how poor people's struggle for land and housing became a struggle for democracy." <http://suedafrika.habitants.de/?p=15> [accessed September 1, 2010]; Toussaint Losier, "The Struggle for Land & Housing in Post-Apartheid South Africa," *The San Francisco Bay Area Independent Media Center*, January 12, 2009. <http://www.indybay.org/newsitems/2009/01/12/18562116.php> [accessed September 1, 2010]; South African Press Association, "Speed up land reform – Cosatu." *Fin24*, February 9, 2006.



The failure of post-apartheid land reform policies to adequately address the needs of the poor has led to the emergence of a number of social movements taking action on the issue and campaigning against current approaches. The Landless People's Movement (LPM), Western Cape Anti-Eviction Campaign and Abahlali baseMjondolo have all boycotted elections (campaigning under the slogan "No Land! No House! No Vote!") as parts of the Poor People's Alliance.<sup>136</sup> The movements which make up the Poor People's Alliance have linked their criticism of current land and housing policies to broader criticism of the ANC's approach.<sup>137</sup> There has also been criticism of the established policy paradigm from some NGOs. ILRIG, for instance, has been critical of the current policy direction (including market-led land reform) explicitly due to the neoliberal character of the ANC's approach.<sup>138</sup> Other NGOs, such as Urban LandMark, focus less on the ANC's overall approach and more on strategies of how markets can be made to work for the poor in order to improve the effectiveness of land reform.<sup>139</sup> Important for this research is the fact that NGOs and social movements (as well as COSATU and non-COSATU affiliated trade unions) have taken action both individually and in varying degrees of collaboration in order to promote alternative means of realising the rights of landless people.

COSATU has been critical of the government's failure to significantly address landlessness and land inequalities. However, trade union action on landlessness has predominantly focused upon the formal non-contentious arena. COSATU has, for instance, submitted comments on the proposed expropriation

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<http://www.fin24.com/Economy/Speed-up-land-reform-Cosatu-20060209> [accessed September 1, 2010]; Susan Tilley, *An Examination of Market-assisted Agrarian Reform in South Africa*, (Cape Town: International Labour Research and Information Group, 2002); Urban LandMark, *Do Informal Land Markets Work for Poor People?: An assessment of three metropolitan cities in South Africa*, Literature Review, (Tshwane: Urban LandMark, 2007):13-16; War on Want, "Landless in South Africa".

<sup>136</sup> S'bu Zikode, "Abahlali baseMjondolo (Shack Dwellers) Movement," Speech made to *Abahlali baseMjondolo Annual General Meeting*, (Blue Lagoon, Durban), December 14, 2008, <http://www.indymedia.org.uk/en/2008/12/415682.html> [accessed September 1, 2010].

<sup>137</sup> Abahlali baseMjondolo, "A Short History of Abahlali baseMjondolo, the Durban Shack Dwellers' Movement." October 2006. <http://www.abahlali.org/node/16> [accessed October 10, 2011]; Zikode, "Abahlali baseMjondolo (Shack Dwellers) Movement"; Western Cape Anti-Eviction Campaign, "Revolutionary Ubuntu: The shack dwellers and poor people of South Africa," <http://www.eblackstudies.org/ebooks/ubuntu.pdf> [accessed September 1, 2010]; The Poor People's Alliance, "About the Alliance," <http://sekwanele.wordpress.com/about/> [accessed September 1, 2010].

<sup>138</sup> Tilley, *An Examination of Market-assisted Agrarian Reform in South Africa*.

<sup>139</sup> Urban LandMark, "About Us," <http://www.urbanlandmark.org.za/aboutus/index.php> [accessed September 1, 2010].

bill.<sup>140</sup> Indeed, it has been argued that “social movement unionism” (based on strong engagement of trade unions in grassroots mobilisation, linking up with broader struggles and at times a willingness to take contentious or illegal action) has declined since the end of apartheid. It has even been argued that policies brought in by the ANC have received less vociferous opposition from the COSATU unions than the same policies would have received under the National Party.<sup>141</sup> Social movements taking action on landlessness on the other hand have typically eschewed more formal political lobbying in favour of direct action. The LPM has carried out land occupations and Abahlali baseMjondolo grew out of a protest blocking a road in Durban.<sup>142</sup> Though it has remained at times vocally critical of the ANC, including on the issue of landlessness, COSATU continues to participate in the Tripartite Alliance. Some of the most prominent social movements campaigning against landlessness in South Africa, however, have actively campaigned against participation in electoral politics.<sup>143</sup> In this regard, the COSATU-affiliated trade unions may be seen as occupying the space in between opposition and ANC co-option. The social movements such as those in the Poor People’s Alliance calling for the boycotting of elections can be seen as the political opposition in a more full sense. It is not, however, only the position taken in relation to the ANC or elections which defines the approach of a social movement or trade union. There are divisions between actors which take a position against the dominant socio-economic paradigm and those that do not. Relatedly, there is a division between those actors which are willing to accept money from and conform to the expected or approved behaviours of NGOs and international donors.

If one were to follow the previously described line of thought put forward by Neocosmos to its logical conclusion,<sup>144</sup> it might be concluded that groups such as Shack/Slum Dwellers International (SDI), which closely collaborates with professionalised NGOs and receives funding from large Northern foundations,

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<sup>140</sup> Congress of South African Trade Unions, “COSATU submission regarding the Expropriation Bill”.

<sup>141</sup> Tom Bramble, “Social Movement Unionism since the Fall of Apartheid: the Case of NUMSA on the East Rand,” in *Rethinking the Labour Movement in the “New South Africa”*, edited by Tom Bramble and Franco Barchiesi (Aldershot: Ashgate, 2003): 190.

<sup>142</sup> E.g. Abahlali baseMjondolo, “A Short History of Abahlali baseMjondolo, the Durban Shack Dwellers’ Movement”; Gibson, “Introduction”, 1-2; Greenberg, “The Landless People’s Movement and the Failure of Post-Apartheid Land Reform”, 147.

<sup>143</sup> E.g. War on Want, “No Land! No House! No Vote!”.

<sup>144</sup> Neocosmos, “Rethinking Politics in Southern Africa Today”, 55-102.

cannot possibly achieve meaningful change. Indeed, despite superficially holding almost the same goals, Abahlali baseMjondolo and SDI do not appear to work together (claims to the contrary are discussed further below).<sup>145</sup> Abahlali baseMjondolo argues that it is autonomous and will only collaborate with or accept funding from NGOs under specific circumstances and when independence and autonomy is retained. They have at times decried “NGO authoritarianism” and the alleged damage this does to grassroots mobilisation of poor and marginalised people.<sup>146</sup> There has, though, been a question asked over how post-apartheid opposition politics such as this can sustain itself. The historical reliance of apartheid-era social movements on foreign funding has arguably resulted in a contemporary lack of opportunities for domestic South African social movements to organise with genuine autonomy.<sup>147</sup> Richard Pithouse meanwhile also warns against the caricaturing of all social movements as simplistically good and all NGOs as simplistically bad.<sup>148</sup> Nevertheless, it is evident that the praxis of NGOs and social movements is in need of evaluation, particularly in relation to their approaches and their relationships with each other. Given the question of the legitimacy and political responsibilities of Northern NGOs in transnational (and, indeed, domestic) networks (discussed in Chapter 2), it might also be pertinent to question the legitimacy and establish the responsibilities of social movements (and indeed trade unions) in relation to their various constituencies.<sup>149</sup>

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<sup>145</sup> South African SDI Alliance, “About The South African SDI Alliance.” <http://www.sasdialliance.org.za/about/> [accessed October 10, 2011]; Shack/Slum Dwellers International, “Partners.” <http://www.sdinet.org/partners/> [accessed October 10, 2011].

<sup>146</sup> E.g. Richard Pithouse, “To be Citizens, Not Children.” *The South African Civil Society Information Service*, August 29, 2011. <http://sacsis.org.za/site/article/737.1> [accessed October 10, 2011]; Pithouse, “The Complicated Relationship of Transnational Organizations and Local Popular Movements: Reflections from South Africa,” *Progressive Planner* 183 (2010): 16-19; Richard Pithouse, “The University of Abahlali baseMjondolo.” *Abahlali baseMjondolo*. <http://abahlali.org/node/2814> [accessed October 10, 2011]; Abahlali baseMjondolo, “A Brief Guide to the History and Praxis of Abahlali baseMjondolo for NGOs, Academics, Activists and Churches Seeking a Relationship with the Movement.” May 2007. <http://www.abahlali.org/node/1391> [accessed September 1, 2010].

<sup>147</sup> E.g. John Mw Makumbe, “Is there a civil society in Africa?” *International Affairs* 74, No. 2 (1998): 305-317; Martin Legassick, personal interview by author, Cape Town, August 4, 2010.

<sup>148</sup> Pithouse, “Solidarity, Co-option and Assimilation”, 256-257.

<sup>149</sup> Hudson, “NGOs’ transnational advocacy networks”; Jordan and Van Tuijl, “Political Responsibility in Transnational NGO Advocacy”.

## V: Contentious politics; contentious scholarship

Scholarship and commentary on South African social movements is a contentious and contested field. In relation to this research, there is a particular difficulty with regard to identifying and analysing the political biases present within various opposing accounts of the social movements taking action on land and housing issues and their relationships to other actors. It is necessary to apply a critical lens to all knowledge produced about these movements and, consequently, a number of questions remain unresolved when attempting to put together an accurate picture of the relationships between and praxis of groups and organisations working on land and housing issues.

The overlap between scholarship and activism in the study of social movements presents a number of dilemmas for researchers.<sup>150</sup> The contrasting positions of, and disagreements between, Richard Pithouse and Heinrich Böhmke are indicative of the dilemmas associated with research in the specific area this thesis covers.<sup>151</sup> The specific impact of Pithouse and Böhmke's (opposing) commentaries on understanding the case study network is discussed in Chapter 4. Here it is worthwhile highlighting the conceptual significance of conflicts such as this. It is necessary to maintain a degree of critical distance in attempting to research movements such as those involved in the case study network. There are three main pitfalls which should be avoided, and which this research attempts to avoid.

First there is the danger of taking the claims made by social movements and by their academic advocates at face value. If one ignores the branding of social movements,<sup>152</sup> or if one ignores the possibility that propaganda has a place in the knowledge produced by and about social movements, then there is a danger that new scholarship will be of less value. For instance, this research aims to provide recommendations for improving the practice of the various actors which work on

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<sup>150</sup> E.g. Kevin Gillan and Jenny Pickerill, "The Difficult and Hopeful Ethics of Research on, and with, Social Movements," *Social Movement Studies* 11, No. 2 (2012): 133-143; Marcelle C Dawson and Luke Sinwell, "Ethical and Political Challenges of Participatory Action Research in the Academy: Reflections on Social Movements and Knowledge Production in South Africa," *Social Movement Studies* 11, No. 2 (2012): 177-191.

<sup>151</sup> E.g. Heinrich Böhmke, "Ventriloquism, Fanon and the Social Movement Hustle," *Dispositions: A Journal*, May 20, 2012, [http://dispositionsjournal.blogspot.com/2012/05/social-movement-hustle\\_20.html](http://dispositionsjournal.blogspot.com/2012/05/social-movement-hustle_20.html) [accessed December 14, 2012].

<sup>152</sup> Heinrich Böhmke, "The Branding of Social Movements in South Africa," *Dispositions: A Journal*, April 30, 2010, [http://dispositionsjournal.blogspot.com/2010\\_04\\_01\\_archive.html](http://dispositionsjournal.blogspot.com/2010_04_01_archive.html) [accessed November 25, 2012].

housing issues and landless people's rights. For any recommendations made to be maximally useful it is necessary to have as accurate a view as possible of the actual nature and practice of these actors. It is of little use to recommend actions which are outside of the scope of possibilities for movements to take. Similarly, useful recommendations on improving practice cannot be made if existing shortcomings are obscured or denied.

The second pitfall relates to the danger of dismissing the praxis of these social movements altogether. There may be an imperative to question everything; that is not to say that there is an imperative to believe nothing claimed by or about social movements. One does not have to fully accept the characterisation of movements such as Abahlali baseMjondolo as put forward by Pithouse, Neocosmos or Nigel Gibson<sup>153</sup> to find at least some elements of their scholarship useful. Some of Böhmke's claims about the misrepresentation of social movements (and the roles of academics in this)<sup>154</sup> may be true without undermining the claim that these social movements can play an important role in contemporary political struggles.

The third danger surrounds the risk of the debates and disagreements between academics and commentators overshadowing discussion of the issues upon which movements work. When it comes to the questions of how land and housing rights, or broader issues of transformative justice, might be promoted, it matters very little if specific allegations against and personal criticism of Richard Pithouse<sup>155</sup> or of Heinrich Böhmke have veracity.<sup>156</sup>

## **VI: Themes and gaps in the literature**

Within the literature several key themes are recurrent. Moreover, a number of lacunae inviting further exploration are evident. The history of, and the potential for future, links between social movements and trade unions and other actors emerges in much of the literature. Conversely, there is also concern put forward in a variety of

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<sup>153</sup> E.g. Pithouse, "To be Citizens, Not Children"; Pithouse, "The Complicated Relationship of Transnational Organizations and Local Popular Movements"; Neocosmos, "Rethinking Politics in Southern Africa Today"; Gibson, "Introduction".

<sup>154</sup> E.g. Böhmke, "The Branding of Social Movements in South Africa".

<sup>155</sup> E.g. Böhmke, "Ventriloquism, Fanon and the Social Movement Hustle", 4.

<sup>156</sup> E.g. Mandisi Majavu, "I Thus Caught That Colonial Mind-Set At Work: The Mis-Representation Of Post-Apartheid Social Movements," *ZNet*, April 9, 2012, <http://www.zcommunications.org/i-thus-caught-that-colonial-mind-set-at-work-the-mis-representation-of-post-apartheid-social-movements-by-mandisi-majavu> [accessed December 14, 2012].

texts over the tension between autonomous organisation and the risk of co-option when social movements or trade unions forge relationships with other actors.<sup>157</sup> Another important theme which can be seen across a range of the literature relates to the oppositional stance taken by many social movements and trade unions in relation to the effects of contemporary neoliberal politics, especially regarding the impact this has on the realisation of human rights. This is particularly evident in the literature on post-apartheid social movements in South Africa (with a significant focus upon movement struggles for economic and social rights such as to housing, land, food and work).<sup>158</sup>

A gap in the literature exists with regard to explaining when and why social movements choose to engage in collaborative relationships with each other or with other actors. There is also a gap in the literature in relation to whether the various approaches of social movements and trade unions have been successful. For instance, the failure of the post-apartheid ANC government to deliver significant improvements for the poor and marginalised is widely discussed, as is opposition to this. There is not, however, a great deal of evaluation in the literature of whether post-apartheid action by social movements especially – but also trade unions – has been effective or as effective as it might otherwise have been.<sup>159</sup> In particular, when exploring these approaches in relation to the rights of landless people in South Africa little appears to have been written assessing the relative merits of the approaches and tactics which have been employed. There is also a question left unanswered in the existing literature with regard to the legitimacy and political responsibilities of both social movements and trade unions. Whilst a dilemma is presented with regard to, for example, declining grassroots participation in trade unions, and the risk of assuming social movements are necessarily participatory and representative, few resolutions are put forward.<sup>160</sup> In addition to this, there is a significant gap in the existing literature in relation to social movements, trade unions and human rights. The vast majority of the literature does not explore these two phenomena from the perspective of human rights, consequently there is a lack of exploration of social

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<sup>157</sup> E.g. Pithouse, “Solidarity, Co-option and Assimilation”.

<sup>158</sup> E.g. Gibson, “Introduction”.

<sup>159</sup> E.g. Desai, *We Are The Poors*.

<sup>160</sup> E.g. Bramble, “Social Movement Unionism since the Fall of Apartheid”; Pithouse, “Solidarity, Co-option and Assimilation”, 256-257.

movement and trade union praxis through a human rights lens or making reference to a human rights framework.

Later on in the thesis these themes and gaps, as well as those identified in subsequent chapters, are returned to in the detailed discussion of the case study. The case study network is explored with regard to the relationships between the NGOs, trade unions and social movements of which it is comprised and with regard to the approach of the network (and the nodes which make it up). Throughout, the risks and opportunities presented by the modes of action discussed are explored and a focus is maintained upon the advancement (or otherwise) of transformative justice.

## Chapter 2

### Networks

#### **I: Introduction**

Networks and coalitions are often formed by activists, groups and organisations working to promote and protect human rights, particularly actors joining together in order to work on relatively narrow campaigns or specific rights issues.<sup>161</sup> Since the late 1990s a growing body of literature exploring transnational networks has emerged.<sup>162</sup> Networked action is seen as adding value to campaigning and advocacy for change. Moreover, networks of this kind form one of the main ways in which diverse actors such as NGOs, social movements and trade unions engage with each other.<sup>163</sup>

This chapter seeks to explore the key issues highlighted in the existing literature on networks. In particular, the literature will be analysed with a view to gaining an understanding of the various forms and approaches networks and coalitions have taken as well as exploring some of the successes and failures of these groups in promoting and protecting human rights. This analysis will inform a discussion of the potential for new forms of engagement between diverse actors working to promote and protect human rights in new networks and coalitions.

The chapter identifies several themes within the literature which are interrogated in relation to the thesis case study in later chapters. Furthermore, a number of gaps in the literature and consequent areas where there is need for further research are identified. In particular, it is noted that much of the literature is focused upon NGOs, especially Northern NGOs engaging with Southern partners. The analytical separation of networks containing different kinds of actors (such as trade unions or NGOs) in much of the literature is also noted. The focus of much of the literature on human rights networks on a relatively narrow set of issues pertaining to

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<sup>161</sup> Sanjeev Khagram, James V Riker and Kathryn Sikkink, "From Santiago to Seattle: Transnational Advocacy Groups Restructuring World Politics," in *Restructuring World Politics: Transnational Social Movements, Networks, and Norms*, edited by Sanjeev Khagram, James V Riker and Kathryn Sikkink (Minneapolis: University of Minnesota Press, 2002): 3-10.

<sup>162</sup> E.g. Keck and Sikkink, *Activists beyond Borders*; Sanjeev Khagram, James V Riker and Kathryn Sikkink (eds.), *Restructuring World Politics: Transnational Social Movements, Networks, and Norms* (Minneapolis: University of Minnesota Press, 2002).

<sup>163</sup> Keck and Sikkink, *Activists beyond Borders*, 8-9.



civil and political rights and transitional justice is another key theme identified. There is a literature gap and a consequent need for further research in relation to networks not centred on Northern NGOs, including those containing diverse actors such as trade unions and social movements. A need for further research addressing the gap in the literature regarding human rights networks concerned with wider issues than transitional justice and civil and political rights is also identified.

In addition to identifying the above themes, literature gaps and the related need for further research, a key output of this chapter is to propose a focus on “political responsibility” as a means of analysing network action.<sup>164</sup> This chapter introduces the concept of political responsibility and outlines its key elements. The framework identified here is engaged with critically and applied to the case study network in subsequent chapters of the thesis.

## **II: Background**

As Margaret Keck and Kathryn Sikkink’s 1998 book *Activists beyond Borders: Advocacy Networks in International Politics* informs much of the subsequent scholarship and remains the authoritative text on transnational collective action, many of the concepts and definitions used in this chapter are drawn from it. It should also be noted that whilst the majority of the literature this chapter discusses is largely focused upon transnational collective action, it is suggested that the same principles can also be applied to domestic networks, coalitions and other forms of collective action.<sup>165</sup> In subsequent chapters, the thesis tests this claim, applying the analytical frameworks (particularly that of political responsibilities) outlined here to a case study of a domestic, rather than transnational, network.

### **(a) Historical emergence of networks and transnational collective action**

Keck and Sikkink trace the prominence of transnational advocacy networks to the late twentieth century.<sup>166</sup> Taking the view that networks should be analysed in such a way as to bridge the theoretical gap between comparative politics and international relations, Keck and Sikkink argue that networks can be treated as both structures

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<sup>164</sup> Jordan and Van Tuijl, “Political Responsibility in Transnational NGO Advocacy”; Hudson, “NGOs’ transnational advocacy networks”.

<sup>165</sup> Keck and Sikkink, *Activists beyond Borders*, 9-10; Ibid., 30; Tarrow, *The New Transnational Activism*, 164.

<sup>166</sup> Keck and Sikkink, *Activists beyond Borders*, ix; Ibid. 10-11.

linking component agents and as actors in international society themselves.<sup>167</sup> Through the latter lens of analysis they argue that up to the late 1960s networks did not appear to be major actors in fields such as human rights, labour and environmental campaigning.<sup>168</sup> By the early 1990s a large number of transnational networks could be seen to be operating in these areas.<sup>169</sup> However, the proliferation of networks and other forms of collective action in recent decades does not suggest that this kind of action originated in the twentieth century. Indeed much of the literature examining networks draws upon analyses of historical examples of collective action such as the campaign for the abolition of slavery.<sup>170</sup> Moreover, August Nimtz, for example, identifies the International Working Men's Association (IWMA) of 1864 to 1872 as a prototype for subsequent transnational collective action.<sup>171</sup>

Keck and Sikkink explain the increase in number and the contemporary pervasiveness of this kind of transnational collective action with reference to late twentieth century developments in communication technologies such as fax and email and the influence these have had on precipitating growth and effectiveness in transnational collective action.<sup>172</sup> The end of the cold war also precipitated new opportunities for transnational action which had previously been difficult to coordinate across cultures separated by Eastern or Western ideological influence.<sup>173</sup> Furthermore, it has been argued that the rise of neoliberal globalisation in recent decades has both encouraged the formation of transnational networks by creating a new space for the emergence of a "global civil society" and has necessitated transnational collective mobilisation as a counter-hegemonic bloc.<sup>174</sup>

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<sup>167</sup> Ibid., 4-5.

<sup>168</sup> Ibid., ix.

<sup>169</sup> Ibid. 10-11.

<sup>170</sup> E.g. Keck and Sikkink, *Activists beyond Borders*, 41-51; Kathryn Sikkink and Jackie Smith, "Infrastructures for Change: Transnational Organizations, 1953-93," in *Restructuring World Politics: Transnational Social Movements, Networks, and Norms*, edited by Sanjeev Khagram, James V Riker and Kathryn Sikkink (Minneapolis: University of Minnesota Press, 2002): 25; Huw T David, "Transnational advocacy in the eighteenth century: transatlantic activism and the anti-slavery movement," *Global Networks* 7, No. 3 (2007): 367-382.

<sup>171</sup> August Nimtz, "Marx and Engels: The Prototypical Transnational Actors," in *Restructuring World Politics: Transnational Social Movements, Networks, and Norms*, edited by Sanjeev Khagram, James V Riker and Kathryn Sikkink (Minneapolis: University of Minnesota Press, 2002): 245-268.

<sup>172</sup> Keck and Sikkink, *Activists beyond Borders*, 18-22.

<sup>173</sup> Ibid..

<sup>174</sup> Matt Baillie Smith and Katy Jenkins, "Disconnections and exclusions: professionalization, cosmopolitanism and (global?) civil society," *Global Networks* 11, No. 2 (2011): 160-179; Miles

## (b) Networks, coalitions and movements

Keck and Sikkink identify the groups they focus upon as “networks” in recognition of the “structured and structuring” dimensions present in their praxis as opposed to that of “coalitions” or “movements”.<sup>175</sup> That is to say, networks are “complex agents” which seek to both participate in and also shape the development of new sites of political power.<sup>176</sup> In particular, transnational advocacy networks are defined as being characterised by horizontal, reciprocal exchanges of information between actors organised around influencing the practice of powerful actors or the implementation of norms.<sup>177</sup>

Sanjeev Khagram, James Riker and Kathryn Sikkink also refer to transnational collective action as a means of “restructuring world politics”.<sup>178</sup> They identify three levels of transnational collective action: transnational coalitions, transnational networks and transnational social movements.<sup>179</sup> A more specific definition of each kind of actor is proposed by Khagram et al. than in Keck and Sikkink’s explanation of their focus on networks. In the analysis of Khagram et al., coalitions are seen as more coordinated in their tactics than networks, which are characterised by the exchange of information. Coalitions involve some degree of formal partnership between constituent members and are often formed around specific transnational campaigns, whereas a network could exist based solely on informal ties and the sharing of information between actors with shared values.<sup>180</sup> For example, the International Campaign to Ban Landmines (ICBL) can be identified as closer to this definition of a coalition than less formal networks such as the WSF. The ICBL was coordinated in its organisation by an individual coordinator and a Steering Committee.<sup>181</sup> It also presented the campaign’s unified position in ICBL branded documents.<sup>182</sup> Conversely, the WSF does not produce a united programme

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Larmer, Peter Dwyer and Leo Zeilig, “Southern African social movements at the 2007 Nairobi World Social Forum,” *Global Networks* 9, No. 1 (2009): 42-44.

<sup>175</sup> Keck and Sikkink, *Activists beyond Borders*, 4.

<sup>176</sup> *Ibid.*

<sup>177</sup> *Ibid.*, 8-9.

<sup>178</sup> Khagram, Riker and Sikkink, “From Santiago to Seattle”.

<sup>179</sup> *Ibid.*, 6-10.

<sup>180</sup> *Ibid.*; Tarrow, *The New Transnational Activism*, 163-165.

<sup>181</sup> Don Hubert, “‘New’ humanitarian advocacy?: Civil society and the landmines ban,” in *Fighting for Human Rights*, edited by Paul Gready (London: Routledge, 2004): 78-97.

<sup>182</sup> *Ibid.*, 97.

for action.<sup>183</sup> Its constituent organisations act more as “nodes”<sup>184</sup> coming together to share information and discuss issues.<sup>185</sup> The emergence of a transnational social movement, on the other hand, implies a unity of purpose and organisational form which is not present in a network (or coalition) of separate actors.<sup>186</sup> That is to say transnational social movements are characterised by joint mobilisation of members and it is not easy to distinguish between the movement as a whole and its constituent actors.<sup>187</sup> It is argued by Khagram et al. that the IWMA can be understood as a transnational social movement due to its mobilisation of its members in unified action across borders, in addition to its role coordinating campaigns and distributing and exchanging information.<sup>188</sup> It has also been argued that the international women’s movement can be considered to be a transnational social movement of this sort,<sup>189</sup> though the unity of the international women’s movement as a single transnational social movement has been contested.<sup>190</sup>

Paul Nelson and Ellen Dorsey refer in their work on the convergence of human rights and development variously to campaigns, networks, alliances and movements.<sup>191</sup> At times they refer to broad transnational movements in which NGOs and other actors may participate and at others to alliances between international NGOs and local social movements.<sup>192</sup> Specifics of the difference between a campaign, alliance or network are not articulated in detail, but each represents a degree of collaboration between (in Nelson and Dorsey’s study) human rights and development organisations which fall short of (though may lead to) the creation of unified “hybrid” organisations.<sup>193</sup> Important for this research is that Nelson and

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<sup>183</sup> Larmer, Dwyer and Zeilig, “Southern African social movements at the 2007 Nairobi World Social Forum”, 53.

<sup>184</sup> Tarrow, *The New Transnational Activism*, 163-164.

<sup>185</sup> Larmer, Dwyer and Zeilig, “Southern African social movements at the 2007 Nairobi World Social Forum”, 53.

<sup>186</sup> Khagram, Riker and Sikkink, “From Santiago to Seattle”, 6-10.

<sup>187</sup> Ibid..

<sup>188</sup> Ibid., 8.

<sup>189</sup> Karen Brown Thompson, “Women’s Rights Are Human Rights,” in *Restructuring World Politics: Transnational Social Movements, Networks, and Norms*, edited by Sanjeev Khagram, James V Riker and Kathryn Sikkink (Minneapolis: University of Minnesota Press, 2002): 96-122.

<sup>190</sup> E.g. Amrita Basu, “Women’s Movements and the Challenge of Transnationalism.” *Curricular Crossings: Women’s Studies and Area Studies*.  
<http://www3.amherst.edu/~mrhunt/womencrossing/basu.html> [accessed July 12, 2011].

<sup>191</sup> E.g. Paul J Nelson and Ellen Dorsey, *New Rights Advocacy: Changing Strategies of Development and Human Rights NGOs*, (Washington, DC: Georgetown University Press, 2008): 125-164.

<sup>192</sup> Ibid.; Ibid., 19-23.

<sup>193</sup> Ibid., 125-164.

Dorsey highlight collective action around economic, social and cultural rights.<sup>194</sup> Furthermore, Nelson and Dorsey emphasise the role of power in analysing collective action and transnational advocacy.<sup>195</sup> These themes are returned to further below.

Networks, coalitions and movements can also be categorised according to the length of time and the intensity of involvement the collective action requires. Sidney Tarrow presents a typology of collective action he defines as coalitions (though, as detailed below, these actors could also be called networks). In the short-term these range from low involvement “instrumental coalitions” to “event coalitions” involved in a high degree of collaboration over a short period of time. In cases of long-term cooperation, collective action may take the form of “federations” with a low intensity of involvement of constituent actors or “campaign coalitions” in the case of high levels of cooperation between actors over a sustained period of time.<sup>196</sup>

Instrumental coalitions coagulate around a specific issue of interest to its constituent actors but disperse once the issue passes or ceases to hold importance. These coalitions lack the robust “foundation of collective identity” required to carry on beyond the issues initially bringing them together.<sup>197</sup> As an example of an instrumental coalition, Tarrow cites the short lived (though successful) collaboration in 2000 between US anti-sweatshop activists and Mexican trade unionists in an industrial dispute with the clothing company Kukdong International. Event coalitions are characterised by short periods of intensive involvement in collective action with the “potential for future collaboration” when alliances are fostered between participants.<sup>198</sup> The WSF, therefore, could be viewed as an event coalition. Federations on the other hand are formed by groups primarily operating separately but maintaining some degree of involvement with others over a long or indefinite period of time. In particular these are groups such as national organisations coordinated by international umbrella bodies. Tarrow gives the example of the European Environmental Bureau which works on behalf of various European environmental groups at the European Commission whilst its members largely concentrate their efforts locally and within their various specialisms. Conversely, campaign coalitions (for instance the ICBL) form around single sustained or ongoing

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<sup>194</sup> Ibid., 45-88.

<sup>195</sup> Ibid., 36-39; Ibid., 120-123.

<sup>196</sup> Tarrow, *The New Transnational Activism*, 166-168.

<sup>197</sup> Ibid..

<sup>198</sup> Ibid., 168-170.

issues and coordinate their activity to a large extent.<sup>199</sup> Indeed, Keck and Sikkink also identify campaigns as a key unit of analysis in understanding transnational collective action.<sup>200</sup>

Lisa Jordan and Peter Van Tuijl's concept of "political responsibility" provides another means by which different forms of network may be understood.<sup>201</sup> Whilst Tarrow's typology is descriptive of different kinds of collective action, Jordan and Van Tuijl provide some means for analysing and assessing networked action. Political responsibility refers to the responsibilities members of a network have towards each other. The analysis is particularly useful due to its focus upon the experiences of practitioners involved in network action and providing a means by which this practice may be reflected upon. Jordan and Van Tuijl focus particularly on the responsibilities of NGOs (especially Northern NGOs) towards other NGOs (especially Southern NGOs) with whom they work.<sup>202</sup> However, in subsequent chapters this thesis develops the framework to apply it to a range of actors (NGOs, social movements and trade unions) engaged in a domestic Southern network. There are seven aspects to political responsibility in networks, which Jordan and Van Tuijl use to propose a typology of network relationships based upon the level of political responsibility achieved. The aspects of political responsibility are "dividing political arenas", "agenda setting and strategy building", "raising and allocating financial resources", "information flow", "information frequency and format", "information translation into useful forms" and "the formalisation of relationships".<sup>203</sup>

Like others, Jordan and Van Tuijl use campaigns as their main unit of analysis, proposing four types distinguished according to the degree of political responsibility present. These are, from the most politically responsible to the least politically responsible, "cooperative", "concurrent", "disassociated" and "opposing" campaigns.<sup>204</sup> Actors involved in cooperative campaigns pursue "interlocking objectives", make use of a "very fluid and continuous flow of information" between those involved, continuously review their strategies and manage risk "purely based on local realities in the political arena where participants in the campaign are most

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<sup>199</sup> Ibid., 168-173.

<sup>200</sup> Keck and Sikkink, *Activists beyond Borders*, 7.

<sup>201</sup> Jordan and Van Tuijl, "Political Responsibility in Transnational NGO Advocacy".

<sup>202</sup> Ibid..

<sup>203</sup> Ibid., 2054.

<sup>204</sup> Ibid., 2056-2061.

vulnerable”.<sup>205</sup> Jordan and Van Tuijl argue these campaigns are highly politically responsible and propose that of the Narmada Action Committee against the building of the Narmada Valley dam in India as one such campaign.<sup>206</sup>

Concurrent campaigns are said to display a medium level of political responsibility.<sup>207</sup> They involve “coinciding representation of different but compatible objectives” by actors in each political arena, “regular but multiphased flow of information” between participants and “frequent review of strategies and coexisting management of political responsibilities by varying combinations of NGOs involved at different levels”.<sup>208</sup> The Arun Dam campaign is presented as an instance of a concurrent campaign. Both national and international campaigning aims against the dam were in line with each other and were for environmental and economic reasons, but were not formally integrated as in the Narmada campaign.<sup>209</sup>

Disassociated campaigns have a low level of political responsibility.<sup>210</sup> They are characterised by “parallel representation of conflicting objectives”, “regular but lopsided flow of information” and “occasional and unaffiliated review of strategies” carried out by participants in a manner which is “predominantly exclusive to their own political arena”.<sup>211</sup> The campaign around Scott Paper’s 1989 attempt to establish a plantation in Indonesia is put forward as an instance of a disassociated campaign. Here some national NGOs pursued demands in relation to the implementation of the project whereas the international campaign focused upon opposing Scott Paper’s development outright. There was also not a great deal of communication between the local and international campaign participants.<sup>212</sup>

Competitive campaigns are described as the “worst case scenario”,<sup>213</sup> with no political responsibility.<sup>214</sup> They involve “parallel representation of opposing objectives”, “no direct flow of information” and “no joint review of strategies or management of political responsibilities which may result in human rights violations

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<sup>205</sup> Ibid., 2056.

<sup>206</sup> Ibid., 2056-2058.

<sup>207</sup> Ibid., 2056.

<sup>208</sup> Ibid., 2058.

<sup>209</sup> Ibid., 2058-2059.

<sup>210</sup> Ibid., 2056; Ibid., 2059.

<sup>211</sup> Ibid., 2059.

<sup>212</sup> Ibid., 2059-2060.

<sup>213</sup> Ibid., 2060.

<sup>214</sup> Ibid., 2056; Ibid., 2061.

or other negative impacts on the interests of local communities”.<sup>215</sup> As an example, Jordan and Van Tuijl cite the (at times) contradictory aims of local actors opposing Texaco’s development in Ecuador on the grounds of protecting indigenous people’s rights and international campaigning focused upon environmental protection. Affected indigenous communities were not consulted in agreements brokered by US and European NGOs.<sup>216</sup> Jordan and Van Tuijl posit that “tensions arise when NGOs active in campaigns fail to understand the political responsibilities that arise in a campaign process” and that if “political responsibilities are not embraced, NGOs are left open to criticism about their legitimacy and accountability”.<sup>217</sup> This hypothesis is explored further below.

It is not necessarily the case that there is a clear point of distinction between the three categories of transnational collective action outlined above (networks, coalitions and movements). More there are characteristics associated with each level of collective action, a combination of which are likely to be present in any given network, coalition or movement. This chapter will focus upon collective action more closely definable as networks and coalitions than as movements. This is as the thesis means to explore the relationships built between diverse actors working on particular issues rather than the establishment of movements with broader goals, but perhaps more unified organisational forms. Moreover, it is the aim of this research to explore the ways in which different kinds of actor approach issues and engage with each other. Transnational social movements are therefore not focused upon in this chapter as movements of the sort described by Khagram et al. are much rarer than networks and coalitions.<sup>218</sup>

For the purposes of this research project networks and coalitions will for the most part be considered as analogous. This is as the thesis seeks to explore collective action taken by different actors working together. Both networks and coalitions undertake this kind of action (whereas movements may more readily be analysed as single actors), and the distinction between a less formal network and a more formal coalition is often contested and hard to define.<sup>219</sup> For example, Tarrow’s definition of

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<sup>215</sup> Ibid., 2061.

<sup>216</sup> Ibid..

<sup>217</sup> Ibid., 2052.

<sup>218</sup> Khagram, Riker and Sikkink, “From Santiago to Seattle”, 8.

<sup>219</sup> Tarrow, *The New Transnational Activism*, 168; Keck and Sikkink, *Activists beyond Borders*, 4; Khagram, Riker and Sikkink, “From Santiago to Seattle”, 9.



a coalition is by his own admission intended to be a narrowing down of certain kinds of action<sup>220</sup> which would come under Keck and Sikkink's broader definition of a network.<sup>221</sup> In any case, one key way of establishing whether a network exists is self-definition. Keck and Sikkink suggest that there has been an increasing trend for collective action to be defined as taking the form of a network by the participants themselves.<sup>222</sup> With this self-definition comes an associated set of expectations about the kind of actions the network takes and about the form of engagement between participants.

### III: Action taken by networks

Keck and Sikkink identify four main fields of action utilised by networks. These are: "information politics", "symbolic politics", "leverage politics" and "accountability politics".<sup>223</sup> Information politics is the generation and distribution of useful information.<sup>224</sup> The ICBL's use of television documentaries, videos and travelling photograph exhibitions communicating the impact of landmines, plus newspaper reports of their position in relation to high profile international conferences, is one example of a network utilising information politics.<sup>225</sup> Symbolic politics is the use of stories and symbols in order to communicate the reality of a situation to disparate audiences.<sup>226</sup> This has several aspects. For example, the decision to hold the WSF at the same time as the World Economic Forum (WEF) is a form of symbolic politics. Attention is drawn to the alternative narrative of the WSF (as contributing to global democracy through promoting ideas such as participatory budgeting) through its symbolic association with and opposition to the parallel WEF.<sup>227</sup> Alternatively, instances such as the Indian women's rights group Vikalp drawing on traditional myths and dance in order to promote lesbian rights can be seen as utilising symbolic

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<sup>220</sup> Tarrow, *The New Transnational Activism*, 163-164.

<sup>221</sup> Keck and Sikkink, *Activists beyond Borders*, 4.

<sup>222</sup> *Ibid.*.

<sup>223</sup> *Ibid.*, 16.

<sup>224</sup> *Ibid.*; *Ibid.*, 18-22.

<sup>225</sup> Hubert, "'New' humanitarian advocacy?", 96-97; *Ibid.*, 86-87.

<sup>226</sup> Keck and Sikkink, *Activists beyond Borders*, 16; *Ibid.*, 22-23.

<sup>227</sup> Teivainen, "The World Social Forum and global democratisation"; Richard Falk, "Human rights and global civil society: On the law of unintended effects," in *Fighting for Human Rights*, edited by Paul Gready (London: Routledge, 2004): 44.

politics.<sup>228</sup> Leverage politics is the use of powerful actors to add influence to the causes of weaker members of a network.<sup>229</sup> For instance, the ICBL's use of sympathetic states to influence international opinion was leverage politics.<sup>230</sup> Accountability politics is mobilisation around holding a powerful actor to prior commitments.<sup>231</sup> This would include much of the naming and shaming activity human rights networks undertake in holding states to their own laws and rhetoric and to international treaties they have agreed to abide by.<sup>232</sup> Keck and Sikkink cite the example of the network of actors mobilising around holding the Soviet Union to its human rights commitments under the Helsinki Accords to illustrate this.<sup>233</sup>

There are a number of ways in which action taken by networks can be seen to add value in terms of improving the effectiveness of advocacy for change. There is also value added to understandings of human rights and other political practice through attention being paid to the study of networks. To briefly address the latter point first, it is important to look beyond single organisations or other actors in order to understand contemporary human rights praxis. The reality of globalised politics and the interdependence of actors necessitate attention being paid to groups of actors if an understanding of campaigning is to be gained. As Keck and Sikkink point out, it is not sufficient to analyse phenomena such as human rights campaigning either in the sphere of comparative politics or in the sphere of international relations; the theoretical gap must be bridged.<sup>234</sup> Indeed, paying attention to the operation of forms of transnational collective action such as networks may go some way to addressing the distorted conception of human rights practice (privileging individual over collective rights and privileging civil and political rights over economic, social and cultural rights) Neil Stammers argues has been promoted in the mainstream literature on the subject.<sup>235</sup>

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<sup>228</sup> N Rajaram and Vaishali Zararia, "Translating women's human rights in a globalizing world: the spiral process in reducing gender injustice in Baroda, India," *Global Networks* 9, No. 4 (2009): 473-476.

<sup>229</sup> Keck and Sikkink, *Activists beyond Borders*, 16; *Ibid.*, 23-24.

<sup>230</sup> Hubert, "'New' humanitarian advocacy?," 83-99.

<sup>231</sup> Keck and Sikkink, *Activists beyond Borders*, 16; *Ibid.*, 24-25.

<sup>232</sup> Paul Gready, "Introduction," in *Fighting for Human Rights*, edited by Paul Gready (London: Routledge, 2004): 21.

<sup>233</sup> Keck and Sikkink, *Activists beyond Borders*, 24.

<sup>234</sup> *Ibid.*, 4.

<sup>235</sup> Stammers, *Human Rights and Social Movements*, 8.

### (a) Key conceptual frameworks

Returning to the idea that networks can add value with regard to improving the effectiveness of advocacy campaigns, this can be seen in a number of ways. Keeping in mind the four main fields of network action identified above, it is possible to gain some insight into the particular advantages of transnational collective action of this kind. Much like networks themselves, these fields of action are not atomised and separate. Rather, they are overlapping and interconnected. For example, Keck and Sikkink identify the “boomerang pattern” as a method of advocacy made possible through networks.<sup>236</sup> In this pattern, organisations which are unable to directly influence a powerful actor such as their own state (“State A”) “activate” their network so that organisations within the network in another state (“State B”) put pressure on State B and/or third-party organisations in order to influence the actions of State A.<sup>237</sup> This pattern of action makes use of information politics, as organisations in State A share information with network partners in State B, and leverage politics, as pressure from State B and/or third-party organisations adds influence to the organisation in State A’s cause. Depending on the specific campaign and the way in which information is distributed throughout the network, both symbolic politics and accountability politics could also be utilised in this mode of action. The analysis of this mode of action has been further developed into the “spiral model” in an attempt to explain the process by which norms may be implemented through several stages of network action fitting the boomerang pattern.<sup>238</sup> These processes would not be possible if campaigning organisations were not acting collectively – the initial “blockage” by the powerful actor such as State A would prevent change or norm implementation.<sup>239</sup>

Sally Engle Merry’s concept of translation and vernacularisation in human rights advocacy can provide a useful lens through which to examine some of the

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<sup>236</sup> Keck and Sikkink, *Activists beyond Borders*, 12-13.

<sup>237</sup> *Ibid.*.

<sup>238</sup> Thomas Risse and Kathryn Sikkink, “The socialization of human rights norms into domestic practices: introduction,” in *The Power of Human Rights: International Norms and Domestic Change*, edited by Thomas Risse, Stephen C Ropp and Kathryn Sikkink (Cambridge: Cambridge University Press, 1999): 18-20.

<sup>239</sup> Keck and Sikkink, *Activists beyond Borders*, 12.

added value of networks and other forms of transnational collective action.<sup>240</sup> This idea can be linked to the notion of symbolic power, and to the idea of strategic “venue shopping”.<sup>241</sup> In this context, translation refers to the process by which actors within a network transform information about a cause provided by network partners in a different geographical or cultural location into information that can be understood, accepted and acted upon in their own (or a third) geographical or cultural location. The process by which information and norms originating in other contexts are linguistically and symbolically transformed and internalised by local actors is vernacularisation.<sup>242</sup> The diversity of actors within networks allows for this process to take place. This adds value in two ways. First, advocacy for a cause may be improved by actors within a network accepting its normative principles, whether in their original or vernacular forms. Second, linguistic and symbolic translation of information and principles may open up new arenas for action which would have been closed if a network had not been in place or translation had not occurred. This can be seen in the opportunities for “venue shopping” transnational collective action provides. For example, the framing – or rather, the translation – of environmental concerns into human rights issues provides the possibility of tapping into new constituencies of support and the possibility of achieving change through alternative sites of power to those that might otherwise have been pursued.<sup>243</sup>

#### **IV: Strengthening of networks**

Authors writing on the subject have identified a number of factors as contributing to the effectiveness and strengthening of networks. Drawing upon the analysis of Margaret Levi and Gillian Murphy,<sup>244</sup> Tarrow identifies five areas which influence the strength and endurance of transnational collective action, which will be referred to in subsequent analysis below. These areas are “framing”, “trust”, “credible

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<sup>240</sup> Sally Engle Merry, “Transnational Human Rights and Local Activism: Mapping the Middle,” *American Anthropologist* 108, No. 1 (2006): 38-51; Peggy Levitt and Sally Merry, “Vernacularization on the ground: local uses of global women’s rights in Peru, China, India and the United States,” *Global Networks* 9, No. 4 (2009): 441-461.

<sup>241</sup> Keck and Sikkink, *Activists beyond Borders*, 18.

<sup>242</sup> Merry, “Transnational Human Rights and Local Activism”.

<sup>243</sup> Keck and Sikkink, *Activists beyond Borders*, 18.

<sup>244</sup> Margaret Levi and Gillian H Murphy, “Coalitions of Contention: The Case of the WTO Protests in Seattle,” *Political Studies* 54, No. 4 (2006): 651-670.

commitments”, “management of difference” and “selective incentives”.<sup>245</sup> In relation to network strength and endurance, the idea of framing relates to the question of whether network participants can agree on shared interests, understandings and tactics regarding the issue around which the network formed. Trust, in this context, refers to the question of whether network participants consider each other to be trustworthy in the sense of maintaining moral and political reliability. A related issue is that of credible commitments; for a network to be strong or long lasting its participants must be able to make realistic commitments in terms of time, resources and action for instance, and must reliably carry out these commitments. The idea of management of difference within a network refers to the need for networks to adequately resolve internal disputes and tensions between members due to differences in organisational type, ideology or goals for example. The final area identified by Tarrow, selective incentives, relates to the idea that for networks to endure and be strong, members should benefit from participating; there should be added value for an organisation joining a network.<sup>246</sup>

The areas influencing the success of networks identified by Murphy and Levi and by Tarrow can in part be synthesised with Jordan and Van Tuijl’s political responsibility hypothesis.<sup>247</sup> In particular, the issues Tarrow identifies around trust, credible commitments and management of differences within networks cross over with political responsibilities.<sup>248</sup> Lack of trust within a network suggests low political responsibility as it would suggest a lack of equitable information exchange and, potentially, competing campaigning aims. Similarly, failing to make or meet credible commitments with regard to financial and non-financial resources would suggest political responsibilities are not met. This may be in regards to reviewing of strategies, effectively dividing political arenas amongst participants or regarding separating the raising of money from advocacy.<sup>249</sup> The question of management of differences within a network is particularly relevant to questions over political responsibility. Indeed, the seven aspects of political responsibility (outlined above),

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<sup>245</sup> Tarrow, *The New Transnational Activism*, 165.

<sup>246</sup> Ibid..

<sup>247</sup> Levi and Murphy, “Coalitions of Contentment”; Tarrow, *The New Transnational Activism*, 165; Jordan and Van Tuijl, “Political Responsibility in Transnational NGO Advocacy”.

<sup>248</sup> Tarrow, *The New Transnational Activism*, 165; Jordan and Van Tuijl, “Political Responsibility in Transnational NGO Advocacy”.

<sup>249</sup> Jordan and Van Tuijl, “Political Responsibility in Transnational NGO Advocacy”, 2051-2056.

especially those relating to dividing political arenas, equitable information exchange and the separation of financial resources from decision-making power can be viewed as means by which differences may be managed with higher levels of political responsibility. If these criteria are met, and differences are effectively managed, a network is likely to be more successful and more closely identified as cooperatively as opposed to competitively campaigning.<sup>250</sup> Jordan and Van Tuijl do not, however, provide a great deal of detail on how differences and conflicts within networks which may reduce political responsibility may be resolved.<sup>251</sup> This thesis seeks to develop the framework further, including greater focus on how conflict between network actors might be resolved in a politically responsible manner. Moreover, as Jordan and Van Tuijl's political responsibility framework could be applied to any network, pursuing any aims, this thesis seeks to develop and synthesise this analysis with that of transformative justice. This is so that the case study network may be evaluated in terms of its contribution to processes of transformative justice rather than simply in terms of the political responsibilities of network actors in relation to their aims. The purpose is to assess the network actors' aims, the processes by which these are pursued, the degree of political responsibility in the network relationships and the extent to which these are consistent with or contribute toward transformative justice.

#### **(a) Focus of networks**

Building upon the elements identified by Keck and Sikkink, and Khagram et al. as important in the success of networks, in Noha Shawki's view, networks campaigning coherently, with a clear political message are more likely to be successful.<sup>252</sup> This is also in line with the claims of Tarrow and of Jordan and Van Tuijl.<sup>253</sup> Shawki illustrates this with reference to networks campaigning against the use of anti-personnel landmines and the campaign against the proliferation of small arms. She argues that the relatively narrow focus of the ICBL, on securing an international agreement on the banning of anti-personnel landmines and one or two related aims,

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<sup>250</sup> Ibid., 2051-2052; Ibid., 2056-2064.

<sup>251</sup> Ibid., 2054-2064.

<sup>252</sup> Noha Shawki, "Organizational structure and strength and transnational campaign outcomes: a comparison of two transnational advocacy networks," *Global Networks* 11, No. 1 (2011): 97-98.

<sup>253</sup> Tarrow, *The New Transnational Activism*, 165; Jordan and Van Tuijl, "Political Responsibility in Transnational NGO Advocacy".

allowed the network to be more successful than the International Action Network on Small Arms (IANSA).<sup>254</sup>

It is argued that whilst IANSA has been able to influence policy debates on small arms, the network has not precipitated a clear political change on the matter. On the other hand, the ICBL successfully precipitated clear political change in that an international ban on landmines has been implemented.<sup>255</sup> According to Shawki, the ICBL was able to attract a broad range of NGOs and civil society actors to join the network by virtue of the fact that its campaigning agenda was specific and united all network members. The unity of the network and the range of actors involved in it made the ICBL more effective.<sup>256</sup> Under Jordan and Van Tuijl's typology this may be seen as a cooperative (highly politically responsible) campaign.<sup>257</sup> By contrast, the campaigning agenda of the IANSA covered a wider range of issues relating to the proliferation of small arms. Different actors within the networks disagreed on which aspects were most important and which aspects were of the highest priority or the main focus for their individual organisations. The campaign was less unified around a specific political change than the ICBL, and was therefore less successful.<sup>258</sup> IANSA displays less political responsibility than the ICBL. It could be analysed as falling into the Jordan and Van Tuijl's category of a concurrent campaign, due to the less formalised relationships within the network than the ICBL and the diversity of (broadly compatible) views on campaigning priorities present.<sup>259</sup>

Returning to Tarrow's factors influencing the strength of networks, it can be seen that the ICBL's framing of the issue had greater agreement among members than that of the IANSA, which was therefore weaker. This idea is echoed in the work of other authors analysing the effectiveness of a range of networks.<sup>260</sup> For example, the campaign against the international trade in conflict diamonds, like the ICBL, was narrowly focused, allowing a wide range of actors to agree on a coherent agenda for specific political change and successfully carry this out.<sup>261</sup> The intentional

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<sup>254</sup> Shawki, "Organizational structure and strength and transnational campaign outcomes", 107-114.

<sup>255</sup> Ibid., 98-99.

<sup>256</sup> Ibid., 107-108.

<sup>257</sup> Jordan and Van Tuijl, "Political Responsibility in Transnational NGO Advocacy", 2056-2058.

<sup>258</sup> Shawki, "Organizational structure and strength and transnational campaign outcomes", 109-113.

<sup>259</sup> Jordan and Van Tuijl, "Political Responsibility in Transnational NGO Advocacy", 2056-2059.

<sup>260</sup> E.g. Keck and Sikkink, *Activists beyond Borders*, 204-209.

<sup>261</sup> David Gold, "The attempt to regulate conflict diamonds," *The Economics of Peace and Security Journal* 1, No. 1 (2006): 48-52; Ian Smillie, "Climb every mountain: Civil society and the conflict

organisation of the IANSA as a decentralised network rather than as a more unified campaign coalition like the ICBL affects its strength.<sup>262</sup> On the other hand, decentralisation, autonomy and the prominence of many voices within a network have been presented by some as advantageous characteristics in themselves which should be encouraged.<sup>263</sup> Indeed, these factors could (though may not always) contribute to the equitable exchange of information and separation of money from power which are required for highly politically responsible campaigning.<sup>264</sup>

### **(b) Aims of networks**

There is a tension (discussed further below) between the aim of networks such as the IANSA to be decentralised and allow a diversity of positions among members and the aim of precipitating normative and political change at an international level. Specific changes in policy or the behaviour of actors is not the only purpose or aim of network action. As briefly touched upon above, networks seek to shape debate over their chosen issue; they seek to bring issues onto the agendas of powerful actors and to structure the ways in which these issues are understood and acted upon.<sup>265</sup> In this sense, when attempting to evaluate the relative success or effectiveness of a network it is necessary to look at both processes and outcomes. A network may not be successful in precipitating a particular change in a state's policy for example, but may be successful in raising the issue to be considered at all. It is not sufficient to judge networks which quickly effect policy change as successful and those that do not as failures. For instance, Shawki accepts that whilst the IANSA was less successful than ICBL in effecting changes in policy, it has nevertheless brought the issue of small arms proliferation into the field of vision of powerful actors.<sup>266</sup> This is in itself a success. Indeed, following Khagram et al.'s concept of transnational collective actors restructuring world politics, it may be worth considering the process of agenda setting and the shaping of debates as equally important in the long-term as

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diamonds campaign," in *Fighting for Human Rights*, edited by Paul Gready (London: Routledge, 2004): 174-191.

<sup>262</sup> Shawki, "Organizational structure and strength and transnational campaign outcomes", 110.

<sup>263</sup> E.g. David Graeber, "The New Anarchists," *New Left Review* 13 (2002): 61-73; Naomi Klein, "Reclaiming the Commons," *New Left Review* 9 (2001): 81-89.

<sup>264</sup> Jordan and Van Tuijl, "Political Responsibility in Transnational NGO Advocacy", 2053-2057.

<sup>265</sup> Keck and Sikkink, *Activists beyond Borders*, 4; Khagram, Riker and Sikkink (eds.), *Restructuring World Politics*.

<sup>266</sup> Shawki, "Organizational structure and strength and transnational campaign outcomes", 99.



shorter term changes in policy or actions. In this regard, Peter Uvin argues that “good processes are considerably more important for long-term development than good products”.<sup>267</sup>

For new norms to be maximally secured once initially implemented, powerful actors must not challenge these new norms, for example in their actions, policies or decision-making processes. Ideal, maximally successful transnational collective action would establish hegemony around new norms, having successfully challenged existing hegemonic power which would contradict these norms. This can lead to a tension between the long-term aim of entrenching new norms through hegemony and shorter-term aims of changing specific practices or policies. Moreover, though the abovementioned point that networks campaigning on a narrow political message are more likely to be successful may appear obvious, it also highlights the difficulty inherent in attempting to measure the success of a network which does not seek to change policy or law as its main objective (such as the WSF). The factors which contribute to a strong network may not always be the same as the factors which contribute to a successful campaign to change policy. For instance, campaigns with low political responsibility may result in policy changes. It is, however, questionable whether this should be considered as a success.<sup>268</sup>

### **(c) Structure and composition of networks**

Which actors compose a network and how it is structured influences the strength and success of the network. As mentioned above, the aims of a network with regards to establishing new norms or changing policy may lead to dilemmas with regard to network priorities. These dilemmas may be reflected in the structure and composition of the network. Shawki, for example, argues that understandings of organisational structure and organisational strength are key to gaining an understanding of why networks vary in their political impact.<sup>269</sup> The question is invited as to what factors contribute to the strength of networks, and as to how and why networks differ in their organisational structure. One approach to shedding light on these issues is through an exploration of different kinds of stronger and weaker networks, the characteristics these display and the approaches they have taken. For

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<sup>267</sup> Uvin, *Human Rights and Development*, 137-138.

<sup>268</sup> Jordan and Van Tuijl, “Political Responsibility in Transnational NGO Advocacy”, 2060-2064.

<sup>269</sup> Shawki, “Organizational structure and strength and transnational campaign outcomes”, 97-98.

example, the ICBL, with its main aim being to implement policy, presented a unified stance and was centrally coordinated.<sup>270</sup> The WSF on the other hand is (formally at least) organised in a much less centralised, non-hierarchical fashion and does not advocate specific policy changes.<sup>271</sup> Whilst the WSF's structure may better facilitate debate and discussion, it can be seen to undermine the possibility of developing a unified programme of action.<sup>272</sup> However, in a more centralised network such as the ICBL the need to present a united front in policy advocacy can exacerbate tensions around the management of difference within the network, potentially leading to the network being weakened by participants leaving.<sup>273</sup>

A network must be structured in a manner appropriate to the achievement of its aims. Moreover, to be successful, networks must be considered legitimate and credible actors in their structure and composition. Legitimacy is, of course, a concept subject to a variety of definitions dependent on context and perspective.<sup>274</sup> Where the ICBL gained credibility with international institutions due to the legitimacy attached to states participating in the campaign, the WSF's legitimacy as a grassroots network has been questioned precisely because of the closeness of the Brazilian state to its organisation.<sup>275</sup> The perception that a network lacks legitimacy can lead to the weakening of the network due to a breakdown in trust between participants. Networks must be legitimate in the eyes of a variety of constituents with different, and at times contradictory, emphases placed on which constituents should be prioritised depending on the aims of the network and the action it is taking at any given time.<sup>276</sup> Alan Hudson proposes a focus on political responsibilities as a means of analysing power within networks and, potentially, addressing this problem.<sup>277</sup> This suggestion is discussed in more detail below in relation to tensions within networks over legitimacy.

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<sup>270</sup> Ibid., 98; Hubert, “‘New’ humanitarian advocacy?”, 78-97.

<sup>271</sup> Larmer, Dwyer and Zeilig, “Southern African social movements at the 2007 Nairobi World Social Forum”, 44-45; Ibid., 53.

<sup>272</sup> Ibid..

<sup>273</sup> Hubert, “‘New’ humanitarian advocacy?”, 97; Tarrow, *The New Transnational Activism*, 166.

<sup>274</sup> E.g. Baillie Smith and Jenkins, “Disconnections and exclusions”; Hudson, “NGOs’ transnational advocacy networks”.

<sup>275</sup> Larmer, Dwyer and Zeilig, “Southern African social movements at the 2007 Nairobi World Social Forum”, 45.

<sup>276</sup> Hudson, “NGOs’ transnational advocacy networks”, 331-332.

<sup>277</sup> Ibid..

#### (d) Capacity and resources of networks

Another aspect influencing the strength of networks which may appear on the surface to be obvious is the question of a network's capacity and resources. There are several facets to this. A network's resources can be social, economic or cultural;<sup>278</sup> anything members depend upon in order to participate in the network can be considered to be a resource.<sup>279</sup> Most fundamentally, members of a network must have the capacity to communicate and share information with each other and the financial and human resources to carry out collective action. Networks are therefore strengthened by their members' ability to access communication technologies such as email and by members' ability to travel internationally.<sup>280</sup> This is not a trivial point. Though access to communication technologies and travel has increased in recent decades, it is by no means ubiquitous or equal. In particular, grassroots groups from the global South are likely to lack the same access to these kinds of resources as Northern actors such as professionalised international NGOs.<sup>281</sup> For instance, it is likely that a network seeking to gain access to and influence international economic and political bodies such as the United Nations, European Union, the World Bank or the World Trade Organisation will require individuals or organisations with specialist knowledge as members.<sup>282</sup> It is necessary for network members approaching these kinds of actors to be able to speak the accepted language of the institutions.<sup>283</sup> This applies both in the sense that there may be a need to understand and use specialist technical language and to instances such as the need to speak English in many contexts.<sup>284</sup> Knowledge and information in these contexts are key resources for networks.<sup>285</sup> The more equitable and regular information exchange is within a network the more politically responsible it is likely to be.<sup>286</sup> The greater

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<sup>278</sup> Baillie Smith and Jenkins, "Disconnections and exclusions", 172.

<sup>279</sup> Yanacopulos, "The strategies that bind", 97.

<sup>280</sup> Baillie Smith and Jenkins, "Disconnections and exclusions", 164; *Ibid.*, 172.

<sup>281</sup> *Ibid.*, 166-168.

<sup>282</sup> *Ibid.*, 170-171; Hudson, "NGOs' transnational advocacy networks", 343-346; Tarrow, *The New Transnational Activism*, 173.

<sup>283</sup> Baillie Smith and Jenkins, "Disconnections and exclusions", 170-173; Vera Mackie, "The Language of Globalization, Transnationality and Feminism," *International Feminist Journal of Politics* 3, No. 2 (2001): 188.

<sup>284</sup> Baillie Smith and Jenkins, "Disconnections and exclusions", 170-173.

<sup>285</sup> Yanacopulos, "The strategies that bind", 97.

<sup>286</sup> Jordan and Van Tuijl, "Political Responsibility in Transnational NGO Advocacy", 2055.

access a network has to relevant knowledge and the greater its capacity to dispense information, the stronger it is likely to be.

Networks also rely upon the access to and mobilisation of a variety of other resources in order to remain strong. Moreover, the imperative to be able to carry out networked action influences other aspects of the network such as the way in which it is structured and the question of which of the participants' aims are taken up by the network as a whole. For example, in addition to the more obvious resources such as funding for network members, it can also be seen that perceived legitimacy is a resource.<sup>287</sup> This is as the capacity to act in particular ways relies upon the gaining of access to particular arenas and on the legitimacy of the network to act in these arenas. As legitimacy in one arena (such as lobbying the World Bank) may preclude the participation of other actors (such as Southern grassroots movements) in a network, there are clear implications for the structure and composition of networks stemming from the network's use of resources such as legitimacy in particular arenas.<sup>288</sup> In order to strengthen a network it is necessary to manage differences within the network over the use of resources. This means that politically responsible networks must agree upon how perceived legitimacy will be utilised and to what ends.<sup>289</sup>

## **V: Tensions within networks**

A number of tensions, challenges and dilemmas emerge in the literature exploring the formation of networks. In particular there are several internal challenges to the success of networks stemming from questions over hierarchy within networks, the legitimacy and political responsibilities of networks, plus challenges relating to the political and ideological positioning of the network. In order to gain insight into the potential and limits of collective action it is necessary to explore these tensions in more detail.

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<sup>287</sup> Yanacopulos, "The strategies that bind", 97.

<sup>288</sup> Hudson, "NGOs' transnational advocacy networks", 343.

<sup>289</sup> Jordan and Van Tuijl, "Political Responsibility in Transnational NGO Advocacy"; Hudson, "NGOs' transnational advocacy networks".

### (a) Hierarchy

As noted above, one site of tension within networks and other modes of transnational collective action flagged by several authors is the issue of hierarchy.<sup>290</sup> Though Keck and Sikkink argue that one of the characteristics of networks is the non-hierarchical exchange of information,<sup>291</sup> they also recognise that it is not necessarily the case that networks are totally without hierarchies.<sup>292</sup> This point is echoed by Shawki,<sup>293</sup> as well by other authors in their studies of networks.<sup>294</sup> In particular, the relative power within networks of actors from the global North compared with those from the global South has been a source of tension.<sup>295</sup> This has been for various reasons. For example, there has been criticism by some Southern actors, such as grassroots social movements, that networks they have participated in have been dominated by Northern NGOs and foundations, not genuinely representing the interests of the constituency of stakeholders the network is intended to represent.<sup>296</sup> These situations are consistent with the dangers of disassociated or competitive campaigns and networks lacking political responsibility highlighted by Jordan and Van Tuijl.<sup>297</sup>

Conversely, tension has also been cited by Northern actors such as NGOs on the grounds that they are unable to participate on equal terms with Southern network partners due to the expectation that the Northern partners will contribute more resources – particularly in terms of finance.<sup>298</sup> This latter issue may be particularly difficult to resolve if an ideal type network as non-hierarchical and based on equal partnerships is to be pursued. It is, for example, very likely that Northern NGOs *will*

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<sup>290</sup> E.g. Shawki, “Organizational structure and strength and transnational campaign outcomes”, 106-7; Kathryn Sikkink, “Restructuring World Politics: The Limits and Asymmetries of Soft Power,” in *Restructuring World Politics: Transnational Social Movements, Networks, and Norms*, edited by Sanjeev Khagram, James V Riker and Kathryn Sikkink (Minneapolis: University of Minnesota Press, 2002): 301-317; Keck and Sikkink, *Activists beyond Borders*, 206-207.

<sup>291</sup> Keck and Sikkink, *Activists beyond Borders*, 8-9.

<sup>292</sup> *Ibid.*, 206-207.

<sup>293</sup> Shawki, “Organizational structure and strength and transnational campaign outcomes”, 106-7.

<sup>294</sup> E.g. Sikkink, “Restructuring World Politics”.

<sup>295</sup> Sikkink, “Restructuring World Politics”, 306-307; Jordan and Van Tuijl, “Political Responsibility in Transnational NGO Advocacy”; Hudson, “NGOs’ transnational advocacy networks”.

<sup>296</sup> Smith, “The World Social Forum and the challenges of global democracy”; Butler, “[re]connecting the World Social Forum”; Poni, “Another World is Possible”; Ntseng, “Brief Reflection on World Social Forum 2007 (Kenya, Nairobi)”; Sen, “Interrogating the Civil”.

<sup>297</sup> Jordan and Van Tuijl, “Political Responsibility in Transnational NGO Advocacy”, 2059-2061.

<sup>298</sup> Sikkink, “Restructuring World Politics”; Brown Thompson, “Women’s Rights Are Human Rights”, 101-102; Thalia G Kidder, “Networks in Transnational Labor Organizing,” in *Restructuring World Politics: Transnational Social Movements, Networks, and Norms*, edited by Sanjeev Khagram, James V Riker and Kathryn Sikkink (Minneapolis: University of Minnesota Press, 2002): 274-292.

have greater resources at their disposal than their Southern network partners. This fact may in turn bring to the forefront tensions within networks with regard to how much influence in shaping the network's praxis is held by grassroots stakeholders or unrepresentative but resource-rich actors. Jordan and Van Tuijl cite the "opposing objectives" pursued in Ecuador by the Northern NGOs with "plenty of money", who made deals with oil companies, and the grassroots indigenous rights activists "on shoestring budgets", who opposed drilling, as a severe example of this.<sup>299</sup> Recognition of this tension leads to the proposal that politically responsible network action should include the separation of financial resources from decision-making power.<sup>300</sup>

### **(b) Legitimacy**

The issues of hierarchy within networks and inequality in access to resources within networks lead directly on to the question of the network's legitimacy. It has already been noted that legitimacy can mean different things in different arenas and that it is likely that a network will not be perceived as legitimate by all possible stakeholders (such as all network members and target institutions).<sup>301</sup> With this in mind, it is clear that there is a dilemma present for networks in terms of reconciling the aim of enacting change with the aim of maintaining credibility. This is applied to Southern trade unions, social movements and NGOs engaged in the (predominantly domestic) case study network in later parts of the thesis.

Focusing his analysis on Northern NGOs within transnational networks, Hudson argues that this dilemma might be resolved if Northern NGOs accept that legitimacy is not objective and that in networks it "derives from multiple and diverse relationships with a range of actors".<sup>302</sup> It is argued that in order to reduce tension over legitimacy, particularly in relation to Northern NGOs acting on behalf of (or even "speaking for") Southern network partners,<sup>303</sup> these activities should be assessed in terms of political responsibility rather than in terms of legitimacy.<sup>304</sup> This is because legitimacy in certain fields may be achieved through the abandonment of

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<sup>299</sup> Jordan and Van Tuijl, "Political Responsibility in Transnational NGO Advocacy", 2061.

<sup>300</sup> *Ibid.*, 2055.

<sup>301</sup> Hudson, "NGOs' transnational advocacy networks", 332.

<sup>302</sup> *Ibid.*, 340-342.

<sup>303</sup> *Ibid.*, 338.

<sup>304</sup> *Ibid.*, 345-348.

political responsibilities to network partners. Following the example given by Jordan and Van Tuijl of a politically irresponsible network,<sup>305</sup> it is possible to argue that the Northern NGOs which brokered deals with petrochemical companies seeking to develop in Ecuadorian rainforest were legitimately acting in this arena. The NGOs possessed the appropriate expertise (and other resources) to access the arena in which they acted and were perceived as legitimate actors by those they successfully negotiated with. However, the failure to adequately share information, review strategies and set campaigning agendas with the grassroots activists and affected indigenous communities means the NGOs' action was not politically responsible.<sup>306</sup>

As an analytical framework, political responsibility allows the implied Manichean dichotomy between legitimate and illegitimate action to be questioned. Legitimacy is not objective. It is conditional upon the context in which campaigning action takes place. A focus on political responsibilities allows a judgement to be made not just on whether a particular action is legitimate (many, potentially contradictory, courses of action may be legitimate) but also on whether it is advisable.

There are several key aspects to Hudson's recommendations on how networks may become politically responsible. Hudson argues that it is particularly important for a network to ensure that the areas in which different network members take action are decided by the network as a whole.<sup>307</sup> This is important both in terms of network members maintaining legitimacy in the eyes of their partners, as they act only in agreed spaces, and in terms of attempting to avoid the possible challenges of inequality within networks discussed above. In a related point, Hudson (like Jordan and Van Tuijl) also argues that for Northern NGOs in transnational networks to live up to their political responsibilities financial resources and the power to make decisions within the network must be separated.<sup>308</sup> Though it is suggested that greater formalisation of relationships within networks will help to overcome tensions over the legitimacy of different members' actions, it is not clear from Hudson's analysis that this would be achievable in all cases.<sup>309</sup> In subsequent chapters these issues are explored in relation to the case study network. In particular (as detailed

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<sup>305</sup> Jordan and Van Tuijl, "Political Responsibility in Transnational NGO Advocacy", 2060-2061.

<sup>306</sup> Ibid..

<sup>307</sup> Hudson, "NGOs' transnational advocacy networks", 346.

<sup>308</sup> Ibid.; Jordan and Van Tuijl, "Political Responsibility in Transnational NGO Advocacy", 2055.

<sup>309</sup> Hudson, "NGOs' transnational advocacy networks", 346.

further below) this research explores the political responsibilities of actors other than NGOs.

### (c) Politics and ideology

Whilst it may be possible for networks to act in a politically responsible manner following the principles identified by Jordan and Van Tuijl and Hudson in some instances, this may not resolve further tensions such as those relating to the political and ideological positioning of network members and the network as a whole. The question has been raised as to whether network members consider themselves – and whether the network as a whole considers itself – to be pursuing reformist or revolutionary goals.<sup>310</sup> It is not just a question of whether it is legitimate for network members to act in particular arenas but whether acting in those arenas at all would be consistent with the aims of the network. For example, there may be tension over whether a network should lobby international financial institutions with a view to changing their policies or whether the network should call for these institutions to be dismantled. Indeed, if different actors do not share the same political position they may not come together in a network in the first place.<sup>311</sup>

On the one hand transnational collective action can be seen as intrinsically radical, challenging the primacy of nation-states as sovereign actors and, as Khagram et al. put it, restructuring world politics.<sup>312</sup> There is emancipatory potential in such action.<sup>313</sup> However, on the other hand, there is the risk of co-option.<sup>314</sup> It is necessary for networks to come to a position on their political ideals and the extent to which ideological purity might be acceptably compromised in pursuit of the network's aims. This is likely to result in tensions within networks as the various political priorities and aims of members come into conflict, as in disassociated and competitive campaigns under Jordan and Van Tuijl's typology.<sup>315</sup> For example, participants in the WSF have become polarised into ideological camps of "reformists", "autonomists" and the "radical left", all of whom disagree over what

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<sup>310</sup> Yanacopulos, "The strategies that bind", 103.

<sup>311</sup> Tarrow, *The New Transnational Activism*, 165-166.

<sup>312</sup> Keck and Sikkink, *Activists beyond Borders*, 36; Khagram, Riker and Sikkink, "From Santiago to Seattle".

<sup>313</sup> Jan Nederveen Pieterse, "Emancipatory Cosmopolitanism: Towards an Agenda," *Development and Change* 37, No. 6 (2006): 1247-1257.

<sup>314</sup> Yanacopulos, "The strategies that bind", 103-105.

<sup>315</sup> Jordan and Van Tuijl, "Political Responsibility in Transnational NGO Advocacy", 2059-2061.



the network's approach should be.<sup>316</sup> It has been suggested that the participation of a range of different kinds of actors with different expertise and perceived legitimacy in different arenas strengthens a network.<sup>317</sup> It has also been suggested that highly coordinated networks are more effective, at least in precipitating policy changes.<sup>318</sup> It may not, however, be possible to reconcile these ideas with the political positioning of all possible network members. There is therefore a question over whether a network should seek to include the widest range of actors or whether it should be made up only of those who accept a single ideological position. Whilst close agreement and cooperation between network actors may suggest more politically responsible action it is not necessarily clear what the most politically responsible course of action is in the event of disagreement between possible network partners.<sup>319</sup>

## **VI: Themes and gaps in the literature**

There are several themes and points of focus which recur throughout much of the literature on networks and transnational collective action. Firstly, it is clear that the majority of literature on networks is focused upon the relationships between Northern and Southern network partners.<sup>320</sup> Indeed some literature appears to presuppose that North-South ties are a necessary condition for networked action, particularly if strategies such as the boomerang effect are to be utilised.<sup>321</sup> Though South-South partnerships in networks are alluded to in some of the literature, there appears to be a gap with regard to detailed analysis of this kind of network despite the argument being made that these kinds of network can increasingly be seen.<sup>322</sup> Similarly, whilst it is acknowledged that much of the analysis of transnational

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<sup>316</sup> Callinicos and Nineham, "At an impasse?"

<sup>317</sup> E.g. Tarrow, *The New Transnational Activism*, 174-175.

<sup>318</sup> E.g. Shawki, "Organizational structure and strength and transnational campaign outcomes", 98; Hubert, "New' humanitarian advocacy?", 78-97.

<sup>319</sup> Jordan and Van Tuijl, "Political Responsibility in Transnational NGO Advocacy".

<sup>320</sup> E.g. Hudson, "NGOs' transnational advocacy networks"; Vicky Mancuso Brehm with Emma Harris-Curtis, Luciano Padrão and Martin Tanner, *Autonomy or Dependence?: Case Studies of North-South NGO Partnerships*, (Oxford: INTRAC, 2004); Yanacopulos, "The strategies that bind".

<sup>321</sup> Peter Evans, "Fighting Marginalization with Transnational Networks: Counter-Hegemonic Globalization," *Contemporary Sociology* 29, No. 1 (2000): 231; Keck and Sikkink, *Activists beyond Borders*, 12-13.

<sup>322</sup> Baillie Smith and Jenkins, "Disconnections and exclusions", 163.

networks could also be applied to domestic networks,<sup>323</sup> this is not a focus of much literature.<sup>324</sup> Consequently (as detailed below) this research project focuses upon the application of analyses which have previously been applied to transnational networks to a case study of a domestic network.

There is a gap in the existing literature on transnational collective action regarding the reasons for networks containing particular actors and the relative merits of the inclusion or exclusion of different kinds of actors in particular kinds of network. The literature on networks and other transnational collective action also tends to place networks within particular advocacy frameworks. There are case studies of women's networks,<sup>325</sup> environmental networks,<sup>326</sup> labour networks<sup>327</sup> and human rights networks,<sup>328</sup> for example. In these analyses different kinds of networks are treated as distinct from one another. Though a network may "venue shop" in order to frame a particular issue in the terms most effective for advocacy, the kinds of actor which make up networks are seen to be distinct according to issue. It is implicit within the literature that, for example, trade unions and labour organisations participate in labour networks as opposed to human rights networks for instance. Moreover, there is a focus on NGOs in most of the literature on networks.<sup>329</sup>

As mentioned above, there is little written about the participation of trade unions in networks other than those specifically active on labour issues, and much of the literature exploring social movements' participation in networks focuses upon NGOs' perspectives and NGO-centred issues around partnership with grassroots

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<sup>323</sup> Keck and Sikkink, *Activists beyond Borders*, 9-10; Ibid., 30; Tarrow, *The New Transnational Activism*, 164.

<sup>324</sup> E.g. Keck and Sikkink, *Activists beyond Borders*; Khagram, Riker and Sikkink (eds.), *Restructuring World Politics*; Tarrow, *The New Transnational Activism*; Jordan and Van Tuijl, "Political Responsibility in Transnational NGO Advocacy"; Hudson, "NGOs' transnational advocacy networks".

<sup>325</sup> E.g. Brown Thompson, "Women's Rights Are Human Rights"; Keck and Sikkink, *Activists beyond Borders*, 165-198.

<sup>326</sup> E.g. Keck and Sikkink, *Activists beyond Borders*, 121-164.

<sup>327</sup> E.g. Kidder, "Networks in Transnational Labor Organizing"; Nimtz, "Marx and Engels".

<sup>328</sup> E.g. Darren Hawkins, "Human Rights in US Foreign Policy," in *Restructuring World Politics: Transnational Social Movements, Networks, and Norms*, edited by Sanjeev Khagram, James V Riker and Kathryn Sikkink (Minneapolis: University of Minnesota Press, 2002): 71-95; Daniel C Thomas, "Human Rights Norms and Networks in Authoritarian Chile," in *Restructuring World Politics: Transnational Social Movements, Networks, and Norms*, edited by Sanjeev Khagram, James V Riker and Kathryn Sikkink (Minneapolis: University of Minnesota Press, 2002): 47-70; Keck and Sikkink, *Activists beyond Borders*, 79-120.

<sup>329</sup> E.g. Hudson, "NGOs' transnational advocacy networks"; Nelson and Dorsey, *New Rights Advocacy*.

movements.<sup>330</sup> The literature on the political responsibilities of networks is also focused upon Northern- and NGO-centred analyses.<sup>331</sup> This represents one of the main gaps in the literature on networks and transnational collective action. The reasons behind the particular compositions of networks and the relative merits of a network containing certain kinds of actors are not widely explored.

Within the literature on networks, especially that dealing with human rights networks, there is a large body of work exploring transnational collective action in relation to transitional justice. The actions and influence of networks involved in precipitating the arrest of General Pinochet are particularly well documented.<sup>332</sup> In (relatively) more recent years especially, there has been a trend in the literature on networks towards exploring the implications of transnational collective action and the application of models such as the boomerang pattern and spiral model in relation to transitional justice in post-war and post-authoritarian contexts such as Chile and Argentina.<sup>333</sup> These works largely focus upon trials and the impacts networks can have upon legal processes in transitional justice.<sup>334</sup> These kinds of processes are by their nature narrowly centred on the law. Moreover, transitional justice instruments – such as the trials analysed by Kathryn Sikkink and Carrie Booth Walling, as well as truth commissions – tend to deal with only a narrow set of human rights, focusing particularly on civil and political rights to do with bodily integrity (disappearances and torture for example).<sup>335</sup> There is a recognised gap in the literature with regard to the role of human rights networks in promoting economic, social and cultural rights, Nelson and Dorsey’s volume being a rare, though still largely Northern NGO-focused, exception.<sup>336</sup> Building on this, a gap in the literature is noted with regard to

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<sup>330</sup> E.g. Baillie Smith and Jenkins, “Disconnections and exclusions”; Hudson, “NGOs’ transnational advocacy networks”.

<sup>331</sup> Jordan and Van Tuijl, “Political Responsibility in Transnational NGO Advocacy”; Hudson, “NGOs’ transnational advocacy networks”.

<sup>332</sup> E.g. Naomi Roht-Arriaza, *The Pinochet Effect: Transnational Justice in the Age of Human Rights*, (Philadelphia: University of Pennsylvania Press, 2005).

<sup>333</sup> Ellen Lutz and Kathryn Sikkink, “The Justice Cascade: The Evolution and Impact of Foreign Human Rights Trials in Latin America,” *Chicago Journal of International Law* 2, No. 1 (2001): 1-33; Kathryn Sikkink and Carrie Booth Walling, “Errors about Trials: The Emergence and Impact of the Justice Cascade”. Paper presented at *the Princeton International Relations Faculty Colloquium*, (Princeton University, Princeton, NJ), March 27, 2006.

<sup>334</sup> E.g. Lutz and Sikkink, “The Justice Cascade”; Sikkink and Walling, “Errors about Trials”.

<sup>335</sup> Sikkink and Walling, “Errors about Trials”; Paul Gready, “Transformative Justice”. Unpublished paper presented at “*Transformative Justice: Global Perspectives*” *Worldwide Universities Network International Conference*, (University of Leeds, Leeds), May 12, 2011.

<sup>336</sup> Nelson and Dorsey, *New Rights Advocacy*.

the role networks could take in more holistic forms of transformative (rather than transitional) justice.<sup>337</sup>

### **(a) Areas of focus in this research**

In order to begin to resolve some of the tensions identified above as existing within networks, it is necessary to carry out new research. This is especially the case if reproductions of what Stammers calls the distortions in mainstream human rights discourse are to be avoided in future scholarship on networks.<sup>338</sup> The gaps in the literature identified above invite the question of whether there could be value added to advocacy on issues such as human rights –especially economic and social rights – by expanding network participation to include groups such as labour organisations and trade unions. In particular, there is the suggestion in the emerging literature on transformative justice that these kinds of networks, and action around a broader range of rights issues such as poverty and land inequalities, are in need of study.<sup>339</sup>

Similarly, in order to establish whether there could be value added in broadening network participation, attention must be paid to the reasoning given for networks mobilising on issues such as human rights containing particular kinds of actor. Attention must also be paid to the reasons for networks containing labour organisations and trade unions apparently only working on particular issues, which do not cross over with human rights networks. There is therefore a need to carry out further research looking to bridge these gaps and overcome tensions so that a discussion of the potential for new forms of engagement between diverse actors in networks and coalitions may be explored. The case study for this research focuses on a network made up of diverse actors, including NGOs, social movements and trade unions. This focus begins to address the NGO-centric approach of much of the literature.<sup>340</sup>

Furthermore, one tension identified above is the potential disparity of influence between actors such as Southern social movements and Northern NGOs participating in a network. In order to move towards resolving some of the tensions this kind of disparity may precipitate it is necessary to examine the ways in which

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<sup>337</sup> Gready, Boesten, Crawford and Wilding, “Transformative Justice”.

<sup>338</sup> Stammers, *Human Rights and Social Movements*, 8.

<sup>339</sup> Gready, Boesten, Crawford and Wilding, “Transformative Justice”.

<sup>340</sup> E.g. Jordan and Van Tuijl, “Political Responsibility in Transnational NGO Advocacy”; Hudson, “NGOs’ transnational advocacy networks”.

network participants engage with each other as well as the overall aims of the network – both in terms of desired outcomes and process. It is necessary to analyse the political responsibilities of network actors, including those which are not Northern NGOs and to thereby develop the political responsibilities framework beyond its existing focus. The need for further exploration of South-South network partnerships and networks which are not strongly transnational is also highlighted by this.

Southern network relationships may contain potential not evident in the North-South (and NGO-centred) networks already explored by the literature and may overcome some of the tensions which appear to be inherent in North-South partnerships. As well as the added value which might be gained through further investigation of South-South networks there is a question over the extent to which the analytical frameworks applied to transnational networks may be applied to domestic networks. The case study for this research is a network with few transnational connections. Focusing on this allows the assumption within the literature that the same principles applied to transnational networks can also be applied to domestic networks<sup>341</sup> to be tested.

Specifically, this research develops and applies the political responsibilities framework, which the existing literature applies to North-South transnational NGO partnerships,<sup>342</sup> to a Southern domestic network made up of social movements and trade unions as well as NGOs. By comparing the reality of the case study network to the ideal type campaigns involving different degrees of political responsibility it may be possible to gain an understanding of how relationships within and action taken by the network might be improved.

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<sup>341</sup> Keck and Sikkink, *Activists beyond Borders*, 9-10; *Ibid.*, 30; Tarrow, *The New Transnational Activism*, 164.

<sup>342</sup> Jordan and Van Tuijl, “Political Responsibility in Transnational NGO Advocacy”; Hudson, “NGOs’ transnational advocacy networks”.

**(b) Analytical framework**

	Focus	Aims	Structure	Capacity and resources
Hierarchy	Division of political arenas based on recognised expertise.	High degree of cooperation between network actors.	Formalised or otherwise transparent relationships.	Financial resources divorced from decision-making.
Legitimacy	Campaigning areas decided through equitable exchange of information.	Network members' objectives in line and action taken by members in their own political arena.	Activities of network members openly discussed and agreed.	Imbalances of resources within the network recognised and greater costs borne by those with greater capacity to meet them.
Politics and ideology	Strategies continuously reviewed.	Transparent goals agreed by network partners.	Shared decision-making and members' agendas discussed by network.	Risk managed according to capacity and resilience of most at risk network member.

**Table 1: Overcoming tensions and strengthening networks through political responsibility**

Table 1 (above) expresses the possible tensions within networks and the areas which contribute to the strengthening of networks in a matrix. The populated fields indicate how these tensions might be overcome and networks strengthened in each area through highly politically responsible action as described by Jordan and Van Tuijl and by Hudson.<sup>343</sup> This expresses the analytical framework which this research applies to the case study network. In seeking to understand the case study network with regard to tensions, weaknesses and exploration of how these might be overcome (and recommendations for improved practice produced), the presence or absence of the politically responsible action articulated in Table 1 is assessed. The populated fields in Table 1 express the ideal type benchmark of politically responsible action in each area identified. The analytical framework this provides is referred back to in subsequent chapters and is applied to the case study network throughout the thesis.

<sup>343</sup> Jordan and Van Tuijl, "Political Responsibility in Transnational NGO Advocacy"; Hudson, "NGOs' transnational advocacy networks".

Politically responsible action is sought out and assessed and its absence is explored in relation to how this might be overcome.

## Chapter 3

### Structural violence, socio-economic rights and transformative justice

#### **I: Introduction**

This chapter provides a critique of the scope of existing models of transitional justice (i.e. truth commissions, amnesties and prosecutions). Transitional justice mechanisms (including those employed in South Africa) have largely focused upon individual violations of a narrow set of civil and political rights and the provision of legal and quasi-legal remedies. In contrast, this chapter highlights the significance of land inequalities in producing and reproducing violations of human rights, particularly of socio-economic rights. There is a need to utilise a different toolkit, and a different understanding of human rights, to that typically employed in transitional justice in order to remedy structural violations of human rights (i.e. those which do not constitute direct interpersonal violence) such as those relating to land inequalities (structural violence is discussed in more detail below). In this context the potential for transformative (rather than transitional) justice in post-apartheid South Africa and other post-authoritarian contexts is discussed. The chapter outlines a definition of transformative justice, relevant actors and relationships for such an agenda, and discusses the kinds of strategies that promise a more transformative approach.

In exploring the relationships between land, socio-economic rights and transformative justice this chapter takes a human rights perspective. Given the focus of the thesis on a case study of a network of actors in post-apartheid South Africa, particular attention is paid in this chapter to the interaction between structural violence, landlessness and broader human rights issues in post-apartheid South Africa and to the potential for advancing transformative justice within post-apartheid South Africa. These discussions then inform the analysis put forward in the subsequent chapters of the thesis.

Building a critique of existing models of transitional justice, this chapter first explores the relationship between structural violence and transitional justice. Shortcomings of existing models of transitional justice are highlighted. Next the chapter outlines a definition of transformative justice and contrasts the approach of



transitional justice to structural issues to the approach of transformative justice. This takes place with specific reference to land and related socio-economic rights. Third, the particular focus upon post-apartheid South Africa is introduced. Land inequalities and responses to these are discussed in relation to the potential for transformative justice. Finally, a discussion of relevant actors and relationships for transformative justice is provided and conclusions are drawn regarding gaps in the literature and need for research (such as this study) to explore the kinds of strategies that promise a more transformative approach.

Three key debates evident in the literature are highlighted in this chapter. There is a question over how transitional justice mechanisms can better take account of structural, socio-economic issues and whether these mechanisms are appropriate or adequate for dealing with these issues.<sup>344</sup> A second debate surrounding how to resolve potentially competing rights claims of the landless and land owners also emerges from the literature.<sup>345</sup> There is also a broader debate over what strategies and tools are appropriate and likely to be effective in both addressing structural violence in general and addressing inequalities in land specifically evident throughout much of the literature.<sup>346</sup>

The chapter concludes that existing models of transitional justice are not adequate for addressing structural violence and land inequalities or for ensuring the realisation of socio-economic rights. Transformative justice may address these shortcomings. It is proposed that for transformative justice to be achieved the involvement of a diverse range of actors is required. An exploration of the strategies of and relationships between social movements and trade unions as well as NGOs in relation to transformative justice in general and land inequalities in particular is proposed.

## **II: Structural violence and shortcomings of transitional justice**

The concept of structural violence provides a means of expressing the category of human rights violations which are produced and reproduced by landlessness and land

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<sup>344</sup> E.g. Rama Mani, "Dilemmas of Expanding Transitional Justice, or Forging the Nexus between Transitional Justice and Development," *International Journal of Transitional Justice* 2, No. 3 (2008): 253-265.

<sup>345</sup> E.g. James, *Gaining ground?*.

<sup>346</sup> E.g. Roger Duthie, "Toward a Development-sensitive Approach to Transitional Justice," *International Journal of Transitional Justice* 2, No. 3 (2008): 292-309.

inequalities. This section of the chapter outlines the shortcomings of existing models of transitional justice in addressing these. In the next section, transformative justice is outlined as an approach which puts forward an understanding of the links between human rights violations within this category.<sup>347</sup>

### **(a) Structural violence**

Structural violence refers to a condition in which violence occurs without being precipitated by the direct actions of specific individuals against other specific individuals. It may be defined, in contrast to direct or personal violence, as a condition akin to (perhaps even synonymous with) social injustice.<sup>348</sup> It may be conceived of as a form of violence because “violence is present when human beings are being influenced so that their actual somatic and mental realizations are below their potential realizations” (emphasis removed).<sup>349</sup> Structural violence has also been explained as being social arrangements which are “*structural* because they are embedded in the political and economic organization of our social world” and “*violent* because they cause injury to people” (emphases in original).<sup>350</sup> Though this definition of violence is broad, in the view of Johan Galtung, it is necessary in order for the idea of peace as the absence of violence to be validly maintained without “[h]ighly unacceptable social orders” being compatible with peace.<sup>351</sup>

This broad definition of violence (to include forms of social injustice as structural violence) can be seen as a logical extension of more narrow conceptions of violence as direct, intended and personal.<sup>352</sup> Direct actions carried out by individuals or groups can affect the ability of human beings to realise their physical and mental potential. Structures which promote or maintain particular conditions also affect the ability of human beings to realise their physical and mental potential. For instance, a person’s life expectancy may be reduced by an act of direct, intended personal violence or by the failure of a system to provide adequate care for those with treatable illnesses. Similarly, a person may be physically prevented from attending

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<sup>347</sup> E.g. Gready, Boesten, Crawford and Wilding, “Transformative Justice”.

<sup>348</sup> Johan Galtung, “Violence, Peace, and Peace Research,” *Journal of Peace Research* 6, No. 3 (1969): 171.

<sup>349</sup> *Ibid.*, 168.

<sup>350</sup> Paul E Farmer, Bruce Nizeye, Sara Stulac and Salmaan Keshavjee, “Structural Violence and Clinical Medicine,” *PLoS Medicine* 3, No. 10 (2006): 1686.

<sup>351</sup> Galtung, “Violence, Peace, and Peace Research”, 168.

<sup>352</sup> *Ibid.*.

school by another individual or they may be prevented from accessing education due to resources being diverted away from education or towards providing education to a different group of people. Referring particularly to factors which limit access to healthcare and thus contribute to deaths from disease in Haiti, Paul Farmer argues that

Structural violence is structured and *structuring*. It constricts the agency of its victims. It tightens a physical noose around their necks, and this garroting determines the way in which resources – food, medicine, even affection – are allocated and experienced. Socialization for scarcity is informed by a complex web of events and processes stretching far back in time and across continents [emphasis in original].<sup>353</sup>

Despite the differences in the process, under Galtung's definition, each of these instances would constitute examples of violence due to the outcome in each case being that someone's potential was not realised when it might otherwise have been.<sup>354</sup> As Farmer puts it,

Social inequalities are at the heart of structural violence. Racism of one form or another, gender inequality, and above all brute poverty in the face of affluence are linked to social plans and programs ranging from slavery to the current quest for unbridled growth. These conditions are the cause and result of displacements, wars both declared and undeclared, and the seething, submerged hatreds that make the irruption of *Schadenfreude* a shock to those who can afford to ignore, for the most part, the historical underpinnings of today's conflicts.<sup>355</sup>

## **(b) Critique of transitional justice**

Structural violence has been identified as an important issue by scholars addressing a variety of related and overlapping fields, such as peace-building, transitional justice and human rights.<sup>356</sup> This importance has been highlighted both in terms of

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<sup>353</sup> Paul Farmer, "An Anthropology of Structural Violence," *Current Anthropology* 45, No. 3 (2004): 315.

<sup>354</sup> Galtung, "Violence, Peace, and Peace Research", 169.

<sup>355</sup> Farmer, "An Anthropology of Structural Violence", 317.

<sup>356</sup> E.g. Lisa J Laplante, "Transitional Justice and Peace Building: Diagnosing and Addressing the Socioeconomic Roots of Violence through a Human Rights Framework," *International Journal of Transitional Justice* 2, No. 3 (2008): 331-355; Mani, "Dilemmas of Expanding Transitional Justice";

addressing structural violence in itself and in terms of addressing structural violence as a root cause of, or contributing factor towards, direct and personal violence.<sup>357</sup> However, in the case of transitional justice processes, emphasis has largely been placed upon a relatively narrow set of tools (particularly truth commissions, amnesties and trials) addressing only “bodily integrity” human rights violations relating to direct, personal violence.<sup>358</sup> Indeed, Rama Mani observes that “issues of social justice seem to lie just beyond the traditional frontiers of transitional justice”.<sup>359</sup> Pablo de Greiff meanwhile highlights the fact that issues such as poverty and land inequalities have tended to be overlooked in discussions over reparative transitional justice programmes.<sup>360</sup> Cath Collins’s concept of “post-transitional justice”, though questioning the established transitional justice framework to some extent, likewise places emphasis on addressing political violence committed by state actors rather than structural or socio-economic human rights issues.<sup>361</sup> There have, though, been moves towards expanding the focus of transitional justice to consider the impact of socio-economic structures and be “sensitive” to (if not always directly addressing) these, which might otherwise be treated as entirely separate issues relating to development.<sup>362</sup> However, in the view of Mani, expanding the focus of transitional justice to take account of social injustice presents a number of dilemmas, whilst also being necessary for transitional justice to maintain credibility.<sup>363</sup>

The first dilemma concerns the difficulty inherent in applying the targeted measures associated with transitional justice (truth commissions, trials and institutional reform) to the wide-reaching effects of social injustice. The lack of clearly identifiable individuals as victims and perpetrators does not map easily on to existing models of transitional justice mechanisms.<sup>364</sup> The second dilemma concerns the fact that transitional justice is expensive to implement and, in the absence of addressing social injustice and structural violence, may not be viewed as a priority

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Ismael Muvungi, “Sitting on Powder Kegs: Socioeconomic Rights in Transitional Societies,” *International Journal of Transitional Justice* 3, No. 2 (2009): 163-182.

<sup>357</sup> E.g. Galtung, “Violence, Peace, and Peace Research”; Laplante, “Transitional Justice and Peace Building”.

<sup>358</sup> Gready, “Transformative Justice”.

<sup>359</sup> Mani, “Dilemmas of Expanding Transitional Justice”, 254.

<sup>360</sup> Pablo de Greiff, *The Handbook of Reparations*, (New York: Oxford University Press, 2006): 205.

<sup>361</sup> E.g. Cath Collins, *Post-transitional justice: human rights trials in Chile and El Salvador*, (University Park, PA: Pennsylvania State University Press, 2010): 7-25.

<sup>362</sup> Duthie, “Toward a Development-sensitive Approach to Transitional Justice”.

<sup>363</sup> Mani, “Dilemmas of Expanding Transitional Justice”, 254.

<sup>364</sup> *Ibid.*, 255.

for resource distribution.<sup>365</sup> Relatedly, Mani's third dilemma surrounds the question of how transitional justice processes can address corrupt and exploitative economic conditions during conflicts which, as a result, impact upon the capacity for facilitating development post-conflict.<sup>366</sup> Mani's final dilemma is concerned with the failure of the theory and practice of both transitional justice and development to address criminal and societal (as opposed to "political") violence post-conflict despite the (aforementioned) link between what is viewed as criminal violence and social injustice or structural violence.<sup>367</sup> This chapter focuses particularly on how transitional justice and transformative justice address the nexus of land inequalities and socio-economic rights.

Recent moves towards transitional justice being used to address socio-economic inequalities, and the consequent production of dilemmas such as those raised by Mani, have engendered a range of responses. Various means of reconciling transitional justice with addressing structural violence have been suggested. These include allowing further space for the airing of socio-economic grievances in truth commissions and specifically addressing collective, societal injustices (such as land inequalities) through reparations.<sup>368</sup> These kinds of suggestions have, nevertheless, focused upon addressing structural violence only inasmuch as existing transitional justice tools can be adapted to do so. This is a shortcoming of transitional justice processes.

Lars Waldorf, on the other hand, argues that, even through the limited means of truth commissions and reparations programmes, transitional justice should not attempt to directly address structural, socio-economic inequalities.<sup>369</sup> Waldorf highlights that a number of studies<sup>370</sup> have suggested that in post-conflict societies victims (including those narrowly defined as suffering direct violence during the conflict)<sup>371</sup> often prioritise addressing socio-economic issues, such as housing,

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<sup>365</sup> Ibid., 256-257.

<sup>366</sup> Ibid., 257-259.

<sup>367</sup> Ibid., 259-261.

<sup>368</sup> Pasipanodya, "A Deeper Justice", 392-395.

<sup>369</sup> Lars Waldorf, "Anticipating the Past: Transitional Justice and Socio-Economic Wrongs," *Social and Legal Studies* 21, No. 2 (2012): 171-186.

<sup>370</sup> E.g. Simon Robins, "Untransformative justice: The limits of civil society and the rights discourse in post-conflict Nepal". Unpublished paper presented at "*Transformative Justice: Global Perspectives*" *Worldwide Universities Network International Conference*, (University of Leeds, Leeds), May 12, 2011.

<sup>371</sup> Ibid..

education and basic economic subsistence, over the civil and political rights issues usually focused upon by transitional justice.<sup>372</sup> He accepts that “everyday injustices rooted in historical inequalities may be as important, if not more important, for many survivors than the extraordinary injustices” of severe violations of civil and political rights.<sup>373</sup>

Bringing to mind Mani’s dilemma over the difficulty in applying transitional justice measures to socio-economic injustice,<sup>374</sup> Waldorf questions whether transitional justice can adequately address socio-economic issues in practice.<sup>375</sup> Indeed, he suggests that transitional justice processes are not necessarily particularly successful even in carrying out narrow “bodily integrity” violations-oriented mandates. For instance, truth commissions have been suggested as one of the transitional justice mechanisms which might most readily be adapted to address socio-economic grievances.<sup>376</sup> However, the political weakness attached to and the necessarily short lifespans of truth commissions mean their recommendations are easily (and frequently) ignored.<sup>377</sup> This is echoed in Steven Robins’s suggestion that on the one hand the South African Truth and Reconciliation Commission “became a number one export” whereas on the other hand since the end of apartheid “the gap has widened between this bright vision of a ‘rights paradise’ and the grim everyday social, economic and political realities experienced by the majority of South Africa’s citizens”.<sup>378</sup> Similarly, reparations programmes might be more readily adapted to addressing socio-economic inequalities than other transitional justice mechanisms. A lack of easy means of identifying potential beneficiaries for inclusion (or exclusion) in schemes, limited resources and time constraints make it difficult (following Waldorf’s view, perhaps even impossible) though to adequately address socio-economic grievances through reparations.<sup>379</sup> The possibility of utilising reparations in order to address socio-economic rights violations is further constrained by the fact

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<sup>372</sup> Waldorf, “Anticipating the Past”, 175.

<sup>373</sup> Ibid..

<sup>374</sup> Mani, “Dilemmas of Expanding Transitional Justice”, 255.

<sup>375</sup> Waldorf, “Anticipating the Past”, 176-177.

<sup>376</sup> E.g. Pasipanodya, “A Deeper Justice”, 392-395.

<sup>377</sup> Waldorf, “Anticipating the Past”, 176-177.

<sup>378</sup> Robins, *From Revolution to Rights in South Africa*, 2.

<sup>379</sup> Waldorf, “Anticipating the Past”, 177-179.

that there is little political will to implement reparations in transitional justice programmes, and that in practice reparations are rarely implemented.<sup>380</sup>

One might take the view that Mani's dilemmas cannot be fully resolved. The case can be made that "transitional justice is inherently short-term, legalistic and corrective".<sup>381</sup> This, however, merely describes rather than solves the problem at hand. It may well be the case that the standard toolkit of transitional justice is ill-suited to addressing structural violence and violations of socio-economic rights. The standard toolkit of transitional justice in fact often seems ill-suited to addressing even the narrow set of "gross violations of civil and political rights" which Waldorf suggests should be its focus.<sup>382</sup> According to Waldorf's analysis, transitional justice overpromises that reconciliation may be delivered, cannot address the socio-economic inequalities prioritised by victims and regularly fails to deliver reparations or follow through on recommended institutional reforms.<sup>383</sup> This does not leave much room for success. Even if other transitional justice mechanisms, for example, prosecutions for gross violations of civil and political rights, are wholly successful, there still remains a question over how structural violence and socio-economic grievances might be addressed in post-conflict and post-authoritarian societies.

### **(c) Defining transformative justice**

Transitional justice measures are not necessarily well-suited to addressing broader human rights issues, structural violence and socio-economic inequalities.<sup>384</sup> One way issues which lie outside the reach of transitional justice<sup>385</sup> might be addressed in post-conflict and post-authoritarian contexts is through the pursuit of a different conception of justice. Recognition of this has led to the development of models for transformative justice. Here a definition of transformative justice is outlined and explored in relation to land inequalities and related socio-economic rights. The concept of transformative justice as defined here is then drawn upon throughout the analysis presented in subsequent chapters of the thesis.

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<sup>380</sup> Ibid., 177.

<sup>381</sup> Ibid., 179.

<sup>382</sup> Ibid..

<sup>383</sup> Ibid., 175-179.

<sup>384</sup> E.g. Waldorf, "Anticipating the Past".

<sup>385</sup> Mani, "Dilemmas of Expanding Transitional Justice", 254.

A common thread that runs through the emerging transformative justice discourse is that transformative justice seeks to broaden the focus of measures aimed at promoting post-conflict or post-authoritarian justice for human rights abuses beyond that of transitional justice. Transformative justice seeks to contribute to the wider transformation of post-conflict and post-authoritarian societies beyond the cessation or addressing of widespread interpersonal violence and violation of “bodily integrity” rights. Crucial to this “transformative” agenda is a focus upon socio-economic structures, the ways in which inequalities may produce structural violence and a focus upon how this structural violence may effectively be addressed.<sup>386</sup> This focus is a key point of commonality between various different attempts to define transformative justice.<sup>387</sup>

In proposing her model of transformative justice Erin Daly points out that the literature<sup>388</sup> often conflates “transition” and “transformation”.<sup>389</sup> This conflation is problematic. Transition may be seen as a change “at the top”,<sup>390</sup> based on “elite bargains”.<sup>391</sup> Transformation may be seen as more wide-reaching change throughout society. According to Daly,

[t]ransition suggests movement from one thing to another - from oppression to liberation, from oligarchy to democracy, from lawlessness to due process, from injustice to justice. Transformation, however, suggests that the thing that is moving from one place to another is itself changing as it proceeds through the transition; it can be thought of as radical change.<sup>392</sup>

Daly suggests that in some cases the pursuit of transformative justice would require “a central economic component”.<sup>393</sup> However, she largely concentrates on the idea that culture must be transformed in post-conflict and post-authoritarian societies in

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<sup>386</sup> Gready, Boesten, Crawford and Wilding, “Transformative Justice”.

<sup>387</sup> E.g. Gready, Boesten, Crawford and Wilding, “Transformative Justice”; Erin Daly, “Transformative Justice: Charting a Path to Reconciliation,” *International Legal Perspectives* 12, No. 1/2 (2002): 79-80; Wendy Lambourne, “Transformative Justice and Peacebuilding: A Psychological Perspective”. Unpublished paper presented at “*Transformative Justice: Global Perspectives*” *Worldwide Universities Network International Conference*, (University of Leeds, Leeds), May 12, 2011.

<sup>388</sup> E.g. Ruti G Teitel, *Transitional Justice*, (New York: Oxford University Press, 2000): 4-6.

<sup>389</sup> Daly, “Transformative Justice”, 74.

<sup>390</sup> *Ibid.*.

<sup>391</sup> Waldorf, “Anticipating the Past”, 179.

<sup>392</sup> Daly, “Transformative Justice”, 74.

<sup>393</sup> *Ibid.*, 80.



order to prevent a return to violence.<sup>394</sup> In her view the primary purpose of transformative justice is to facilitate the two “related aims of reconciliation and deterrence”.<sup>395</sup> This is not entirely satisfactory. Firstly, this definition of transformative justice places the aims of a transformative agenda as being very similar to those of transitional justice.<sup>396</sup> Secondly, there is a risk that, in setting up reconciliation as one of the primary aims of transformative justice, the agenda is being set up for failure. It is important to recognise that processes of reconciliation run deeper than merely putting in place changes “at the top”. However, it is not clear that such cultural transformation is likely to be achieved through Daly’s approach to transformative justice. By presenting reconciliation as one of the main aims and suggesting that transformative justice should be considered as part of societal transition,<sup>397</sup> Daly reinforces the idea that the tools used in transitional justice are appropriate for promoting transformation.

As previously alluded to, there has been criticism of the ability of transitional justice processes to successfully promote reconciliation.<sup>398</sup> In practice the discourse of reconciliation in post-conflict societies may be an empty one.<sup>399</sup> Huggins suggests that in transitional justice “there is a constant risk that the gains made in protecting human rights and combating impunity may be undone through an increasing emphasis on ‘reconciliation’ without accountability”.<sup>400</sup> This point is echoed by Collins.<sup>401</sup> Furthermore, Daly’s focus on “deterrence” as the second key aim of transformative justice appears to reinforce the focus of transitional justice on direct interpersonal violence and violations of civil and political rights. Maintaining this focus but, importantly, recognising the potential importance of socio-economic grievances,<sup>402</sup> leaves Daly’s approach to transformative justice closer to the suggestion that there may be transformative potential within existing transitional

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<sup>394</sup> Ibid., 73-74.

<sup>395</sup> Ibid., 84.

<sup>396</sup> E.g. Kofi Annan, *The rule of law and transitional justice in conflict and post-conflict societies*, Report of the Secretary-General, United Nations Security Council, August 23, 2004, UN Doc S/2004/616.

<sup>397</sup> Daly, “Transformative Justice”, 74.

<sup>398</sup> E.g. Waldorf, “Anticipating the Past”, 175-179.

<sup>399</sup> Lars Waldorf, “Revisiting *Hotel Rwanda*: genocide ideology, reconciliation, and rescuers,” *Journal of Genocide Research* 11, No. 1 (2009): 104-105.

<sup>400</sup> Huggins, “Linking Broad Constellations of Ideas”, 336.

<sup>401</sup> Collins, *Post-transitional justice*.

<sup>402</sup> Daly, “Transformative Justice”, 79-80.

justice mechanisms<sup>403</sup> than to broader definitions of transformative justice.<sup>404</sup> This peripheral or indirect impact (discussed further below) may be the best that can be expected regarding the contribution of standard transitional justice mechanisms to transformative justice.

In recent years several attempts have been made at defining transformative justice as more clearly broader than and separate to transitional justice. Wendy Lambourne has put forward wide-reaching suggestions that transformative justice should cover socio-economic, political, psychosocial, symbolic and ecological aspects.<sup>405</sup> Lambourne acknowledges that this conception may be too broad – overreaching the practical possibilities of a model of justice<sup>406</sup> – and has drawn criticism for this.<sup>407</sup> Nevertheless, there are clear points of overlap between Lambourne’s model for transformative justice and the narrower proposals of Paul Gready, Jelke Boesten, Gordon Crawford and Polly Wilding,<sup>408</sup> and indeed, the (narrower still) proposals of Daly.<sup>409</sup>

It has been suggested that there can be transformative elements within transitional justice.<sup>410</sup> The reform and effective use of legal institutions and the development of rights-based constitutional reforms as transitional justice programmes may strengthen wider democratic structures and means of political participation by building confidence in the rule of law and providing new forums in which societal inequalities and structural grievances may be aired.<sup>411</sup> Whilst the transformative effects of certain transitional justice processes may not be their primary function and they may be unintended, it is still the case that these processes can contribute towards transforming socio-economic structures.<sup>412</sup> However, though pursuing transformative justice may include the addressing of structural violence through transitional justice mechanisms, transformative justice looks beyond these

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<sup>403</sup> E.g. Elin Skaar, “Transformative aspects of formal TJ initiatives: Opportunities and limitations”. Unpublished paper presented at “*Transformative Justice: Global Perspectives*” *Worldwide Universities Network International Conference*, (University of Leeds, Leeds), May 12, 2011.

<sup>404</sup> E.g. Gready, Boesten, Crawford and Wilding, “Transformative Justice”.

<sup>405</sup> Lambourne, “Transformative Justice and Peacebuilding”; Wendy Lambourne, “Transitional Justice and Peacebuilding after Mass Violence,” *International Journal of Transitional Justice* 3, No. 1 (2009): 28-48.

<sup>406</sup> Lambourne, “Transitional Justice and Peacebuilding after Mass Violence”, 46.

<sup>407</sup> Waldorf, “Anticipating the Past”, 180.

<sup>408</sup> Gready, Boesten, Crawford and Wilding, “Transformative Justice”.

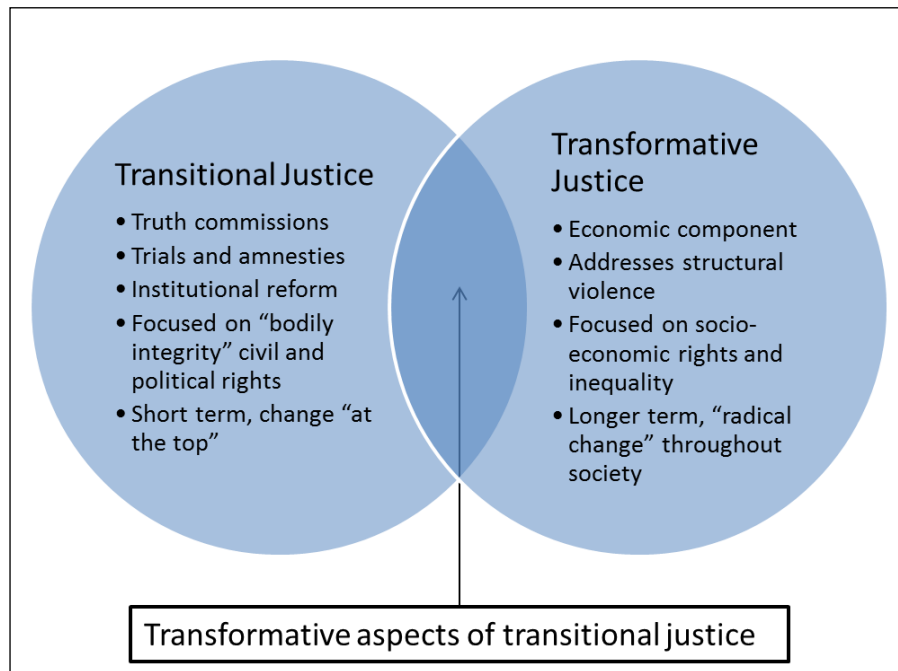
<sup>409</sup> Daly, “Transformative Justice”.

<sup>410</sup> Skaar, “Transformative aspects of formal TJ initiatives”.

<sup>411</sup> *Ibid.*.

<sup>412</sup> *Ibid.*.

mechanisms and the “transitional” lens they provide. It must be defined separately. The intention of transformative justice is to address the structural, social and economic issues which are merely overlapping with and peripheral to the existing transitional justice toolkit.<sup>413</sup> Figure 1, below, illustrates the relationship between transformative justice and transitional justice.



**Figure 1: Relationship between transformative justice and transitional justice**

The diagram above (Figure 1) is not intended to pin down or limit transitional justice or transformative justice to a complete set of necessary and sufficient components. Instead the purpose is to indicate the main transitional justice mechanisms (particularly those already discussed in some capacity above) and their foci and to compare and contrast these with the focus of transformative justice in order to provide some clarity on the differences and overlaps between the two concepts. Necessarily, elucidation of mechanisms to promote transformative justice is vague. Relatively little analytical and political attention has yet been paid to concretising transformative justice processes. Part of the purpose of this study is, based on analysis of the case study network, to define action which could contribute to transformative justice.

<sup>413</sup> E.g. Gready, Boesten, Crawford and Wilding, “Transformative Justice”.

Importantly, as indicated in Figure 1, it is argued in this thesis that transformative justice is not part of transitional justice. The question of how to pursue transformative justice outcomes is not merely a question of improving or expanding transitional justice. Firstly, as indicated above, the established toolkit of transitional justice is not adequate for pursuing the socio-economic and structural outcomes transformative justice necessitates (except, possibly, as peripheral or unintended consequences). Secondly, the processes by which transformative justice is pursued matter.

For transformative justice to be meaningfully defined it is necessary to give significant consideration to action which falls outside of the inherently legalistic and elite-driven sphere of transitional justice. For post-conflict and post-authoritarian outcomes to address the needs of affected communities it is necessary for them to be involved in the process of shaping these outcomes. This is principally for two reasons. Firstly, participatory processes provide a means by which issues which concern affected communities (rather than outside elites) may be raised.<sup>414</sup> Participation of affected communities in shaping these processes also increases the likelihood of outcomes being considered legitimate, particularly in comparison to outcomes resulting from the imposition of an agenda by outside elites.<sup>415</sup> Moreover, a lack of meaningful participation by affected communities can lead to the institutionalisation of unequal, corrupt, socially exclusionary or otherwise negative processes, undermining positive outcomes in the long term.<sup>416</sup> Meaningfully participatory processes can mitigate these risks by, for instance, validating the experiences, and agendas, of affected communities, including with regard to how these are expressed in the vernacular rather than necessarily in the language of elite terminology.<sup>417</sup>

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<sup>414</sup> E.g. John Gaventa and Gregory Barrett, *So What Difference Does it Make? Mapping the Outcomes of Citizen Engagement*, IDS Working Paper 347, Institute of Development Studies, University of Sussex, (Brighton: Institute of Development Studies, 2010): 36.

<sup>415</sup> E.g. Simon Robins and Ram Kumar Bhandari, *From victims to actors: Mobilising victims to drive transitional justice process*, Research report, June 2012, (Kathmandu: NEFAD, 2012); Simon Robins, "An Empirical Approach to Post-conflict Legitimacy: Victims' Needs and the Everyday," *Journal of Intervention and Statebuilding* 7, No. 1 (2013): 45-64.

<sup>416</sup> Uvin, *Human Rights and Development*, 137-138; Gaventa and Barrett, *So What Difference Does it Make?*, 25-26.

<sup>417</sup> Simon Robins, *Families of the Missing: A Test for Contemporary Approaches to Transitional Justice*, (Abingdon: Routledge, 2013): 205-206; *Ibid.*, 209; Simon Robins, "Addressing the needs of the families of the Missing: A test of contemporary approaches to transitional justice". PhD thesis,

Secondly, participatory processes can be an end in themselves.<sup>418</sup> Participatory processes provide a means by which the marginalised attain agency and are empowered to engage in addressing injustices which affect them.<sup>419</sup> John Gaventa and Gregory Barrett argue that the “knowledge and awareness” necessary to create and define an “empowered self-identity” is often “gained through a process of participation itself”.<sup>420</sup> This can be beneficial even if mobilisation and engagement in participatory processes does not lead to a positive outcome (such as government action).<sup>421</sup> For instance, Simon Robins argues that regardless of the wider result of such mobilisation, meaningful participation in these processes “allows victims to meet others in the same position and to construct the meaning and identities that permit them to cope”.<sup>422</sup> Uvin, similarly, concludes that “process is as important if not more important than the product in most development work”.<sup>423</sup> The same principle can be applied to transformative justice.

It is also necessary, in order for transformative justice to remain meaningful, for the concept to be defined as different to more general ideas of social justice. Necessary conditions for transformative justice can be seen as: the inclusion of affected communities (not just elites) in shaping the agenda for policy and practice; a focus on addressing economic conditions; emphasis on long term societal changes; attention to the historical and structural roots of contemporary injustices.

It is important to keep in mind that transformative justice, whilst separate, does emerge from the same point of departure as transitional justice. Both concepts are defined in relation to the same set of *in*justices. As discussed above, transitional justice cannot adequately address the socio-economic injustices and structural violence present during periods of conflict or authoritarian rule. Nevertheless, the civil and political rights issues and interpersonal violence which are addressed by the standard toolkit of transitional justice are precipitated by the same conditions which also precipitate socio-economic injustices and structural violence. That is to say conflict and authoritarian rule produce injustices. Transitional justice may address

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Post-war Reconstruction and Development Unit, Department of Politics, University of York, (June 2011): 281-283.

<sup>418</sup> Robins, *Families of the Missing*, 210.

<sup>419</sup> *Ibid.*, 15.

<sup>420</sup> Gaventa and Barrett, *So What Difference Does it Make?*, 27-28.

<sup>421</sup> Robins, “Addressing the needs of the families of the Missing”, 286.

<sup>422</sup> *Ibid.*.

<sup>423</sup> Uvin, *Human Rights and Development*, 138.

some – but not all – of these injustices. Transformative justice is a means of conceptualising how some of these other injustices may be addressed in post-conflict and post-authoritarian contexts.

With regard to the mechanisms which might be employed in order to promote transformative justice, there is a case to be made that existing tools designed for combating poverty, inequality or corruption, for instance, are appropriate. This could be the case. However, to ascertain whether these mechanisms genuinely contribute to transformation in any given case there is a need to analyse and understand them in terms of the injustices they seek to address. The concept of transformative justice is useful as an analytical tool maintaining a focus upon the specific forms of socio-economic injustice and structural violence which affect post-conflict and post-authoritarian societies as a result of the previous period of conflict or authoritarianism. This allows tools aimed at addressing poverty or other socio-economic rights issues to be evaluated in terms of the extent to which they resolve socio-economic injustices which continue to be rooted in past conflict or authoritarianism. This contrasts with an analysis of these mechanisms from a standpoint (implicitly) assuming that such injustices are unrelated to societal transition (or indeed transformation) from conflict or authoritarianism. An anti-poverty tool only contributes to transformative justice (rather than a less specific kind of social justice) if it combats (contemporary) poverty which has its root in a (past) context of injustice caused by conflict or authoritarian rule. The transformative justice conceptual framework might also be usefully applied to advocacy and policymaking. This could be either as an explicit framework for action (i.e. through practices or policies overtly described as intending to promote transformation from socio-economic conditions rooted in past injustices) or as a means of assessing whether action (regardless of how it is framed) is effective in addressing the kinds of injustice mentioned above. As a conceptual framework it is useful for linking together a broad set of issues (and potentially the tools used to address these) which might appear under another analytical lens to be separate to one another.

### **III: Applying concepts to the case study**

This section of the chapter utilises the concepts of structural violence and transformative justice discussed above to analyse the case study of land inequalities

in South Africa. There is a tension between protecting the rights of existing property-owners and realising the rights of those without property to own property without discrimination. An analytical lens on socio-economic inequalities and structural violence may be useful in revealing resolutions to this tension. In pursuing transformative justice it is necessary to take into account the effects of structural inequalities in contributing to direct violence and violations of bodily integrity rights as well as the impact of these inequalities as forms of indirect violence in themselves. With this lens it is possible to judge whether existing structural conditions are just and whether they promote or inhibit positive transformation and the realisation of human rights in post-conflict and post-authoritarian societies.

In attempts to address structural inequalities in access to and ownership of land in post-apartheid South Africa, one key challenge is clear. This surrounds the abovementioned question over whether to privilege the protection of property ownership or the right to access land without discrimination in any given situation. Pursuit of transformative justice in South Africa must address this challenge. As alluded to above, the human rights case is not necessarily straightforward, particularly from a legally-oriented standpoint. As well as being protected by international mechanisms, the right to property is also legally protected in the South African Constitution.<sup>424</sup> However, South African law (in addition to the international instruments mentioned earlier in the thesis) also protects rights which can be seen as articulating a right to land such as the right to food (protected in Section 27 of the South African Constitution)<sup>425</sup> and the right to housing (protected by Section 26 of the South African Constitution).<sup>426</sup> In relation to housing specifically, policies have been put in place aimed at facilitating the right to housing through subsidy schemes and house building programmes.<sup>427</sup> These are discussed in relation to transformative justice in more detail below.

The right to property could also be seen as implying a need for land reform in contexts such as post-apartheid South Africa. Discriminatory policies and practices under colonial and apartheid governments placed limits upon those who could and could not own property. In order for the right to property to be realised equally by all

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<sup>424</sup> *Constitution of the Republic of South Africa*, Section 25.

<sup>425</sup> *Ibid.*, Section 27.

<sup>426</sup> *Ibid.*, Section 26.

<sup>427</sup> E.g. Alan Gilbert, "Helping the poor through housing subsidies: lessons from Chile, Colombia and South Africa," *Habitat International* 28, No. 1 (2004): 17-19.

post-apartheid, distributions of land ownership resulting from previous discriminatory regimes may be challenged. Section 25 of the South African Constitution specifically provides for the possibility of property (including land) being expropriated for a public purpose including for the purpose of creating more equitable land distribution through land reform.<sup>428</sup> Use of this provision is one way in which transformative justice in relation to land could be pursued. Indeed, there is some support for using this provision amongst activists and scholars.<sup>429</sup>

Conceptions of what constitutes ownership and questions over the nature of tenure also impact significantly on potential land reform policies as those with “informal rights” to occupy or use land but without formal, legal rights or entitlements could make the argument that in effect they own the land they occupy or use and consequently should have their right to property protected.<sup>430</sup> Further tenure reform opens up scope for transforming property (including land) relations and thereby promoting a more just outcome, through which socio-economic rights might be realised. Making specific reference to South Africa, Huggins argues that land tenure reform should be integrated with transitional justice processes.<sup>431</sup> He particularly highlights the possibility of including land-related grievances in truth commissions and the possibility of integrating land restitution with reparations programmes.<sup>432</sup> Huggins does, however, concede that “transitional justice measures are unlikely in themselves to have a significant direct impact on land issues”.<sup>433</sup> Keeping in mind the above discussion of transitional justice (particularly the issues highlighted by Waldorf) Huggins’s claim that transitional justice “can make a useful if modest contribution to achieving the broader aim of reforming land tenure systems

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<sup>428</sup> *Constitution of the Republic of South Africa*, Section 25.

<sup>429</sup> E.g. Mary Papayya, “The poor need proper homes,” *The Sowetan*, September 1, 2008. <http://www.abahlali.org/node/3984> [accessed September 1, 2010]; Stephen Berrisford, “Land expropriation key tool in urban transformation,” *Urban LandMark*. <http://www.urbanlandmark.org.za/newsletter/issue/0405/01.php> [accessed September 6, 2010]; Legassick, personal interview; Mercy Brown-Luthango, personal interview by author, Cape Town, August 10, 2010; Luthando Ndabambi, personal interview by author, Cape Town, August 12, 2010; Mzonke Poni, personal interview by author, Cape Town, August 12, 2010; Warren Smit, personal interview by author, Cape Town, August 13, 2010; Ruth Hall, personal interview by author, Cape Town, August 13, 2010; Siphon Pityana, “The Constitution, the Land Question, citizenship and redress,” unpublished paper presented at *Land Divided: Land and South African Society in 2013, in Comparative Perspective*, (University of Cape Town, Cape Town), March 24, 2013.

<sup>430</sup> James, *Gaining Ground?*, 8-15.

<sup>431</sup> Huggins, “Linking Broad Constellations of Ideas”.

<sup>432</sup> *Ibid.*, 353-357.

<sup>433</sup> *Ibid.*, 353.



in a more just direction” might also be tested.<sup>434</sup> Regardless of whether this limited contribution might realistically be made through transitional justice, the need for wider reaching change to be enacted through alternative processes is once again highlighted.

To privilege the rights of existing property-owners without exception would necessarily limit the rights of the landless to access land, for example for food or for housing. It is also the case that land reform is likely to limit the rights of existing property-owners to some degree. This is particularly the case with policies aiming to redistribute land. On the face of it there might appear to be a dilemma from a human rights perspective. The degree to which either the rights of existing property-owners or the rights of the landless may justifiably be limited in order to facilitate the realisation of the others’ rights is not self-evident. However, keeping in mind the concept of structural violence and the aim of promoting transformative justice goes some way to resolve instances of prima facie competing rights claims over land. This is not to say that dilemmas or contradictions are wholly removed. Rather, keeping a focus on transformative justice (for instance on the necessary conditions for transformative justice discussed above) and on structural violence provides criteria by which the justness or otherwise of prioritising one specific rights claim over another can be determined. Applying these criteria allows a choice to be made in practice in individual cases without privileging one right (such as to property or to housing) over another in principle or in all possible instances of apparently competing rights claims.

A question may be asked regarding whether existing structures of land distribution maintain a form of violence, and whether it is possible to move towards its negation (peace – broadly defined). Land distribution in South Africa maintains structural violence. For example, Huggins highlights that South Africa’s “business-as-usual agrarian policy has meant that those black farmers who have claimed land and have attempted to start smallholder farm enterprises are struggling to succeed within a wider economic system geared for large-scale production”.<sup>435</sup> The “socio-spatial exclusion” and the division between shack settlements of landless people and “citadelis[ed] and securitis[ed]” urban areas present in formally desegregated South

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<sup>434</sup> Ibid..

<sup>435</sup> Ibid., 352.

African cities is another example of this.<sup>436</sup> The transformative justice analytical lens can be used as a means of evaluating existing structures and policies surrounding access to land and housing. Inasmuch as it can be seen that maintaining (or changing) existing conditions of access or ownership in favour of one competing rights claimant maintains or reproduces the structural violence inherent in the apartheid system, upholding that rights claim may be seen as unjust. Keeping this focus allows for competing rights claims to be distinguished according to those which are consistent with a transformative justice framework and those which are not.

In attempting to explain the reasons behind South Africa's "business-as-usual" approach to addressing land inequalities post-apartheid,<sup>437</sup> Deborah James identifies two opposing theoretical frameworks around which different land reform policies are based.<sup>438</sup> These are the demand-driven development paradigm and the egalitarian development paradigm. In post-apartheid South Africa, a market-oriented approach to land reform which privileges the existing property rights of current landowners over the rights of the landless has been followed. This is an example of the demand-driven paradigm.<sup>439</sup> As "survival depends on access to assets, particularly land", the realisation of landless people's rights is limited.<sup>440</sup> Here the fact that "[t]o be landless, especially in countries that have undergone political and economic crisis, is often to be among the most vulnerable ranks of the population" is brought to the forefront.<sup>441</sup>

Post-apartheid housing policy has also followed a market-oriented approach for the most part.<sup>442</sup> South Africa's housing policy has been based on "the idea of providing subsidies to poor families to allow them to buy homes produced by the private sector", which has been supported by the World Bank and other international development institutions and was pioneered in Chile from the late 1970s.<sup>443</sup> In South Africa the housing subsidy scheme is available to assist "virtually every family

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<sup>436</sup> Nigel C Gibson, *Fanonian Practices in South Africa: From Steve Biko to Abahlali baseMjondolo*, (New York: Palgrave Macmillan, 2011): 25-27.

<sup>437</sup> Huggins, "Linking Broad Constellations of Ideas", 352.

<sup>438</sup> James, *Gaining Ground?*, 57.

<sup>439</sup> *Ibid.*.

<sup>440</sup> Huggins, "Linking Broad Constellations of Ideas", 338.

<sup>441</sup> *Ibid.*.

<sup>442</sup> Gilbert, "Helping the poor through housing subsidies", 17; Patrick Bond and Angela Tait, "The Failure of Housing Policy in Post-Apartheid South Africa," *Urban Forum* 8, No. 1 (1997): 19-20.

<sup>443</sup> Gilbert, "Helping the poor through housing subsidies", 14.

earning less than 3,500 rand” (approximately £200).<sup>444</sup> The government has argued that it has successfully achieved its aim of building over one million subsidised houses.<sup>445</sup> Indeed, there is some support for government claims to have made significant progress (especially with regard to the number of houses built).<sup>446</sup> According to Alan Gilbert,

[n]o other country has ever been able to do so much over the first 5 years of its programme. And, given the widespread disappointment with the achievements of the first ANC government, some consider housing to be one of the few success stories.<sup>447</sup>

Similarly, Allison Goebel notes that, despite criticism of the policy (discussed below), “the low-cost housing and service delivery programs have dramatically increased access to urban services by the poor” and that the UN has recognised South Africa’s achievements in housing provision.<sup>448</sup>

However, in part as a result of its market-oriented approach, post-apartheid housing policy has been criticised for failing to provide enough, or adequate, housing.<sup>449</sup> The size, quality and location (on urban peripheries) of subsidised housing have been criticised. Health and environmental concerns have also been raised as well as criticisms of the bureaucracy and administrative processes associated with accessing the housing subsidy.<sup>450</sup> Indeed, “[t]o get onto a housing list may still require becoming a client of a local warlord or neo-traditional powerbroker”.<sup>451</sup>

It has been suggested that in attempting to address “an estimated annual increase in the housing deficit of 200,000 families” the ANC government’s housing subsidy delivery “effectively chose quantity over quality”.<sup>452</sup> The government’s achievements in terms of the quantity of housing provision and the shortcomings in

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<sup>444</sup> Ibid., 27.

<sup>445</sup> E.g. Allison Goebel, “Sustainable urban development? Low-cost housing challenges in South Africa,” *Habitat International* 31, No. 3/4 (2007): 291.

<sup>446</sup> E.g. Gilbert, “Helping the poor through housing subsidies”, 18-19.

<sup>447</sup> Ibid., 19.

<sup>448</sup> Goebel, “Sustainable urban development?”, 293.

<sup>449</sup> E.g. Thashlin Govender, Jo M Barnes and Clarissa H Pieper, “Housing conditions, sanitation status and associated health risks in selected subsidized low-cost housing settlements in Cape Town, South Africa,” *Habitat International* 35, No. 2 (2011): 335-342; Goebel, “Sustainable urban development?”, 291-293; Bond and Tait, “The Failure of Housing Policy in Post-Apartheid South Africa”.

<sup>450</sup> E.g. Goebel, “Sustainable urban development?”, 291-296; Gilbert, “Helping the poor through housing subsidies”, 28-32.

<sup>451</sup> Robins, *From Revolution to Rights in South Africa*, 167.

<sup>452</sup> Gilbert, “Helping the poor through housing subsidies”, 24.

relation to housing quality are in part shaped by the government's approach to land reform. In order to provide housing on well-located land it would be necessary to challenge the existing approach to land reform. The pressures to maintain this approach and the barriers to faster or wider reaching redistribution of land (discussed below) do not hinder house building on urban peripheries as much as on well-located land. It may be easier to provide a large number of houses in these locations. However, this can reinforce existing ghettoisation and result in houses being built without sufficient access to services, infrastructure and economic opportunities.<sup>453</sup>

The provision of housing away from well-located land is in turn a factor contributing to the large number of recipients of housing subsidies who subsequently rent out or sell their houses (frequently at low prices), often in favour of living in informal settlements closer to economic opportunities.<sup>454</sup> Robins further points out that many subsidy recipients also move back to informal settlements "because the houses are too small and they cannot afford to extend using formal building materials, and/or they cannot afford to pay rates and service fees".<sup>455</sup> The housing subsidy programme provides subsidy recipients "with a physical structure but not the means to survive under conditions of extreme poverty".<sup>456</sup> Moreover, given the scale of the housing deficit – even as compared to the large number of subsidised houses built – the quantity and rate of delivery of housing provided through the subsidy scheme has also been criticised as insufficient.<sup>457</sup> In Cape Town, for instance, "there is still a shortage of 250,000 houses".<sup>458</sup> This can be seen as a direct legacy of apartheid policies as implementation of Coloured Labour Preference Area and homelands policies have led to an ongoing "massive shortage of housing for black Africans" in Cape Town.<sup>459</sup> The overarching conditions of injustice surrounding realisation of the right to housing remain untransformed.<sup>460</sup>

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<sup>453</sup> E.g. Bond and Tait, "The Failure of Housing Policy in Post-Apartheid South Africa", 27; Goebel, "Sustainable urban development?", 292; Ndabambi, personal interview.

<sup>454</sup> Goebel, "Sustainable urban development?", 292; Robins, *From Revolution to Rights in South Africa*, 92.

<sup>455</sup> Robins, *From Revolution to Rights in South Africa*, 92.

<sup>456</sup> Ibid.

<sup>457</sup> E.g. Bond and Tait, "The Failure of Housing Policy in Post-Apartheid South Africa", 27; Robins, *From Revolution to Rights in South Africa*, 167; Legassick, personal interview.

<sup>458</sup> Robins, *From Revolution to Rights in South Africa*, 167.

<sup>459</sup> Ibid.

<sup>460</sup> Marie Huchzermeyer, "A Legacy of Control? The Capital Subsidy for Housing, and Informal Settlement Intervention in South Africa," *International Journal of Urban and Regional Research* 27, No. 3 (2003): 591-612; Bond and Tait, "The Failure of Housing Policy in Post-Apartheid South

The demand-driven approach to land reform can be seen as failing to address the (structural) violence inherent in existing land distribution in South Africa. Moreover, this approach has been pursued despite evidence suggesting that the distribution of land continues to be considered important by the South African population. Gibson's study of a representative sample population found that land ownership and redistribution was viewed as a "very important" social problem by 46% of respondents (and 50% of the black respondents) in 2004.<sup>461</sup> Indeed, during the apartheid era the ANC and its allies had advocated a more egalitarian approach to land reform. The Freedom Charter stated that "land [shall be] re-divided amongst those who work it, to banish famine and land hunger... All shall have the right to occupy land wherever they choose".<sup>462</sup> Moreover, the rhetoric of high profile ANC members, such as Joe Slovo, prior to the negotiated settlement to end apartheid indicated that land redistribution would be a central component of any transition to democracy. In 1986, Slovo (who was at the time General Secretary of the SACP and Chief of Staff of the ANC's armed wing, Umkhonto weSizwe), argued that "the redistribution of the land is the absolute imperative in our conditions".<sup>463</sup> As mentioned previously, the ANC's alliance partners have continued to call for a change in land reform policy. However, despite the recent re-emergence of pro-redistribution sentiment in pronouncements by leading ANC members (outlined further below), post-apartheid land policy has thus far followed the demand-driven paradigm.

Cherryl Walker has argued that a significant proportion, if not a majority, of those who supported the ANC during the transition from apartheid had expected post-apartheid land reform policies to be less market-led and more radically redistributive than those which have in fact been put in place.<sup>464</sup> There was an expectation from many that post-apartheid land reform would not follow a "willing buyer, willing seller" model.<sup>465</sup> Various explanations for the ANC's abandonment of plans for more radical policies have been posited. Both the claim that policies such

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Africa", 26-28; Goebel, "Sustainable urban development?"; Gibson, *Fanonian Practices in South Africa*, 25-27.

<sup>461</sup> Gibson, *Overcoming Historical Injustices*, 35-37.

<sup>462</sup> Congress of the People, *The Freedom Charter* adopted June 26, 1955, Kliptown.

<sup>463</sup> Walker, *Landmarked*, 51.

<sup>464</sup> *Ibid.*, 51-55.

<sup>465</sup> *Ibid.*; James, *Gaining Ground?*, 226-227.

as land nationalisation in other contexts such as post-independence Mozambique met with limited success and the importance of pressure put on the ANC by powerful national and international business groups and international financial institutions such as the World Bank to enact market-oriented policies have been cited.<sup>466</sup> More recently, concerns have been raised that despite some support existing for policies such as expropriation of land without market-level compensation these kinds of policies might bring results in line with the “terrifying exemplar” of Zimbabwe.<sup>467</sup> However, it is worth noting that despite the widely held view that “Zimbabwe seems to be totally imploding”,<sup>468</sup> with regard to redistribution of land the reality may be more complex, and perhaps less disastrous, than this implies.<sup>469</sup>

In any case, the strong legal protection of the right to property provided by the South African Constitution has also been suggested as one of the key determinants, if not the most important factor, influencing the imposition of South Africa’s demand-driven, market-led approach to land reform. This constitutional provision means it may be possible for any efforts to redistribute land through a more aggressive policy than “willing buyer, willing seller” to be challenged legally. Consequently strong protection of the right to property has been seen by some as an unjust compromise which the ANC should not have accepted in negotiating the transition from apartheid.<sup>470</sup> It is important, however, to note that the South African Constitution does allow land to be expropriated without market-level compensation (though the market value must be taken into account).<sup>471</sup> Current constitutional protection of the right to property might legally hamper certain land reform policies. More radical policies than those so far pursued are nevertheless permissible under the Constitution.

Despite the suggestion that current policies are ineffective and result in the maintenance of existing land inequalities, the ANC has maintained that addressing land inequalities is a continuing priority. In February 2012 Gwede Mantashe (ANC

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<sup>466</sup> James, *Gaining Ground?*, 10-11; Walker, *Landmarked*, 51-52; *Ibid.*, 63-64.

<sup>467</sup> Gibson, *Overcoming Historical Injustices*, 18.

<sup>468</sup> *Ibid.*, 213.

<sup>469</sup> E.g. Ian Scoones, Nelson Marongwe, Blasio Mavedzenge, Felix Murimbarimba, Jacob Mahenehene and Chrispen Sukume, “Zimbabwe’s land reform: challenging the myths,” *Journal of Peasant Studies* 38, No. 5 (2011): 967-993.

<sup>470</sup> Naefa Kahn, “Land and Agrarian Reform in South Africa,” *Policy: issues & actors* 20, No. 12 (2007): 4-5.

<sup>471</sup> *Constitution of the Republic of South Africa*, Section 25.

General Secretary) commented that to “remove the land question from the centre of the ANC’s agenda, [would] be betraying what was the immediate challenge after the formation of the African National Congress”.<sup>472</sup> Even more recently, President Jacob Zuma has suggested that the abovementioned clauses in the South African Constitution allowing for the possibility of land to be expropriated will be used.<sup>473</sup> Given this – at least rhetorical – commitment, the presence of the tension between demand-driven and egalitarian development paradigms is once again evident. There is a tension, previously outlined, between the rights of landowners to property and the rights of the landless to access land. There is also a tension between the constitutional provision protecting property rights and the constitutional provision allowing for expropriation of land. Taking a broad understanding of violence, and focusing upon the potential for addressing this through transformative justice provides a means by which these tensions may be resolved. At least in terms of providing a means for describing and analysing the problem at hand and for forming priorities for policy and practice, the framework of transformative justice may be of use in forging just resolutions to the abovementioned tensions. Actors relevant to the pursuit of transformative justice as well as the roles of their relationships and strategies are explored below.

#### **IV: Relevant actors and relationships for a transformative approach**

Keeping a focus on the pursuit of transformative justice, particular actors, their relationships and their strategies in relation to addressing land inequalities are especially worthy of exploration. The historic and contemporary importance of social movements, trade unions and NGOs to the praxis of human rights and social justice in South Africa is important for exploration of land, socio-economic rights and the pursuit of transformative justice. In particular, the positioning of NGOs, trade unions and social movements in relation to each other and in relation to the state is relevant to this issue. Some allusion has already been made to the roles social movements aligned with the UDF and trade unions closely linked to the ANC played in opposing apartheid. During this period social movements affiliated to the UDF and the ANC shared many of the same aims, for instance in pursuing the principles

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<sup>472</sup> South African Press Association, “No abandoning land reform”.

<sup>473</sup> Zuma, “State of the Nation Address”.

set out in the Freedom Charter.<sup>474</sup> However, since the post-apartheid ANC government has in many cases failed to fully implement these principles (including in relation to land), contemporary social movements operate across a broader spectrum of support for and opposition to the ANC and the post-apartheid state as a whole. Indeed, some commentators have gone so far as to argue that since the late 1990s these actors (especially social movements) have filled a vacuum in political opposition in post-apartheid South Africa.<sup>475</sup> Some social movements continue to engage the state and the ANC to a limited extent, some are fully co-opted and others articulate outright opposition to the ANC and the state.<sup>476</sup> Social movements (and trade unions) are discussed in greater detail in relation to human rights praxis and their role in apartheid-era and post-apartheid South Africa in Chapter 1.

As noted above, one of the shortcomings of transitional justice processes has been the tendency for change to occur through elite bargains and the transfer of power at the top.<sup>477</sup> The centrality of elite bargains might go some way to explaining why post-apartheid land policies have not been heavily geared around redistribution or otherwise addressing the structural violence inherent in the existing distribution of land. In order for the shortcomings of transitional justice to be overcome and a transformative approach pursued there need to be attempts to move away from elite bargains. If a move away from elite bargains is not in itself possible there is at least a need to interrogate and pursue strategies which allow for such bargains to be contested, influenced and altered by affected communities. Social movements and community based organisations articulate concerns of those affected by issues such as land inequalities.<sup>478</sup> Social movement praxis is therefore important for understanding how a transformative justice agenda might be promoted.

As previously detailed further in Chapter 1, trade unions in South Africa occupy a position similar to that of social movements. Trade unions, often supporting the ANC and anti-apartheid social movements, were key actors in the anti-apartheid struggle and the process of transition to democracy.<sup>479</sup> However, as noted above, post-apartheid, COSATU has at times been critical of many of the

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<sup>474</sup> Gibson, "Introduction", 18-23.

<sup>475</sup> Ballard, Habib, Valodia and Zuern, "Introduction", 15.

<sup>476</sup> Gibson, "Introduction", 1-27.

<sup>477</sup> Daly, "Transformative Justice", 74; Waldorf, "Anticipating the Past", 179.

<sup>478</sup> E.g. Mncedisi Twalo, personal interview by author, Cape Town, July 4, 2012.

<sup>479</sup> SAinfo, "Trade unions in South Africa".



ANC government's policies. Moreover, independent and non-COSATU affiliated unions have also emerged. Some of these take a more critical position than COSATU in relation to engagement with the ANC and the state. For example, the farm workers' union Sikhula Sonke has taken part in election boycott campaigns of the sort carried out by landless people's social movements described above.<sup>480</sup> Similarly to social movements, trade unions provide a space in which grassroots participation and articulation of social, economic and political concerns may take place. Whilst the (often) different membership constituencies of social movements organised around land and related issues and trade unions (and organisations' political affiliations) can cause tensions, there can be value added by trade unions to action on land issues.<sup>481</sup> For instance, trade unions often have greater resources than grassroots social movements, which can lead to more effective action if these resources are made available for land rights campaigning purposes. Furthermore, in instances where land issues overlap with the recognised industrial mandate of trade unions (for example regarding farm workers' housing) then the established arenas for negotiation with employers and government might be used to advance transformative justice aims in relation to land.<sup>482</sup>

NGOs are important political actors in post-apartheid South Africa. During the apartheid era many NGOs existed based on a range of ideological and political positions and working towards a variety of different specific ends. The same is true in the post-apartheid era. Indeed, post-apartheid "social movements and NGOs have mobilised locally in order to leverage access to state resources such as land, housing and health care".<sup>483</sup> However, due to NGOs and social movements pursuing a number of different specific ends and due to their various ideological positions a precarious relationship exists between NGOs and social movements.<sup>484</sup> These precarious relationships are complicated further by social movements' and NGOs' relationships with and approaches to trade unions and the state. Moreover, it has already been noted that NGOs can act as intermediaries between grassroots activism

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<sup>480</sup> Robins, "Introduction", 9-11; SAinfo, "Trade unions in South Africa"; Woman On Farms Project, "Who is Sikhula Sonke?"; Naidoo, "Farm workers announce election boycott".

<sup>481</sup> E.g. Mike Louw, personal interview by author, Cape Town, July 6, 2012.

<sup>482</sup> E.g. Mario Jacobs, personal interview by author, Cape Town, July 30, 2012; Howard Mbana, telephone interview by author, July 16, 2012; Sikhula Sonke official, personal interview by author, Stellenbosch, July 17, 2012.

<sup>483</sup> Robins, *From Revolution to Rights in South Africa*, 5.

<sup>484</sup> *Ibid.*, 21-25.

and more formal politics nationally and internationally, not least through funding streams and through opening up access to transnational networks.<sup>485</sup> As Robins puts it, NGOs and social movements acting in partnership deploy “both local rights-based strategies and globally connected modes of collective mobilisation in marginalised communities”.<sup>486</sup> It is therefore important to explore the ways in which these relationships and the strategies of these actors might be used to promote transformative justice. It has already been highlighted that NGOs (and trade unions and social movements) operate across a broad spectrum of political positions and tactical approaches. Maintaining a critical lens on the realisation of socio-economic rights, the addressing of structural violence and the pursuit of transformative justice provides a means by which the strategies of these actors might be evaluated.

## **V: Conclusion**

There are several major themes which emerge consistently throughout the literature. There are also gaps evident in the foci of the existing literature, which warrant exploration through further research. The first key theme, which is evident throughout the body of literature, is that structural, socio-economic inequalities impact upon post-conflict and post-authoritarian societies significantly. This is both as sources of tension which can lead to unrest and conflict and as social justice issues which must be addressed to facilitate development.

Another theme present in much of the literature, and responding to the first theme mentioned above, surrounds the concern that structural, socio-economic issues are not being widely or effectively addressed. There is the suggestion that whilst there is potential for the widely applied transitional justice mechanisms to address these issues to a greater extent, that this has (for the most part at least) not happened.<sup>487</sup>

There is also the suggestion in much of the literature that transitional justice on its own cannot adequately resolve structural, socio-economic issues.<sup>488</sup> Moreover, focusing specifically on addressing land and related inequalities in South Africa, the literature highlights a tension between the legal rights of existing landowners and the

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<sup>485</sup> Keck and Sikkink, *Activists beyond Borders*, 9.

<sup>486</sup> Robins, *From Revolution to Rights in South Africa*, 5.

<sup>487</sup> E.g. Pasipanodya, “A Deeper Justice”.

<sup>488</sup> E.g. Mani, “Dilemmas of Expanding Transitional Justice”.

legal and moral rights of landless people. It is suggested that, in line with the themes of the wider literature, post-apartheid policies have largely failed to address structural inequalities in land in South Africa.<sup>489</sup>

Based on these themes a number of conclusions are drawn, which are laid out more fully below. It is concluded that existing models of transitional justice are not adequate for addressing structural violence and land inequalities or for ensuring the realisation of socio-economic rights. Following on from this conclusion, it is proposed that exploration of the strategies of and relationships between social movements, trade unions and NGOs in relation to transformative justice in general, and land inequalities in particular, is necessary.

Keeping in mind the focus in wider literature on the impact of structural violence on post-conflict societies and the potential for this to impact upon continuing and future conflicts, there is a gap within the literature on land in South Africa. There is a body of literature analysing and criticising the current approach to land in South Africa and there is some literature on alternatives to the current policy paradigm, plus some literature on the actors (such as trade unions, NGOs and social movements) which have opposed the current approach.<sup>490</sup> However, there is a gap in the literature regarding the detail of how actors such as NGOs, trade unions and social movements might effectively promote alternatives to the current paradigm. It is argued above that these actors are important to promoting a more transformative approach. NGOs, trade unions and social movements engage in a variety of action and interact with each other in various formal and informal networks. There is a need to investigate these relationships further, applying an analytical lens turned to the effectiveness of, and potential for, new approaches to addressing land and related socio-economic rights issues.

Related to the above conclusion is the following. Whilst there is some literature on the need for transformative justice to be pursued using a wider toolkit than that associated with transitional justice,<sup>491</sup> there is not a great deal written about what tools could be used effectively to promote a transformative agenda addressing structural, socio-economic inequalities such as land distribution in South Africa.

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<sup>489</sup> E.g. Greenberg, *The Landless People's Movement and the Failure of Post-Apartheid Land Reform*; James, *Gaining Ground?*; Walker, *Landmarked*.

<sup>490</sup> E.g. Greenberg, *The Landless People's Movement and the Failure of Post-Apartheid Land Reform*.

<sup>491</sup> E.g. Mani, "Dilemmas of Expanding Transitional Justice"; Skaar, "Transformative aspects of formal TJ initiatives".

There is therefore a particular need for research in contexts such as South Africa to be carried out exploring the practical possibilities for furthering transformative justice and addressing structural issues such as land inequalities. This chapter has attempted to highlight the shortcomings of transitional justice in relation to these areas and has put forward a broad definition of transformative justice. Moreover, some proposals have been made with regard to the need to engage with the praxis of social movements, trade unions and NGOs in order to gain insight into how a transformative agenda might be pursued. This chapter, however, does not propose answers to the questions it raises. The key conclusions here are taken forward as areas to be explored throughout the rest of the thesis. In particular, there is a need for a conception of transformative justice to be applied in order to overcome some of the shortcomings of transitional justice and regarding the need to explore the strategies of diverse actors and networks in promoting this agenda. It is these ideas which are taken forward in the thesis. The aim in highlighting these themes is to develop them further and in the subsequent chapters to come to more detailed conclusions regarding the content of effective strategies in promoting transformative justice.

## Chapter 4

### Existing ties and opportunities for more effective collaboration

#### **I: Introduction**

Taking a particular focus on South Africa, the previous three chapters posited that networks, including those containing social movements and trade unions (as well as NGOs) are important for addressing landlessness and related structural violence and to the pursuit of transformative justice. The purpose of this chapter is to build on this. Specifically, the chapter maps the relationships between actors within the case study network and discusses the nature of existing ties and opportunities for more effective collaboration in the network.

The case study focuses on social movements, NGOs and trade unions taking action on anti-eviction and land reform-related issues in the urban Western Cape. This chapter first describes the main groups and organisations within this category and maps their relationships to one another as well as some of their wider national and international links. After this the chapter builds on the analysis of the existing ties between network nodes by exploring the opportunities that exist for new or more effective collaboration between actors within the network within the urban Western Cape. There is also a discussion of threats to effective collaboration between actors. This is based largely on the data collected from interviews with staff members and activists within groups and organisations. In particular the analysis focuses upon interviewees' comments about what their aims are in entering into relationships with other groups and the ways in which these relationships are approached. In addition to interview data, the exploration of opportunities for more effective collaboration between network actors is informed and guided by findings from existing literature and informal discussion with scholars and practitioners.

In addition to mapping out the three main clusters of actors within the network and their wider national and international ties this chapter presents this diagrammatically. Here the three main clusters of actors within the network (those associated with the Housing Assembly, the Poor People's Alliance and SDI) are introduced. Moreover, based on an analysis of the relationships mapped out early on in the chapter, the focus of discussion to be put forward in the later parts of this

chapter and in subsequent chapters is narrowed. The key findings put forward in the first part of this chapter are as follows. First, the case study network is not a transnational advocacy network in a meaningful sense. Consequently it is concluded that it is necessary to pay particular attention to applying the frameworks identified in the literature as appropriate to the analysis of transnational networks to domestic networks and to expanding or developing these in areas where existing frameworks are inappropriate or inadequate. Secondly, it is concluded that there is more potential for a transformative justice agenda to be developed through further exploration of the Housing Assembly and Poor People's Alliance clusters within the network rather than through exploration of other points of focus within the network. This is due to the existing overlaps between the two clusters and due to the apparent degree to which these may be built upon in contrast with the interaction between and scope for development of relationships with other clusters within the network.

The purpose of later sections of this chapter is to analyse the kinds of ties which exist between the case study network nodes in more detail. This narrows the focus of the earlier part of the chapter. The discussion is focused upon the existing ties and opportunities for more effective collaboration between the cluster of actors within the network associated with the Poor People's Alliance and the cluster of actors within the network associated with the Housing Assembly. This is because, as the first part of the chapter establishes, these two clusters already overlap to some degree. Conversely, the cluster of actors associated with SDI largely works within its own structures. There is not much scope for further or more effective collaboration between SDI-associated network nodes and those associated with either the Housing Assembly or the Poor People's Alliance. The opportunities that do exist for more effective collaboration between network actors are discussed further below. In this section of the chapter, the reasons behind the relationships which already exist between network actors are explored first. Second, the opportunities for improving or developing links between network actors and the threats to this are discussed.

Four areas of opportunity for and threats to effective collaboration are identified. These are first, those which emanate from the specific characteristics of trade unions and their role in the network. Second, issues surrounding the capacity of and resources available to social movements and community based organisations. Third, opportunities and threats which emerge from the influence of individual

personalities on organisations and on the network, plus the influence of the politics and internal governance of organisations. Fourth, the issues which arise out of apparently shared rhetorical commitments across different actors within the network. Ultimately, conclusions are drawn with regard to the double-edged nature of opportunities which may also become threats and vice versa, with regard to the importance of resource access and allocation to pursuing more effective network action and with regard to the role of shared motivation between disparate actors in building effective collaboration.

## **II: Mapping the network diagrammatically**

Based primarily on empirical data collected during fieldwork, this part of the chapter puts forward a picture of the case study network as experienced and described by those involved. These network relationships are described and set out in diagrams below. As mentioned above, there are three principal clusters of actors which are referred to throughout this chapter. These are the groups and organisations within or strongly linked to the Poor People's Alliance, the groups and organisations which make up the Housing Assembly and the groups and organisations closely tied to SDI. There are some areas of crossover between these three clusters, which is detailed further below. However, it is useful to understand that there are a number of focal points and power centres within the network.

The Poor People's Alliance is made up of grassroots, community based social movement organisations. These are the AEC, Abahlali baseMjondolo, the Rural Network and the LPM.<sup>492</sup> In the Western Cape (where this case study took place) the AEC and Abahlali baseMjondolo operate but the LPM and Rural Network do not.<sup>493</sup> The groups which make up the Poor People's Alliance engage in a variety of action including community mobilisation, contentious protest actions and legal activism relating to opposing evictions, promoting housing rights and the rights of landless people.

The Housing Assembly is a forum for collaboration between a large number of actors in Cape Town. Principally these are ILRIG (an NGO providing education, training and support to social movements and trade unions), the municipal workers'

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<sup>492</sup> Poor People's Alliance, "About the Alliance".

<sup>493</sup> Ibid..

trade union SAMWU and a number of social movement organisations and community based organisations.<sup>494</sup> These include ISIS, a community based organisation based in the Zille-raine Heights informal settlement, as well as other social movement organisations, some of which have links to the Poor People's Alliance.<sup>495</sup> The Housing Assembly also contains individuals who are not members or representatives of organised structures.<sup>496</sup>

SDI operates across South Africa and internationally. Affiliated federations of slum dwellers and shack dwellers have relationships with SDI and local partner NGOs in a large number of countries across the global South.<sup>497</sup> SDI works in partnership with organisations and groups which fit into its structure in close relationships. In the urban Western Cape this cluster of actors is made up of the SDI secretariat, an affiliate local NGO and a federation of shack dwellers and slum dwellers. In South Africa SDI's affiliated local NGO is the Community Organising Urban Resource Centre (COURC). The federation of slum dwellers and shack dwellers in the urban Western Cape is made up of the Federation of the Urban Poor (FEDUP) and the Informal Settlements Network (ISN). ISN joins up community based organisations and groups in informal settlements across the urban Western Cape.<sup>498</sup> The work of SDI focuses on promoting savings schemes and microcredit for affected communities to acquire housing and on negotiating with all levels of government, plus international actors, in order to advocate for slum dwellers, shack dwellers and the urban poor.<sup>499</sup>

#### **(a) Interpreting data on network relationships**

Before the sociograms of the network are presented it is worthwhile highlighting some of the sources of data about relationships within the network and some of the factors which influence the ways in which this data is interpreted. Data from both interviews and written (published and unpublished) documents were used in order to map the case study network. The data is interpreted in light of the literature review

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<sup>494</sup> Michael Blake, personal interview by author, Cape Town, July 6, 2012.

<sup>495</sup> Ibid.; Lorraine Heunis and Eleanor Hoedemaker, personal interview by author, Cape Town, August 7, 2012.

<sup>496</sup> Blake, personal interview.

<sup>497</sup> SDI Programme Officer, personal interview by author, Cape Town, August 3, 2012.

<sup>498</sup> Ibid..

<sup>499</sup> Ibid..



findings. In particular, the potential pitfalls associated with research on social movements and the overlap between activism and scholarship in this area (first highlighted in Chapter 1) are brought to the forefront here.

The detail of the disagreement between Böhmke and Pithouse (first mentioned in Chapter 1) impacts upon the mapping of the case study network and the analysis of network relationships put forward in this chapter and the next. On the one hand Böhmke has accused Pithouse of misrepresenting social movements, particularly Abahlali baseMjondolo.<sup>500</sup> For instance, Böhmke makes the claim that views attributed to Abahlali baseMjondolo are merely reproductions of Pithouse's position and that Pithouse and others have exaggerated the membership and influence of Abahlali baseMjondolo.<sup>501</sup> On the other hand, Böhmke is accused of racism and of promoting conspiracy theories about the allegedly malevolent influence of (mostly) white intellectuals (such as Pithouse) on poor people's social movement struggles.<sup>502</sup> Further muddying the intellectual quagmire, Pithouse has accused scholars such as Adam Habib and Kumi Naidoo of taking part in "imperialist" projects and of contributing to the "literature of co-option".<sup>503</sup> On the face of it neither position can be easily disproved. An outside researcher exploring this area must therefore tread particularly carefully in order to avoid falling into the trap of accepting either Böhmke's or Pithouse's view without sufficient cause.

To some extent Böhmke's work has highlighted the tendency amongst some researchers to accept uncritically social movements' own narratives of themselves, including those narratives which are mediated or shaped by intellectuals such as Pithouse.<sup>504</sup> It is certainly the case that, for instance, claims made by social

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<sup>500</sup> Böhmke, "Ventriloquism, Fanon and the Social Movement Hustle".

<sup>501</sup> Ibid., 21; Böhmke, "The Branding of Social Movements in South Africa"; Heinrich Böhmke, "The shackdwellers and the intellectuals: Don't talk about us talking about the poor," *PoliticsWeb*, October 21, 2010,

<http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71619?oid=206254&sn=Detail&pid=71616> [accessed December 14, 2012].

<sup>502</sup> Majavu, "I Thus Caught That Colonial Mind-Set At Work"; Mandisi Majavu, "'White talk' reconstructs whiteness as victimised personality," *Debate*, listserv message posted April 16, 2012, <http://lists.fahamu.org/pipermail/debate-list/2012-April/028527.html> [Accessed December 14, 2012].

<sup>503</sup> Pithouse, "Solidarity, Co-option and Assimilation", 256-257; Ibid., 278.

<sup>504</sup> E.g. Matt Birkinshaw, "Abahlali baseMjondolo: 'a homemade politics' – Rights, democracy and social movements in South Africa," paper presented at *Alternative Futures and Popular Protest*, (Manchester Metropolitan University, Manchester), March 15-17, 2009, <http://libcom.org/library/abahlali-basemjondolo-%E2%80%98-homemade-politics%E2%80%99> [accessed December 14, 2012]; Gibson, *Fanonian Practices in South Africa*; Matthew Evans, Book review of *Fanonian Practices in South Africa: From Steve Biko to Abahlali baseMjondolo* by Nigel C Gibson, *Social Movement Studies* 12, No. 4 (2013): 491-492.

movements (and by some researchers) about the democratic, horizontally organised and participatory nature of their decision-making can be questioned by those willing to seek out alternate evidence.<sup>505</sup> Indeed, even Martin Legassick, who has at times presented a very supportive view of social movement practices,<sup>506</sup> has begun to claim (in line with Böhmke on this issue) that social movements he has been involved with have tended to end up with a small group of individuals dominating decision-making in a leadership clique.<sup>507</sup> Data collected for this research supports the view that this is the case in at least some circumstances.<sup>508</sup>

In other areas, however, Böhmke's claims are more difficult to verify. For instance, Böhmke has claimed that Abahlali baseMjondolo is an affiliate of ISN.<sup>509</sup> Due to ISN's participation in the structures of SDI, including working with COURC as an affiliate NGO in South Africa, Böhmke suggests Abahlali baseMjondolo is guilty of contradictory praxis.<sup>510</sup> On the one hand Abahlali baseMjondolo put forward a "revolutionary discourse",<sup>511</sup> with its leadership calling for a "living communism".<sup>512</sup> On the other hand, participation in ISN is seen as capitulation to incremental change through profit-driven and marketised approaches.<sup>513</sup> Importantly, however, it is very unclear whether the relationship between Abahlali baseMjondolo and ISN actually exists. Böhmke appears to be the main – perhaps even the only – source alleging such a link and he does not cite where his information came from.<sup>514</sup> In the research carried out for this project no evidence of this link apart from Böhmke's claim was found.<sup>515</sup> Moreover, Mandisi Majavu posits that Abahlali

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<sup>505</sup> E.g. Rebecca Pointer, "Questioning the Representation of South Africa's 'New Social Movements': A Case Study of the Mandela Park Anti-Eviction Campaign," *Journal of Asian and African Studies* 39, No. 4 (2004): 271-294.

<sup>506</sup> E.g. Martin Legassick, "Housing battles in post-Apartheid South Africa: The Case of Mandela Park, Khayelitsha," *South African Labour Bulletin* 27, No. 6 (2003).

<sup>507</sup> Martin Legassick, "The state of the left in South Africa," paper presented at "*Politics in South Africa Today*": *Dialogue*, Harold Wolpe Memorial Trust, Johannesburg, July 2011, <http://www.wolpetrust.org.za/dialogue2011/Microsoft%20Word%20-%20The%20state%20of%20the%20left%20in%20South%20Africa.pdf> [accessed December 14, 2012]: 3.

<sup>508</sup> E.g. Louw, personal interview; Blake, personal interview; Soraya Hendricks, personal interview by author, Cape Town, July 11, 2012.

<sup>509</sup> Böhmke, "The Branding of Social Movements in South Africa".

<sup>510</sup> Ibid..

<sup>511</sup> Ibid..

<sup>512</sup> E.g. S'bu Zikode, "Resist all degradations and divisions: S'bu Zikode in interview with Richard Pithouse," *Interface* 1, No. 2 (2009): 39.

<sup>513</sup> Böhmke, "The Branding of Social Movements in South Africa".

<sup>514</sup> Ibid..

<sup>515</sup> Ibid..

baseMjondolo deny having ever joined ISN.<sup>516</sup> As Böhmke has first-hand experience of working closely with Abahlali baseMjondolo in the past, it may be the case that he has personal knowledge of the alleged relationship.<sup>517</sup> It is nevertheless difficult to ascertain if this is the case and, if it is, whether such as relationship continues.

### **(b) Sociograms of the network**

Representing the case study network diagrammatically in sociograms made using *NetDraw* serves to highlight the direct and indirect local, national and international ties between different actors.<sup>518</sup> It is possible to acquire a sense of the extent of relations within and between the abovementioned clusters of actors within the network. A more full description of the actors plotted on the diagrams in this chapter and their relationships with own another is provided in the Appendix to the thesis. The Glossary also provides a full list of acronyms used. Moreover, further details of the methodology used to create the sociograms in this chapter are provided in the Introduction to the thesis.

Figure 2 (below) maps the case study network as a basic sociogram. This shows all of the major relationships between actors described in the literature and in interviews with research participants.<sup>519</sup> The diagram does not describe every single relationship each actor has with any other organisation or group. Rather, this diagram focuses upon the relationships which are of most relevance to action taken on housing and land rights. Moreover, it is likely that further relationships which are not described in the literature or in research participants' interview responses exist. Nevertheless, the diagram provides an indication of the shape of the network and the extent of the overlap between the various clusters which act as hubs for ties between numerous network nodes.

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<sup>516</sup> Majavu, "I Thus Caught That Colonial Mind-Set At Work".

<sup>517</sup> Böhmke, "The Branding of Social Movements in South Africa"; Böhmke, "The shackdwellers and the intellectuals".

<sup>518</sup> Borgatti, *NetDraw*.

<sup>519</sup> Brian Ashley, personal interview by author, Cape Town, July 16, 2012; Blake, personal interview; Development Action Group, "Development Action Group in partnership with 25 citizen groups," unpublished document, 2012; Development Action Group, written response to interview questions by author, unpublished document, 2012; Hendricks, personal interview; Heunis and Hoedemaker, personal interview; Jacobs, personal interview; Louw, personal interview; Mbana, telephone interview; Nokukhanya Mchunu, personal interview by author, Cape Town, July 27, 2012; SDI Programme Officer, personal interview; Sikhula Sonke official, personal interview; SPP staff member, personal interview by author, Cape Town, July 20, 2012; Kate Tissington, telephone interview by author, July 26, 2012; Twalo, personal interview; Mtetho Xali, personal interview by author, Cape Town, August 3, 2012.

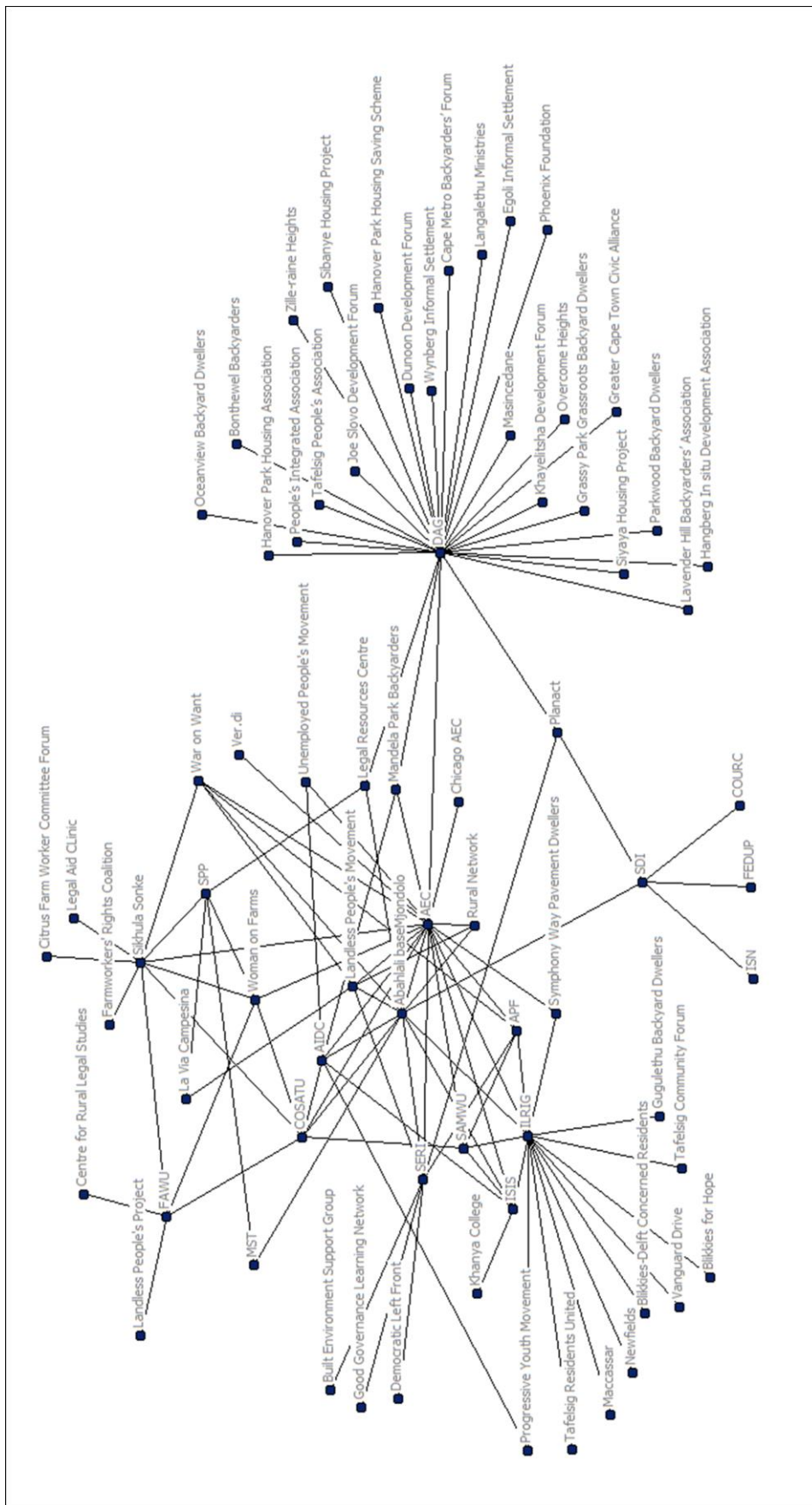


Figure 2: The case study network

Figure 3, below, highlights the Housing Assembly, Poor People's Alliance and SDI clusters of actors within the network. It is clear to see in this diagram the extent to which there are points of overlap between the three clusters. The Housing Assembly and the Poor People's Alliance especially share a large number of ties. The implications of and potential surrounding the association between these two clusters is discussed in greater detail in the chapters that follow. The high degree of separation between the cluster of actors associated with SDI and the other clusters within the network is also made clear in Figure 3. The diagram includes the relationship between SDI and Abahlali baseMjondolo alleged to exist by Böhmke (detailed above). As discussed above, it is highly questionable as to whether this relationship does in fact exist and, particularly in relation to this research, whether there is any relationship between the two groups in the Western Cape. Even if the relationship with Abahlali baseMjondolo is genuine, this provides one of only two associations between the SDI cluster and the rest of the case study network found to exist in this research.

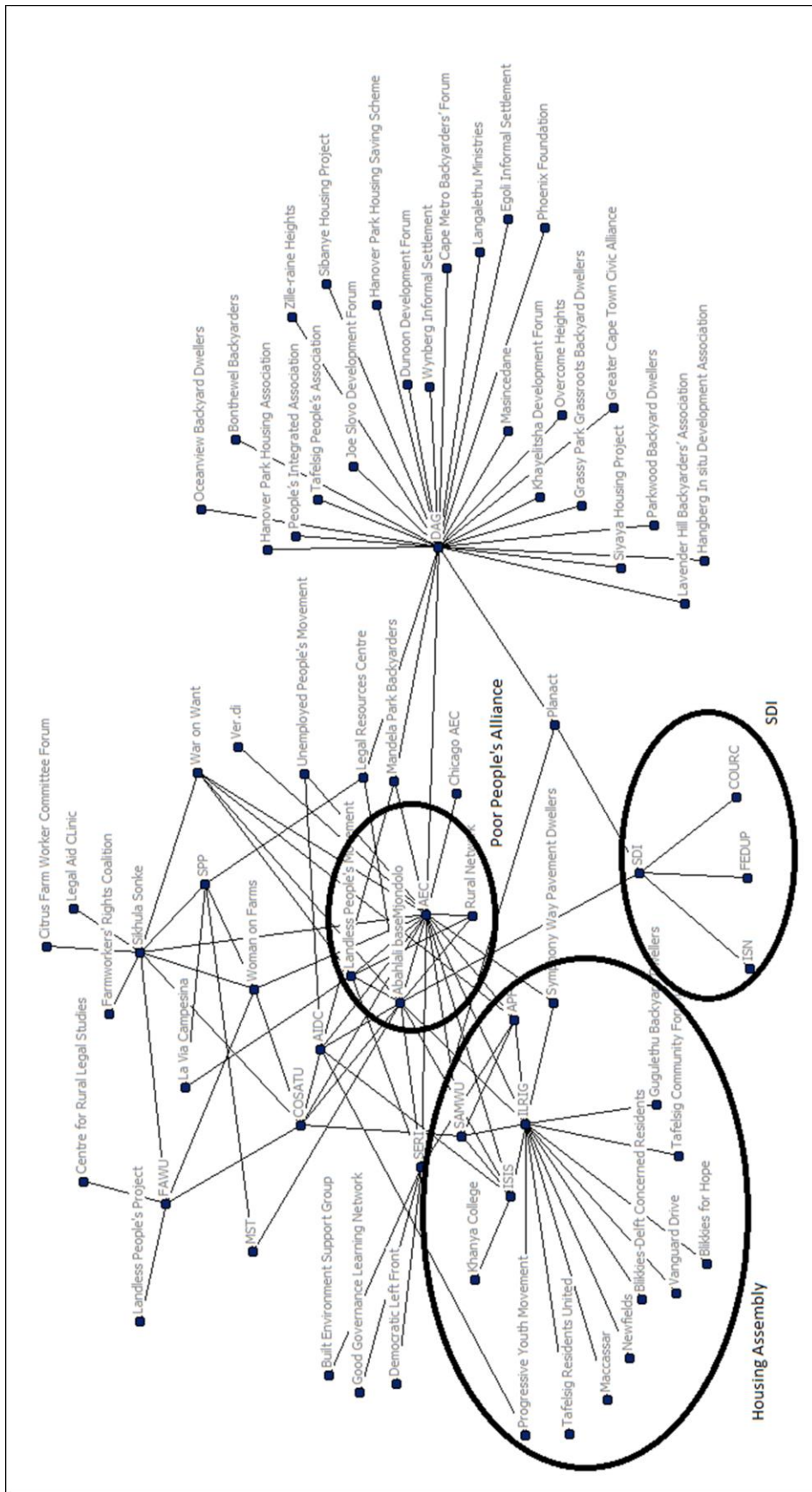


Figure 3: Housing Assembly, Poor People's Alliance and SDI clusters

With regard to understanding the case study network usefully for this research the diagrams in this chapter illustrate several key points but must also be contextualised. As mentioned above, it is likely that further relationships within the network not expressed in the diagrams above exist. For instance, many of the nodes associated with ILRIG (but not shown as tied to other actors) in the Housing Assembly cluster of actors (detailed in Figure 3) are likely to have relationships with each other and possibly other actors. It is due to the limits of the data collection for this research that it is not possible to confirm this. Similarly, as the diagrams in this chapter take the form of basic sociograms there is no differentiation made between different kinds of relationships between actors in the network. It may appear from Figures 2 and 3 that the Development Action Group (DAG) is the hub of a cluster of more actors and therefore greater importance than some of the three main clusters that have been focused upon in this chapter. However, as detailed in the Appendix, DAG's relationships with many of the community based organisations, which act as nodes tied to DAG in the diagrams above, are based on short term collaboration linked to particular events and projects. This contrasts with the more formalised and long term relationship between the actors tied to SDI, the close collaboration between the groups which make up the Poor People's Alliance and the ongoing longer term collaboration between the Housing Assembly members.

It is also necessary to note that in line with the focus of this research the diagrams mapping the case study network in this chapter focus upon the groups and organisations active on land and housing rights in the urban Western Cape. As the relations between actors move away from this geographical and thematic focus less data was collected, and less is expressed diagrammatically, about wider ties between different groups and organisations. Some broader relationships are expressed in the diagrams above for illustrative purposes, emphasising the commonalities and indirect links between different nodes and clusters within the network, but the network map put forward in this chapter is not intended to be a definitive description of every relationship every actor has. The Democratic Left Front (DLF) for instance, is an organisation (described by some as a "pre-political party") which works with various

trade unions and social movements.<sup>520</sup> The focus is not directly on land, housing or anti-eviction issues. However, as an interviewee from the Socio-Economic Rights Institute (SERI) explained that SERI has taken part in events hosted by the DLF (but does not have a formal relationship with the organisation) the association is expressed above.<sup>521</sup> Furthermore, an interviewee from Alternative Information Development Centre (AIDC) indicated that he is a member of the DLF and individuals associated with the AEC are also members.<sup>522</sup> These relationships are not detailed above as they are not organisation-level and as they fall outside of the thematic focus of this research. Similarly, the diagrams above depict a relationship between Khanya College and ISIS as interviewees reported that Khanya College hosted a “Winter School” in which ISIS and other organisations participated.<sup>523</sup> For this research it is not, however, necessary to map all of Khanya College’s ties to other community based organisations.

In the diagram below (Figure 4) the international ties of the network are highlighted. It is worth re-emphasising that there are very few transnational ties in the network. Of the seventy-two nodes plotted on the diagram just five represent international actors. Of these five, interview responses and literature indicate that only four (MST, War on Want, Ver.di and the Chicago AEC group) are associated with groups which currently operate in the urban Western Cape. Interviewee responses and literature indicate that three of these (MST, the Chicago AEC group and Ver.di) are short term or weak ties. The relationship War on Want has with South African groups within the network is as a funder and according to several interviewees one of the groups War on Want has a relationship with – the Anti-Privatisation Forum (APF) – has collapsed.<sup>524</sup> Nevertheless, the association with War on Want is the strongest international tie plotted on the diagram. It would not

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<sup>520</sup> Böhmke, “Ventriloquism, Fanon and the Social Movement Hustle”, 2; Links, “South Africa: Declaration of the Democratic Left Front; New left seeks revamped SA,” *Links*, <http://links.org.au/node/2117> [accessed April 16, 2013].

<sup>521</sup> Tissington, telephone interview.

<sup>522</sup> Ashley, personal interview; Legassick, personal interview.

<sup>523</sup> Heunis and Hoedemaker, personal interview.

<sup>524</sup> Ashley, personal interview; Tissington, telephone interview; Twalo, personal interview; War on Want, “No Land! No House! No Vote!”; War on Want, “Shack dwellers in South Africa”; War on Want, “Anti-eviction in South Africa”; War on Want, “Anti-privatisation in South Africa” <http://waronwant.org/overseas-work/informal-economy/anti-privatisation-in-south-africa> [accessed April 16, 2013]; War on Want, “Women farm workers in South Africa.” <http://waronwant.org/overseas-work/food-sovereignty/women-farm-workers-in-south-africa> [accessed April 16, 2013].



therefore be accurate to describe the network as characterised by horizontal and reciprocal transnational relationships. In Keck and Sikkink's terms the case study network is not a transnational advocacy network.<sup>525</sup> There are some other international ties which are not plotted on the diagram. In particular, SDI has links to UN agencies. However, due to the lack of crossover between this cluster of actors and the rest of the case study network this is not focused upon in this research.

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<sup>525</sup> Keck and Sikkink, *Activists beyond Borders*, 8-9.

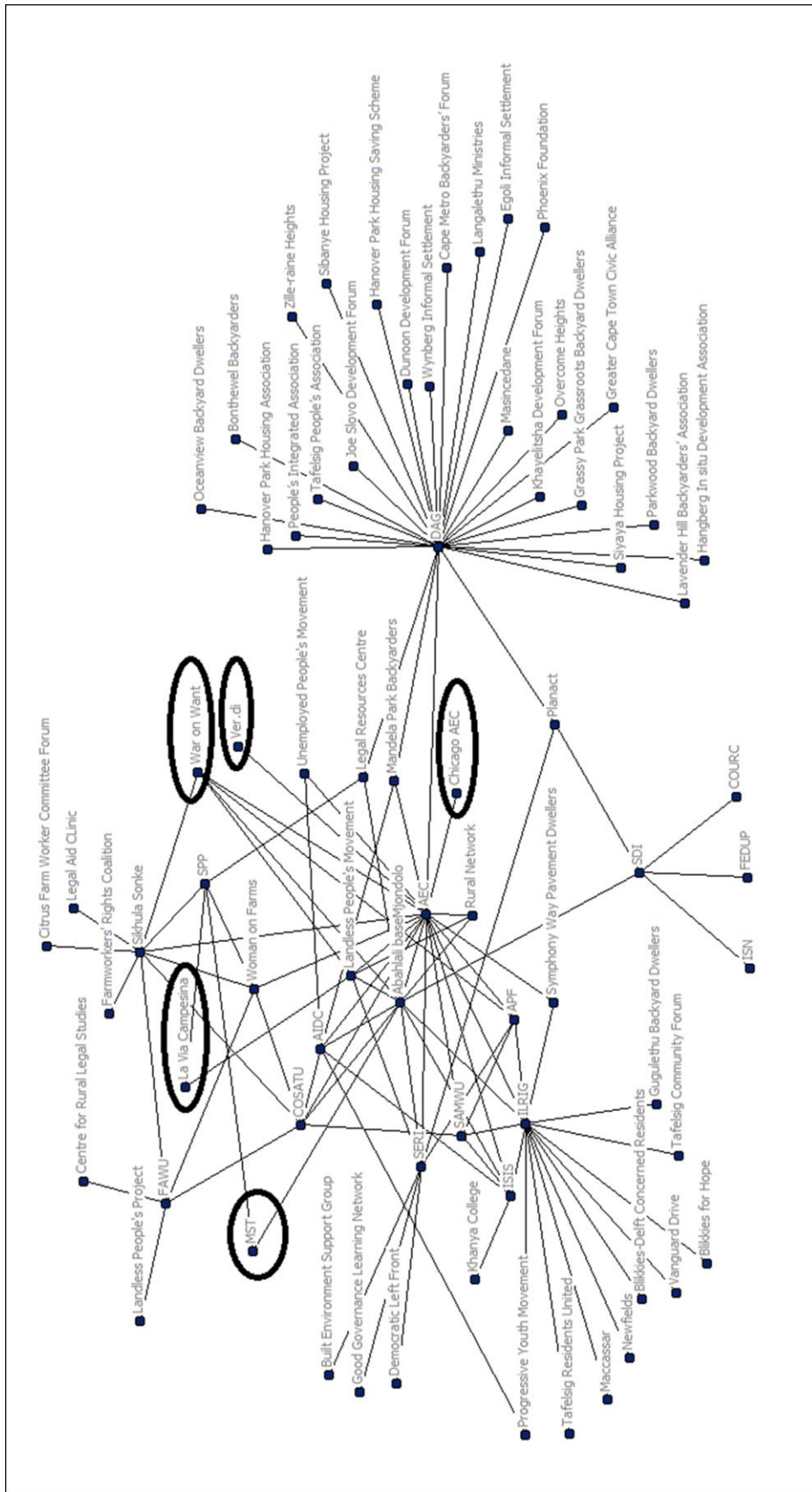


Figure 4: International ties of the network

### **III: Interrogating assumptions from the literature**

The themes identified in the earlier literature review chapters bring to light a number of assumptions which it is necessary to interrogate in regard to the case study network. There is the suggestion that domestic networks can be analysed in the same terms and are likely to display the same features as transnational networks. There is a suggestion that NGOs (especially Northern NGOs) are the key actors in human rights networks and that human rights networks are analytically distinct from those addressing other issues such as labour networks. None of these assumptions are wholly confirmed by exploration of the case study network.

#### **(a) Boomerangs and spirals**

The boomerang effect and the spiral process have been identified as key tools utilised by advocacy networks. Both these processes require significant transnational elements to the network. Significant transnational elements are not evident in the case study network. Moreover, neither process is evident in the case study network's repertoire of action. Severe limits on the capacity and resources of actors within the network (discussed in more detail in the next chapter) exclude the use of these tools from the realm of possibility. Additionally, the (few) transnational connections in the case study network are not in any significant way based upon the mobilisation of constituencies of support into the sort of action the boomerang effect and spiral process require.

In the case study network there are relatively few NGOs. Far more numerous are social movements and community based organisations. Indeed, the Poor People's Alliance, which is identified as a key cluster in the network, does not contain any actors other than social movements. Where NGOs are present in the network they are not always key elements. On the one hand ILRIG is an important hub node in the Housing Assembly and the NGO elements of the SDI-associated cluster are central to its structures. On the other hand, NGOs such as SERI and the Legal Resources Centre (LRC) are less integrated into the network with long term strong ties than other actors, and other NGOs, such as Planact, are not strongly connected to most of the network. Moreover, international (especially Northern) NGOs are almost entirely absent from the network. Where there are connections to such actors, these have

been described as funding relationships rather than as being based on participation in the network's core activities.

### **(b) Framing, expertise and venue shopping**

In the case study network the various characteristics and positions of network nodes are utilised in the action taken by the network. For instance, the legal expertise of nodes such as SERI and the LRC are at times utilised by social movements within the network whereas at others the industrial relations mandate of the trade unions in the network is utilised.<sup>526</sup> Whilst actors within the network make use of their relationships with one another to leverage resources (in the form of expertise as well as financial resources for instance), which is in line with descriptions of transnational networked action in the literature, wider strategies surrounding the mobilisation of disparate transnational constituencies of support and harnessing pressure from states or powerful international actors remain absent.

There is some evidence that actors in the case study network do make use of venue shopping to some extent. Translation of issues into a variety of different frames is also evident. For instance, some of the actors in the case study network are explicitly rights based in their framing of issues they work on, whilst most are not. However, strategies which are utilised by the network include framing land and housing rights issues in terms of labour and industrial relations, political emancipation and, in some cases, in terms of rights (including legally defined rights). The network as a whole does not frame the issues of land and housing rights in a consistent or uniform manner. Rather, the elements within the network put forward their own analyses and understandings which, where there is a degree of compatibility, facilitate the forging of relationships. Moreover, as mentioned above, actors in the network engage in venue shopping, for instance framing anti-eviction action in terms of legally codified rights when pursuing court cases and in terms of political emancipation and ongoing resistance to the effects of apartheid in other arenas.<sup>527</sup>

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<sup>526</sup> E.g. Jacobs, personal interview; Tissington, personal interview; Mbana, telephone interview.

<sup>527</sup> E.g. Twalo, personal interview; Tissington, personal interview.

#### **IV: Key findings from mapping the network**

Actors connected to this network also have relationships which have not been detailed above. However, those which have been focused upon are the relationships and ties between organisations and groups which are of the most relevance for this research. That is to say there has been a focus on organisations and groups taking action on land and anti-eviction issues and the relationships they have with other groups and organisations also working on the same issue. Through the localised focus of this research on the urban Western Cape it can be seen that three main clusters of actors exist around the Poor People's Alliance, the Housing Assembly and SDI. It is also evident that at times these clusters have some overlap in terms of membership and links to other actors. Moreover, through mapping some of the relationships between groups and organisations which are not closely tied to these clusters, it is clear that there are in fact indirect relationships between all the clusters identified within the network beyond those ties which are easily observable within the localised case study.

Moving into the next part of the chapter and the chapters that follow, a greater focus is placed upon the Housing Assembly cluster of actors and the Poor People's Alliance cluster of actors. This is because these two clusters have a large amount of direct and indirect overlap. It has been established that there are links between these two clusters and the cluster of actors surrounding SDI. However, it is clear that SDI does not have a large number of, or close, relationships with actors outside of its own structures. This suggests that the scope for expanding, changing or improving the ways in which SDI works with other actors may be limited. Furthermore, the focus of SDI on schemes such as microcredit and savings schemes, plus the commitment to working with government wherever possible, contrasts somewhat with the positions put forward by many of the actors associated with both the Housing Assembly and the Poor People's Alliance.

Additionally, the discussion that follows focuses largely on an analysis of the relationships between actors associated with the Poor People's Alliance and the Housing Assembly in the urban Western Cape in particular. This is so that specific recommendations can be put forward relating to the conditions present within this area and based on the data collected, as opposed to making an attempt at drawing

wider conclusions regarding the nationwide relationships various actors have. Furthermore, it is clear that the case study network is not meaningfully transnational. It can be seen that whilst the actors associated with both the Housing Assembly and the Poor People's Alliance do have some international links, these are limited particularly with regard to the closeness of collaboration between actors. Consequently, the relationships analysed in the greatest detail in the rest of this chapter and in the chapters that follow are those between the groups and organisations operating in the localised case study area of the urban Western Cape. The subsequent analysis of the case study network also explicitly engages further with the assumptions put forward and the frameworks articulated in the largely transnational network-focused literature on advocacy networks.

### **V: What kinds of ties already exist?**

With regard to the Housing Assembly and the Poor People's Alliance there are two broad kinds of ties between network nodes which are of interest. There are ties between actors within these two clusters and there are ties between actors linking the two clusters. Within these categories of relationship, ties vary with regard to their strength, duration and the degree of reciprocity. The reasons for these variations also differ.

#### **(a) The Housing Assembly**

The strongest ties within the Housing Assembly appear to be between SAMWU and ILRIG. These organisations, especially ILRIG, act as hubs to which the other participants in the Housing Assembly are affixed. This is likely due in large part to the formal nature of and resources available to ILRIG and SAMWU. ILRIG is able to host meetings at which the members of the Housing Assembly can interact. Moreover, they have some capacity to provide funding to the social movement and community activist members of the Housing Assembly for travel to meetings and similar expenses. This facilitates the ties between the various members of the Housing Assembly.

SAMWU's resources are clearly also important for the functioning of the Housing Assembly. The Housing Assembly's written memorandum of demands to the City of Cape Town Council is produced on SAMWU headed paper, listing

SAMWU's Cape Metro Region office as the address.<sup>528</sup> The Acting City Manager's response to the Housing Assembly was sent care of the SAMWU office.<sup>529</sup> The importance of the fact that SAMWU can provide a reliable permanent address for correspondence translates into a strong tie between SAMWU and the rest of the Housing Assembly. However, this does not necessarily mean that SAMWU, as one of the hub nodes within the Housing Assembly, has strong ties with all of the individual Housing Assembly members.

Relationships between SAMWU and ILRIG as the hub of the Housing Assembly and the other members vary. Interviewees from social movements stated that even though ILRIG is in a position to reimburse expenses to activists travelling in order to attend workshops and meetings the need to have or borrow money in order to initially pay for transport could be prohibitive. One research participant from ISIS commented that "we're unemployed, so with all the meetings we must borrow here travelling money, borrow there, and there's not always money so we can't".<sup>530</sup> Interviewees from ILRIG also pointed to the difference between working with some social movements and community based organisations in the Housing Assembly.<sup>531</sup> Based on the interview data, some groups such as ISIS, seem to have had a closer and longer lasting relationship with the Housing Assembly than others. It was, for instance, suggested by an ILRIG worker that closer relationships are more difficult with the members of the Housing Assembly who are not already organised in some sort of structure. Consequently there has been some attempt to assist communities in organising.<sup>532</sup>

The reasons behind the collaboration between the cluster of actors associated with the Housing Assembly vary. However, certain themes can be detected in analysing the rationales given by the various groups involved. First, from the point of view of the NGO ILRIG, pursuing relationships with social movements and community based organisations as well as with trade unions fulfils the organisation's strategic aims.<sup>533</sup> According to their analysis, there is an imperative to provide

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<sup>528</sup> SAMWU and Housing Assembly, "Memorandum of demands to the city of Cape Town Council in respect of Service delivery demands and the city's Extended Public Works Programme (EPWP)," unpublished document, July 5, 2012.

<sup>529</sup> Mike Marsden, unpublished letter to Mario Jacobs and Mhlobo Gunguluzi, July 17, 2012.

<sup>530</sup> Heunis and Hoedemaker, personal interview.

<sup>531</sup> Blake, personal interview.

<sup>532</sup> Ibid..

<sup>533</sup> Xali, personal interview.

assistance in struggles within the working class.<sup>534</sup> This includes struggles concerning employed workers represented by formal trade unions. Recognising the large constituency of unemployed people in South Africa, and their particular vulnerability to evictions and inadequate housing provision, necessitates also working with groups not covered by trade unions.<sup>535</sup> Furthermore, the literature evaluating the roles of trade unions and social movements post-apartheid supports the idea that there has been a shift in the focus of sites of struggle.<sup>536</sup> Trade unions do not hold as significant a position in calling for social change as they did during apartheid. The closeness of COSATU-affiliated unions to the ANC (discussed in relation to threats and opportunities below) provides one reason for the emergence of oppositional social movements.<sup>537</sup> The centrality of unemployed people to many of these movements provides another.<sup>538</sup> In line with the literature on the subject, NGO representatives put forward the view that social movements require assistance in achieving their aims.<sup>539</sup> This is important for an analysis of the pursuit of transformative justice. In the next chapter this will be explored in more detail with reference to the political responsibilities of network actors.

Second, ILRIG's analysis is in line with the positions put forward by research participants from trade unions and social movement activists associated with the Housing Assembly. Interviewees highlighted the longstanding tradition of social (as opposed to merely industrial) trade unionism in South Africa.<sup>540</sup> It is not only the aim of NGOs such as ILRIG to engage with both formally employed and trade union-represented workers and with community based social movement activists. It is also the aim of SAMWU and indeed of COSATU to engage with social and political issues beyond those directly concerning industrial relations.<sup>541</sup> Trade union representatives interviewed were keen to highlight that their aim is not to impose

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<sup>534</sup> Ibid..

<sup>535</sup> Ibid..

<sup>536</sup> E.g. Ballard, Habib, Valodia and Zuern, "Globalization, Marginalization and Contemporary Social Movements in South Africa"; Alexander Beresford, "Trapped in Corporatism? Trade Union Linkages to the Abahlali baseMjondolo Movement in Durban," *Centre for Civil Society*, 2006, <http://abahlali.org/files/Beresford.pdf> [accessed January 29, 2013].

<sup>537</sup> Ballard, Habib, Valodia and Zuern, "Globalization, Marginalization and Contemporary Social Movements in South Africa", 622-623.

<sup>538</sup> E.g. Beresford, "Trapped in Corporatism?", 53-54.

<sup>539</sup> Blake, personal interview; Ashley, personal interview by author; Ballard, Habib, Valodia and Zuern, "Globalization, Marginalization and Contemporary Social Movements in South Africa", 627.

<sup>540</sup> Ashley, personal interview; Jacobs, personal interview.

<sup>541</sup> Jacobs, personal interview; Louw, personal interview.



upon social movements in partnerships.<sup>542</sup> Research participants from SAMWU and from COSATU reported that they would only get involved in a relationship with groups such as housing rights social movements if a “call for assistance” was made.<sup>543</sup> According to Mario Jacobs, this is the manner in which SAMWU’s relationship with the Housing Assembly came about. He commented that

it is on that basis that we were approached by the Housing Assembly to say ‘SAMWU, we like what you are doing, we would want to get on board, we believe there are common issues at stake,’ and it serves the interests of both organisations if we rally our forces as one and not to a situation where we pursue the same issue via different organisations.<sup>544</sup>

Third, the motivation for community based and social movement organisations to participate in the Housing Assembly is multifaceted. Each facet relates to the aforementioned notion that social movements require assistance in order to achieve their aims. The educational and training workshops provided by ILRIG as part of the Housing Assembly activities is one instance of this. Some research participants from groups affiliated to the Housing Assembly stated that prior to becoming involved in housing activism they “didn’t know anything about politics” and that ILRIG’s support had helped them in this regard.<sup>545</sup>

The additional weight added to action taken by a larger group of actors is a factor motivating participation in the Housing Assembly. Activists interviewed expressed a desire to link up the activities of disparate groups with the same aims in order to increase effectiveness.<sup>546</sup> The need to demonstrate unity and strength in numbers was cited by interviewees from community based and social movement organisations as a key motive for joining with the Housing Assembly.<sup>547</sup>

### **(b) The Poor People’s Alliance**

It has previously been mentioned that the links between the groups participating in the Poor People’s Alliance in the Western Cape are strong. The Western Cape branch of Abahlali baseMjondolo grew out of the Western Cape Anti-Eviction

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<sup>542</sup> Jacobs, personal interview; Louw, personal interview.

<sup>543</sup> Louw, personal interview.

<sup>544</sup> Jacobs, personal interview.

<sup>545</sup> Heunis and Hoedemaker, personal interview.

<sup>546</sup> Ibid.; Blake, personal interview.

<sup>547</sup> Heunis and Hoedemaker, personal interview.

Campaign, and research participants stated that the leadership of both groups are closely related. However, as mentioned in the previous chapter, not all of the groups that make up the Poor People's Alliance operate in the Western Cape. Moreover, it was suggested in interviews that several of the groups within the Poor People's Alliance are either in severe decline or have ceased to functionally exist. This includes those which operate in the Western Cape. Notwithstanding the possible collapse of some organisations involved (discussed in more detail below), the reasons given by interviewees for seeking to link up within the Poor People's Alliance were similar to those given by participants in the Housing Assembly. An interviewee from the Western Cape Anti-Eviction Campaign stated that the purpose of the Poor People's Alliance is to "table the issues of the community".<sup>548</sup> It was also suggested that the aim is for the Poor People's Alliance to "be the platform that every poor person in South Africa is going to make use of for the benefit of our own people".<sup>549</sup> The desire to link together disparate groups struggling around housing and related issues into a national platform was also expressed.<sup>550</sup> As with the actors closely associated with the Housing Assembly, the research participants from community based and social movement organisations which form the Poor People's Alliance reported the added campaigning strength as an important motivation for entering into relationships with other groups.<sup>551</sup>

The attitude of the Poor People's Alliance's member organisations towards NGOs and other actors also partially explains the composition of the cluster and kinds of ties that exist within it. The theme of social movements requiring support to be effective in their action was evident in interviews with members of groups closely associated with both the Housing Assembly and the Poor People's Alliance. However, the degrees to which different organisations have been willing to seek support through partnerships with NGOs – such as ILRIG in the Housing Assembly – vary. A desire to access the training programmes and related support offered by ILRIG was given in interviews as one of the factors motivating groups to join the Housing Assembly. In contrast, the expressed desire to remain independent from NGOs seems to push the participants in the Poor People's Alliance towards close

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<sup>548</sup> Twalo, personal interview.

<sup>549</sup> Ibid..

<sup>550</sup> Ibid..

<sup>551</sup> Ibid..

collaboration with each other rather than with initiatives such as the Housing Assembly. The comments of interviewees from social movement organisations in the Housing Assembly praising the support provided by ILRIG contrast somewhat with the view put forward by a representative of the Western Cape Anti-Eviction Campaign, who stated in relation to ILRIG that “we don’t have smooth relationship with them”.<sup>552</sup> When interviewed, the chairperson of the Western Cape Anti-Eviction Campaign emphasised the importance of affected communities to housing and related activism, several times stating that “without us there’s nothing”.<sup>553</sup> This sentiment was linked to both a critique of the AEC’s perception of the role of NGOs in supporting social movement struggles and to the proposed manner in which the Poor People’s Alliance’s action ought to be organised and led. The threats to and opportunities for more effective collaboration between actors associated with these positions are explored in more detail below.

### **(c) Ties between both clusters**

There are both direct and indirect ties between the Housing Assembly and the Poor People’s Alliance clusters of actors. These vary with regard to strength, duration and formality. Nevertheless, certain themes are recurrent in research participants’ explanations of many of these relationships. With regard to the AEC’s relationship with the Housing Assembly, Figures 2 to 4 indicate that individual AEC members and some groups affiliated to the AEC (such as the Mandela Park Backyarders) participate in Housing Assembly events. Further to this, it is clear that the AEC’s public position as critical of NGOs, including ILRIG specifically, does not translate into a universally held position within the organisation. As previously mentioned, the AEC’s chairperson stated that the relationship with ILRIG had not been “smooth”. Another AEC activist, however, commented that “some NGOs were quite supportive, I would say. Like ILRIG. They would support us”.<sup>554</sup>

Prior to the formation of the Housing Assembly there had also been a relationship between SAMWU and the AEC which was supported by ILRIG. Though it has declined and some of the union’s support for the AEC has been

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<sup>552</sup> Ibid..

<sup>553</sup> Ibid..

<sup>554</sup> Hendricks, personal interview.

withdrawn, interviewees reported that in some form this relationship is ongoing.<sup>555</sup> It was also reported by interviewees that Abahlali baseMjondolo, or at least some of its members, participate in Housing Assembly activities.<sup>556</sup> The existence of these overlaps between the Housing Assembly cluster of actors and the Poor People's Alliance cluster of actors is consistent with the explanations of different groups' approaches put forward by research participants. The AEC chairperson commented that "we are a flexible kind of activist, or social movement activist, you know, because what is important at the end of the day is to convey the frustration, you know, and the homelessness and landlessness of our own people".<sup>557</sup> Similarly, another AEC member stated that the AEC "works with any organisation as long as it deals with the issues at hand – what the Anti-Eviction stands for. So if it's housing or related to housing then we work with any organisation".<sup>558</sup> A SAMWU representative explained their approach by saying that "the union cannot simply only advance the interests and issues affecting workers. It must be broader than that". He went on to argue that "people are not going to come to you and say 'but we want to be part of your campaign' if they don't see you actively pursuing what your campaign is meant to achieve".<sup>559</sup>

Furthermore, indirect links between the Housing Assembly and the Poor People's Alliance exist through the two clusters' interaction with COSATU. SAMWU is a COSATU affiliate. ILRIG works with COSATU. There is a perception put forward by some interviewees that COSATU has not been supportive of social movements. One interviewee commented that from COSATU "there's quite a lot of antithesis towards the social movements or popular things, they – these are 'unruly elements', 'undisciplined' et cetera, who, you know, are involved in these destructive service delivery riots and besides they're ultra-left, so that's that".<sup>560</sup> Another interviewee suggested that in contrast to SAMWU's actions, the COSATU federation had not been supportive towards social movements such as the AEC and that COSATU's position had at times been antagonistic due to the perception that

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<sup>555</sup> Ibid..

<sup>556</sup> Heunis and Hoedemaker, personal interview.

<sup>557</sup> Twalo, personal interview.

<sup>558</sup> Hendricks, personal interview.

<sup>559</sup> Jacobs, personal interview.

<sup>560</sup> Ashley, personal interview.

social movements intend to challenge the ANC and Tripartite Alliance.<sup>561</sup> Despite this, research participants also posited that some elements within the COSATU leadership are keen to build broader alliances with community based organisations.<sup>562</sup> Historic and ongoing links between COSATU and movements associated with the Poor People's Alliance were also highlighted. Mike Louw commented that when it was first formed the AEC "was a COSATU baby".<sup>563</sup> He also emphasised that "the intention is, obviously, to try and work together as much as we can and to support one another wherever we can".<sup>564</sup> Naming specific activists from Abahlali baseMjondolo and the AEC, Louw stated that "on an individual basis" COSATU and members of the Poor People's Alliance "can talk, we can advise one another, we can get involved in workshops and stuff like that".<sup>565</sup> The rhetorical commitments of organisations closely associated with both Poor People's Alliance and the Housing Assembly to working as much as possible with other groups which share similar aims appears to be borne out in reality to some extent. Though they are not all particularly strong or well-sustained relationships, it is evident that there are instances of collaboration and overlap between even some of the apparently most disparate nodes attached to the anti-eviction and housing rights network in the urban Western Cape.

## **VI: What threats to and opportunities for more effective collaboration exist?**

Having examined the kinds of relationships that exist within the case study network and explored a number of research participants' explanations of the motivation behind pursuing these, it is necessary to turn attention to issues affecting the relationships between actors and issues affecting the aims of the network. There are both threats to and opportunities for more effective collaboration between actors in the case study network. Based on the data collected in this research, there are some clear areas in which opportunities for more effective collaboration between network actors arise. However, certain actors' characteristics and approaches to practice necessarily come into conflict with each other. Nevertheless, there are some threats to effective collaboration which may also be understood as opportunities.

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<sup>561</sup> Xali, personal interview.

<sup>562</sup> Ashley, personal interview.

<sup>563</sup> Louw, personal interview.

<sup>564</sup> Ibid..

<sup>565</sup> Ibid..

### **(a) Specific characteristics of trade unions**

One of the more obvious points of tension between the various actors involved in the case study network is that regarding the position and role of trade unions. The closeness of COSATU and its affiliated unions to the ANC is regularly cited in the literature and by those interviewed for this research as a problem for the building of alliances between trade unions and groups such as social movements.<sup>566</sup> Through participating in the Tripartite Alliance, COSATU and affiliated unions may be seen as unwilling or unable to criticise government policies and the effect these have on housing rights and for landless people. One interviewee stated that “COSATU has also become dominated by the politics of the ANC, which itself creates huge amounts of differences as tensions emerge within the ANC and so that preoccupies them to look within the Alliance” rather than building relationships with social movements and community based organisations.<sup>567</sup> The data collected in this research does not wholly support this interpretation. In interviews representatives of COSATU and SAMWU (which is COSATU-affiliated) were at times critical of the ANC and its relationship to COSATU. Moreover, interviewees displayed a willingness to work with other groups including social movements critical of the ANC. In the Western Cape specifically it may be possible for this willingness to be translated into actual collaboration more effectively than in other parts of South Africa owing to the ANC’s position as opposition party in both the City of Cape Town and Western Cape Province. It is easier for ANC-aligned groups to join with social movements in criticising or opposing Democratic Alliance (DA) policies than it is to criticise or oppose ANC policies.

The threat to effective collaboration which comes with COSATU’s closeness to the ANC – and with it, to national government – is not likely to be entirely overcome though. Social movement activists interviewed maintained criticism of the ANC and party politics more broadly. COSATU-linked research participants commented that the alliance with the ANC is likely to continue as long as the participating organisations view it as mutually beneficial, and that for the time being those charged with decision making in this regard are likely to see the relationship as

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<sup>566</sup> E.g. Ballard, Habib, Valodia and Zuern, “Globalization, Marginalization and Contemporary Social Movements in South Africa”, 622; Beresford, “Trapped in Corporatism?”; Ashley, personal interview; Louw, personal interview.

<sup>567</sup> Ashley, personal interview.

continuing to be of benefit.<sup>568</sup> This is in line with some claims within the literature that COSATU trade unions are “trapped in corporatism” and thus face difficulties in forging links with social movement organisations.<sup>569</sup> Mike Louw of COSATU stated “if we were able to be independent we would then be able to draw a larger mass of people towards us to make sure that we can get them [the ANC] to change”.<sup>570</sup> However, he also commented that “there’s always going to be these formal ties that the COSATU has, that causes others not to be friendly towards us”.<sup>571</sup> Key to the development of partnerships and collaboration between the trade unions and the other actors (especially social movements) in the network will be a mutual willingness to engage in dialogue. On the part of those interviewed from SAMWU and COSATU this appears to be present. Louw, for instance, suggested that COSATU is willing to try to overcome historical “stumbling blocks” preventing closer collaboration with the AEC and Abahlali baseMjondolo, but that this “seems to be a longer term project than what I thought it would be”.<sup>572</sup> The potential role of social movements in pursuing more effective relationships with unions (and other network actors) is detailed below.

SAMWU’s status as a trade union is also important with regard to its role within the Housing Assembly. As a trade union SAMWU has recognised expertise in negotiation. Moreover, the issues of service delivery and housing provision which come under the Housing Assembly’s remit affect SAMWU members and may be affected by employers’ (i.e. local governments’) actions. This means it may be possible for the Housing Assembly’s concerns to be reflected in collective bargaining and through SAMWU’s contribution to South Africa’s corporatist industrial relations mechanisms. Mario Jacobs of SAMWU stated that

we are now at the point where we have declared a dispute against the municipality that will enable the union and its members supporting the local municipality to go on protected strike action in so far as that demands are concerned.<sup>573</sup>

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<sup>568</sup> Jacobs, personal interview; Louw, personal interview.

<sup>569</sup> Beresford, “Trapped in Corporatism?”.

<sup>570</sup> Louw, personal interview.

<sup>571</sup> Ibid..

<sup>572</sup> Ibid..

<sup>573</sup> Jacobs, personal interview.

This kind of action has potential to facilitate opportunities for further collaboration with other network actors. The legally mandated and regulated process of an industrial dispute opens up a forum which is only accessible to trade unions in which concerns such as some of those of the Housing Assembly may be raised. Not all aspects of housing rights activism can be addressed in this way. However, the language, framing, and formal legal processes through which industrial disputes take place might plausibly provide an opportunity for the common ground between the demands of the trade union and community based organisations working on housing to be brought into focus. This in turn could produce an opportunity for deeper collaboration and, if the industrial relations approach to pursuing the network's goals proves fruitful, for further use of these modes of action. Indeed, the significance of anti-eviction work to the industrial role of farm workers' unions was highlighted by interviewees from the COSATU-affiliated Food and Allied Workers' Union (FAWU) and the independent Sikhula Sonke trade unions.<sup>574</sup> This area of commonality between the concerns of urban and rural workers and with (largely) unemployed landless people provides some potential for deeper collaboration between housing rights activists even beyond the urban Western Cape.

There are, however, factors that might prevent or limit wider collaboration between trade unions and other actors. The aforementioned barrier COSATU's ANC-affiliation can provide to close partnership between member unions and other actors is one. This is likely to be more of an issue for national organising as there is a higher likelihood of coming into conflict with ANC policies and ANC-controlled jurisdictions. Another factor is the question of the extent to which available resources provide these actors with the capacity to follow up on these opportunities. Indeed, referring to COSATU's commitments to engage with issues "beyond the factory gate" one research participant reported that "you have capacity of a union like COSATU at a national level to make important statements on corruption and so on, it doesn't filter through in terms of what its affiliates can do at a regional, local level".<sup>575</sup>

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<sup>574</sup> Mbana, telephone interview; Sikhula Sonke official, personal interview.

<sup>575</sup> Ashley, personal interview.



**(b) Capacity and resources of social movements and community based organisations**

Social movements and community based organisations in the network are severely under-resourced. This is both in terms of financial and non-financial resources. An AEC representative reported that the Poor People’s Alliance “is not being financed so that it can be effective”.<sup>576</sup> Another AEC activist referred to the limiting effect of the group’s lack of resources, stating “we tried working outside the Western Cape but sometimes it’s difficult because of the transport and so on”.<sup>577</sup> The same activist also commented that “financially we struggled”.<sup>578</sup> In one sense this lack of resources incentivises social movements to pursue relationships with and support from other actors. This can be the case even in instances where financial support is not provided. Referring to the AEC’s relationships with NGOs and trade unions, a research participant from the AEC stated that

sometimes you won’t get financial – like – support, but you will get support in another way, like they would make, like, printing for us, all that type of thing. Like SAMWU would come on board; we can use their offices, their phones – that type of thing.<sup>579</sup>

Organisations such as NGOs and trade unions are likely to have resources such as office space and printing facilities. Social movements and community based organisations lack resources including of this sort. Within the case study network interviewees from a number of organisations expressed a commitment to supporting social movements and community based organisations in action on housing issues. Mike Louw’s statement that COSATU intends to work with and support social movements on anti-eviction and housing rights issues “wherever we can” has already been mentioned.<sup>580</sup> When interviewed, Michael Blake of ILRIG described the organisation’s position in relation to housing issues, positing that “what people are emphasising now is reaching out to all those affected by unfit housing conditions”.<sup>581</sup> Mthetho Xali, also of ILRIG, emphasised the organisation’s position that it will

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<sup>576</sup> Twalo, personal interview.

<sup>577</sup> Hendricks, personal interview.

<sup>578</sup> Ibid..

<sup>579</sup> Ibid..

<sup>580</sup> Louw, personal interview.

<sup>581</sup> Blake, personal interview.

work both with community-based struggles made up largely of unemployed people such as those involved in housing related social movements and with organised labour represented through trade unions.<sup>582</sup> These commitments to support social movements coupled with the movements' needs to access resources available to NGOs and trade unions amounts to an opportunity for relationships between the community based housing movements and NGOs and trade unions to be developed.

The under-resourced nature of the community based organisations and social movement organisations involved in housing related activism in the case study network does not just highlight opportunities for collaboration. In itself a lack of resources limits the scope of action taken by social movements. One interviewee from the AEC (quoted above) suggested that attempts to expand the group to include those outside of the Western Cape failed in part due to a lack of access to transport. Similarly, a representative of Sikhula Sonke reported that despite some previous collaboration and some platform sharing with the Western Cape Anti-Eviction Campaign, close and regular interaction is not possible due to both organisations' limited resources.<sup>583</sup>

The perception that NGOs and other actors possess resources which social movements and community based organisations lack and the consequences of this can threaten successful collaboration. The chairperson of the AEC reported that

We as social movement activists, we don't like our own community's issues to be – people to make us a laughing stock when it comes to our own issues. Because what we discovered from NGOs: they are getting funds elsewhere or in the country at the expense of social movements, you know, and they are not involved when it comes day by day problems of the community.<sup>584</sup>

An interviewee from AIDC, which has worked with groups affiliated to both the Housing Assembly and the Poor People's Alliance (and is involved in a campaign to create jobs oriented around halting climate change)<sup>585</sup> made reference to the

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<sup>582</sup> Xali, personal interview.

<sup>583</sup> Sikhula Sonke official, personal interview.

<sup>584</sup> Twalo, personal interview.

<sup>585</sup> AIDC, "About AIDC."

[http://www.aidc.org.za/index.php?option=com\\_content&view=article&id=47&Itemid=76](http://www.aidc.org.za/index.php?option=com_content&view=article&id=47&Itemid=76) [accessed August 17, 2013]; One Million Climate Jobs Campaign, "About."

<http://www.climatejobs.org.za/index.php/about> [accessed August 17, 2013].

problems these kinds of attitude can create for relationship-building from the point of view of NGOs. He stated that

what makes it worse is when you put this in an NGO context where NGOs have lots of resources and it's understood 'why can't you give us money for buses or this? You've got all this money,' you look at – without understanding that NGOs themselves accountable to donors. They receive money for building, let's say, a campaign on climate jobs; they can't give money for a housing conference or workshop or mobilisation et cetera. So there's these levels of distrust that have to be overcome and this has bedevilled a lot of initiatives post-apartheid.<sup>586</sup>

Related to the tensions over access to resources is the influence resources have upon power dynamics between network actors. The AEC chairperson commented on the AEC's relationship with AIDC by saying "we always complain to them that they dictate terms".<sup>587</sup> This exemplifies the distrust between apparently well-resourced NGOs and under-resourced social movements mentioned by Brian Ashley in the comments reproduced above. Referring to COSATU's approach to working with social movements such as the AEC, Louw argued that "we're not going to impose anything".<sup>588</sup> However, in these relationships "sometimes when we would want to suggest or would want to argue in a particular direction others would want to suggest that we're trying to impose because of our size and this and that and the other".<sup>589</sup> Consequently the decision has sometimes been made to withdraw from pursuing close relationships with particular movements on particular issues.<sup>590</sup> Discussing the imbalance in access to resources between different groups and organisations involved in the Housing Assembly, Mario Jacobs similarly emphasised that SAMWU's position is that

we're not prescriptive to say, and we can never begin to say, that we form this united front, the united front is informed by you bringing to the party  $x$  pounds or  $x$  number of South African Rands. The objective is to advance what is known as the common interests of the parties and not to say that that objective can only be achieved if we all plough in an equal number or an

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<sup>586</sup> Ashley, personal interview.

<sup>587</sup> Twalo, personal interview.

<sup>588</sup> Louw, personal interview.

<sup>589</sup> Ibid..

<sup>590</sup> Ibid..

equal percentage of resources. It would be foolish to suggest any such approach to a united front tactic.<sup>591</sup>

It is clear from the abovementioned comments from interviewees and from the existing literature that tensions over resources continue to threaten collaboration in certain areas. However, recognition of the resource imbalance in the network, such as that expressed by Jacobs, suggests the beginning of some scope for overcoming difficulties in these relationships. This is explored in greater detail in the next chapter with an analytical lens turned towards the political responsibilities of network actors.

### **(c) Personalities, politics and organisational governance**

Following on from the issues relating to the capacity and resources of social movements are threats to and opportunities for collaboration relating to the roles of individual personalities, the politics and internal governance of different organisations. It has already been mentioned that COSATU representatives have found it possible to work with members of groups like Abahlali baseMjondolo and the AEC “on an individual basis” despite those groups’ antipathy towards COSATU’s ANC alignment. This represents an important opportunity for developing more effective collaboration between different actors. Indeed, Patrick Bond argues that post-apartheid social movements have made most progress when they have built alliances with COSATU (though he warns that COSATU’s ANC-affiliation has a limiting effect on such alliances).<sup>592</sup> Similarly, the fact that Abahlali baseMjondolo members, individual AEC members and groups closely linked to the AEC have participated in the Housing Assembly (despite the organisational relationship between the AEC and ILRIG not always being “smooth”) represents an opportunity. The ability of individuals to overcome organisational differences to the extent that it is possible for them to work with each other suggests there is enough common ground for further and deeper collaboration to be explored.

As well as representing opportunities for new or improved relationships the influence of individual personalities can also threaten collaboration. This relates to issues of inter- and intra-organisational politics and to the internal governance of organisations. It is clear from the research carried out for this project that

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<sup>591</sup> Jacobs, personal interview.

<sup>592</sup> Patrick Bond, “South African People Power since the mid-1980s: two steps forward, one back,” *Third World Quarterly* 33, No. 2 (2012): 243–264.

collaboration within and between, and the efficacy of, both the Poor People's Alliance cluster of actors and the Housing Assembly cluster of actors are affected by these issues. For instance, it has been questioned whether the AEC continues to exist in a meaningful sense. Interviewees reported variously that the AEC has significantly declined in recent years,<sup>593</sup> that it has split into more than one group<sup>594</sup> and that it no longer functionally exists.<sup>595</sup> One interviewee reported that "there is like a Anti-Eviction Campaign that is run by three or four, five people but accordingly to others there's no more Anti-Eviction Campaign".<sup>596</sup> Another interviewee added "there's two Anti-Eviction Campaigns. The old [name redacted] thing and the new elected committee".<sup>597</sup>

The negative impact of particular individuals dominating within social movement organisations was raised by several interviewees. In particular, the lack of resources – especially financial resources – available to social movements was cited by research participants as a key factor motivating splits and internal divisions within organisations. An AEC activist explained,

as time went on I would say people started to – individual people – started to think that they own the AEC, they own it. It's not anymore community based organisation, it's not community. It's – they're thinking that they – it's like they want to run away with it, just get some sponsors, tell the sponsors this and that, get some money in and not actually ploughing it back to the community by pocketing it themselves.<sup>598</sup>

She also reported that, despite successes for the organisation, "as the time went on people are getting big headed, you know. The AEC can't exist without them because they are the brains and all that and they don't need this one, they don't need that one".<sup>599</sup> This tallies with the comments of an interviewee that, in relation to the internal governance of groups such as the AEC,

it goes with a charismatic handful at the top, a militant style, you can bring on the people with a loudhailer et cetera but you actually miss out on who the

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<sup>593</sup> E.g. Xali, personal interview.

<sup>594</sup> E.g. Heunis and Hoedemaker, personal interview.

<sup>595</sup> E.g. Blake, personal interview.

<sup>596</sup> Heunis and Hoedemaker, personal interview.

<sup>597</sup> Ibid..

<sup>598</sup> Hendricks, personal interview.

<sup>599</sup> Ibid..

people really are and their role is in building the organisation as opposed to the committee.<sup>600</sup>

Another interviewee commented that social movements are made up of many people who

become active who are unemployed. It then – people are on constantly on look-out of survivalist opportunities. So to get a, to get the, job if there's a job going with the Anti-Privatisation Forum or in the Anti-Eviction Campaign et cetera is critical in terms of altering life's circumstances et cetera.<sup>601</sup>

He went on to comment that this kind of situation “breeds a lot of, kind of, resentments and conflicts” and that in the past social movements have been “torn apart” by issues relating to funding.<sup>602</sup> Similarly, referring to the divisions within the AEC, an ISIS activist stated “there's always hassles and it's just money, money, money”.<sup>603</sup>

As well as divisions sparked by conflict over financial resources, further issues relating to internal organisational governance affect collaboration within the network. Michael Blake referred to how within groups participating in the Housing Assembly there “have been all kinds of political divisions” and “all kinds of shenanigans” resulting in four separate organisations operating in the Delft area, some of which are also close to the AEC.<sup>604</sup> Despite these divisions, participation in the Housing Assembly is maintained. In interview Blake summed up the existing dynamic, “hopefully through the Housing Assembly we can ensure that people come together and something gets sorted out but at the moment it's very messy”.<sup>605</sup> Reflecting this is the position of Abahlali baseMjondolo in the network. Whilst some interviewees reported that Abahlali baseMjondolo in the Western Cape is almost indistinguishable from the AEC others differentiated between the two groups in their comments. While highlighting the perceived divisions within, and possible collapse of, the AEC, interviewees from ISIS contrasted this with reporting that Abahlali baseMjondolo members take part in the Housing Assembly and the perception that

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<sup>600</sup> Blake, personal interview.

<sup>601</sup> Ashley, personal interview.

<sup>602</sup> Ibid..

<sup>603</sup> Heunis and Hoedemaker, personal interview.

<sup>604</sup> Blake, personal interview.

<sup>605</sup> Ibid..

Abahlali baseMjondolo are “in real struggle” (as opposed to being engaged in opportunism or “hassles” over money).<sup>606</sup> However, it can also be seen that Abahlali baseMjondolo are not immune to the splits and divisions which have affected other groups in the network. In April 2012 it would appear that the previously existing leadership of Abahlali baseMjondolo’s Western Cape branch was removed and replaced. This seems to have followed intervention from a delegation from Abahlali baseMjondolo in Durban in response to some form of complaint against the previous leadership.<sup>607</sup> The exact details of these events remain largely mysterious to an outsider and during the research for this thesis it was not possible to successfully contact Abahlali baseMjondolo after these events occurred. These events would appear to lend credence to some of Heinrich Böhmke’s concerns regarding the practice of Abahlali baseMjondolo and other social movements and may suggest that his hope that the Western Cape branch of Abahlali baseMjondolo would avoid the problems allegedly besetting the Durban branch has not been borne out.<sup>608</sup>

The political positioning of different groups is also a key issue relating to collaboration within the network. It has already been noted that to some extent various organisations closely linked to the Poor People’s Alliance cluster and the Housing Assembly cluster have managed to forge links. Commitments to work with other groups sharing overlapping interests are realised in reality in some cases, particularly through ties based on individuals participating in the activities of both the main clusters within the network. Conversely, threats to effective collaboration due to organisational politics are evident. The perception some social movements, especially those affiliated to the Poor People’s Alliance, have of NGOs is one such issue. The effect of the link between COSATU and the ANC (partly discussed above) is another.

Just as the AEC chairperson reported in interview that the AEC finds it difficult to have relationships with a number of NGOs due to the perception that they

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<sup>606</sup> Heunis and Hoedemaker, personal interview

<sup>607</sup> Abahlali baseMjondolo, “Collectivism vs. Individualism,” press statement, *Abahlali baseMjondolo*, April 19, 2012, <http://abahlali.org/node/8726> [accessed January 29, 2013]; Abahlali baseMjondolo, “Election of an Interim Committee for AbM Western Cape, QQ Section, Khayelitsha, Cape Town, Sunday 22 April 2012,” *Abahlali baseMjondolo*, April 26, 2012, <http://abahlali.org/node/8747> [accessed January 29, 2013].

<sup>608</sup> Böhmke, “The Branding of Social Movements in South Africa”; Böhmke, “The shackdwellers and the intellectuals”.

dictate terms, research participants from NGOs raised issues regarding the impact of this position. An interviewee from ILRIG stated

There's been what I would regard as a very unhealthy approach on the part of the Anti-Eviction Campaign, when it still existed in some kind of form, where they've targeted the NGOs as virtually enemies and that – that divided some people.<sup>609</sup>

Referring specifically on the influence of the AEC's politics on the functioning of the Housing Assembly the same research participant elaborated,

So the Grassy Park people, they literally had to choose whether they were going to continue to have a relationship with the NGO or they were going to continue to be part of the Anti-Eviction and they chose to be – come to training et cetera, et cetera.<sup>610</sup>

In relation to the influence of social movements' political positioning on working with NGOs and trade unions, one interviewee posited that

there's also a very problematic tradition of a sort of propagandistic leftist politics that comes out of the Trotskyist movement, which is extremely sectarian in South Africa in most, in most instances – not all – but in most instances, that shapes some of this politics, and because most people coming from these traditions are not going to be found in the trade union movement they attach themselves to some of these popular organisations.<sup>611</sup>

This sentiment was echoed in another interview in which the research participant stated that he “never understood the kind of politics, the political logic of, ja, demonising the NGOs basically. My own view on that is, ja, it's part of the politics itself. A sectarian, opportunist politics”.<sup>612</sup> Interviewees also contended that “it's personalities that get in the way” of more effective collaboration between groups.<sup>613</sup>

One research participant commented that

the only downfall, I suppose, is that at some point, because of personalities and because of – it's people – and then the criticism that flows to and fro may

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<sup>609</sup> Blake, personal interview.

<sup>610</sup> Ibid..

<sup>611</sup> Ashley, personal interview.

<sup>612</sup> Blake, personal interview.

<sup>613</sup> Louw, personal interview.



not necessarily just stick to the issues, it then goes to the personalities which causes maybe a lot more friction.<sup>614</sup>

Additionally, the role of small political differences in major disagreements was highlighted by several research participants.<sup>615</sup> Describing problems COSATU has encountered in pursuing relationships with others an interviewee reported

Sometimes the difficulties are really, you know, it could be of a very petty nature and other times it could be a principled difficulty but in most instances it's these very petty little things that cause these, these very good intentions to fall down, unfortunately.<sup>616</sup>

Similarly, another interviewee commented that

On the side of the popular movement, movements, organisations et cetera, there's a – just a dismissal of COSATU and the unions as being part of the ANC and therefore they are dismissed. Sometimes it's a little bit more sophisticated – argued that they represent a labour aristocracy, and so they are dismissed from that point of view.<sup>617</sup>

Another research participant commented that the political position pursued by some involved in shaping the actions of groups such as the AEC hampers collaboration because

It's not based on any kind of seriousness. There's a populism, there's a mobilise – but very little in terms of thinking through what does it take to build serious organisations on the ground with a grassroots component and an accountable leadership and all that goes with it.<sup>618</sup>

These issues may initially appear to indicate a significant threat to the improvement of relationships between network actors. However, this need not necessarily be the case. On the one hand it is clear that these issues cause problems when organisations make attempts to collaborate. On the other hand, there are several indicators suggesting these problems might be circumvented or overcome. Many of the difficulties cited by research participants are recognised as relating to small issues. This suggests that the parties attempting to build a relationship

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<sup>614</sup> Ibid..

<sup>615</sup> Ibid.; Ashley, personal interview; Blake, personal interview; Hendricks, personal interview; Xali, personal interview.

<sup>616</sup> Louw, personal interview.

<sup>617</sup> Ashley, personal interview.

<sup>618</sup> Blake, personal interview.

substantively agree with one another. This in itself offers a starting point from which the development of a relationship may conceivably be built.

#### **(d) Shared rhetorical commitments**

Despite the stated differences of opinion and political positioning, interviewees from a variety of different organisations (and organisations of different types) within the network expressed a desire to work with each other as much as possible. Interviewees from a variety of organisations closely linked to both the Poor People's Alliance and to the Housing Assembly expressed a desire to link up related struggles over evictions, housing and land. As well as the aforementioned comments from interviewees regarding COSATU's aim to work with others "as much as possible"<sup>619</sup> and the AEC's aim to work "with any organisation" working on the same issues,<sup>620</sup> further points of rhetorical commonality between various network actors may be highlighted. The AEC chairperson, it has already been noted, stated that the Poor People's Alliance "must be the platform that every poor person in South Africa is going to make use of for the benefit of our own people".<sup>621</sup> Research participants from ISIS made a number of comments relating to a desire to unite related struggles. "What we decided at the Winter School was – and this is the thinking that the Housing Assembly had – that we cannot fight isolated in our own corners anymore".<sup>622</sup> "We decided at the Winter School was we want all the organisations from like locally, provincially, nationally and globally, we want everybody to unite".<sup>623</sup>

So all the comrades at the Winter School decided that it was a great plan to form a huge umbrella body where all the different organisations can be united and no more – no-one – fight in isolated in their own corners any more.<sup>624</sup>

"We're all fighting the same struggle so the more we are – like Lorraine said, we mustn't fight in isolation, we must group up with different, even provincially, out of the province. It will strengthen our struggles."<sup>625</sup> As previously highlighted, an

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<sup>619</sup> Louw, personal interview.

<sup>620</sup> Hendricks, personal interview.

<sup>621</sup> Twalo, personal interview.

<sup>622</sup> Heunis and Hoedemaker, personal interview.

<sup>623</sup> Ibid..

<sup>624</sup> Ibid..

<sup>625</sup> Ibid..

interviewee from ILRIG commented that “hopefully through the Housing Assembly we can ensure that people come together and something gets sorted out” and “what people are emphasising now is reaching out to all those affected by unfit housing conditions”.<sup>626</sup> The difference in rhetoric between the various organisations in the network appears to be not so much a substantive issue with regard to the most expedient approach but more a question of whether the Poor People’s Alliance or the Housing Assembly constitutes the correct or most appropriate umbrella body under which all affected communities might organise.

The congruence of various groups’ stated aims provides an opportunity for those aims to be pursued and realised through more effective collaboration. Research participants were not, however, wholly uncritical in their discussions of the desire and potential for increased unity among actors. The threats to collaboration posed by the role of individuals, personalities and individual agendas have already been set out above. Interviewees also made reference to the problems they faced in following up on the desire to collaborate with a broad range of actors. Some of these relate to previously outlined issues such as the lack of resources which may prevent community based organisations organising across a geographically wide area.<sup>627</sup> Others raise new questions. One interviewee raised the issue that since 1994 many apartheid era activists

have been able to move out of the townships, they have a house in the suburbs et cetera, so now you come and you want to organise around this issue and the social movements say ‘but, you know, you want to think for us and we must be your foot soldiers?’ so to speak. So there’s a lot of suspicion around people’s, you know, different circumstances, particularly amongst, you know, the most marginalised sections in society.<sup>628</sup>

Shack dwellers, landless and homeless people involved in housing rights activism would fall into this “most marginalised” category.<sup>629</sup> Another research participant warned that “organisations can have the best policy resolutions but those policy resolutions will mean nothing if they’re not beginning to ensure that it’s being

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<sup>626</sup> Blake, personal interview.

<sup>627</sup> Hendricks, personal interview.

<sup>628</sup> Ashley, personal interview.

<sup>629</sup> Ibid..

implemented in the manner that it's designed".<sup>630</sup> Following up on having explained the aim of ISIS and the Housing Assembly to pursue unity with other groups taking action on the same issues, interviewees from ISIS emphasised that "we're still working on that" and that "we have a lot of work to do".<sup>631</sup> Elaborating on the specific risks attached to failing to collaborate an interviewee from ISIS commented that "if you go as only ISIS and go and protest then government don't take any notice of you. It is almost as if we're just making a noise, that's all".<sup>632</sup> Furthermore, in relation to another group with whom ISIS has yet to successfully organise alongside,

We had a protest march and they had a protest march but still the City didn't take us seriously. Whereas, we could've had one big march and brought the whole Southern Suburbs side to a standstill. That would've been great and I think then we would've achieved something and, as said previously, if we can be united much more can be achieved.<sup>633</sup>

It appears that there is a widespread commitment, at least in rhetoric, to overcome the reportedly small differences, which research participants said currently hamper collaboration. Furthermore, many of the impediments to more effective collaboration between network actors cited by research participants relate to the influence of individuals. There is no doubt that individuals can have an important, potentially negative, effect on organisations' practice. Nevertheless, organisations are not individuals and individuals are not organisations. It might be possible for existing ties based on cooperation between individuals to be developed into deeper organisational relationships. It might also be possible to pursue organisational relationships if ties can be facilitated other than through individuals who might hamper collaboration.

## **VII: Conclusion**

Several conclusions can be drawn from this aspect of the research project. The first, broad, conclusion which comes out of this exploration is that many of the opportunities that exist for improving collaboration in the network are double-edged,

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<sup>630</sup> Jacobs, personal interview.

<sup>631</sup> Heunis and Hoedemaker, personal interview.

<sup>632</sup> Ibid..

<sup>633</sup> Ibid..

operating also as threats. The same can also be said of many threats to collaboration which can simultaneously be interpreted as offering opportunities for more effective collaboration. The main instances of this phenomenon are as follows. The status of trade unions provides on the one hand an opportunity for greater collaboration and the utilisation of industrial relations processes in order to further housing rights aims. On the other hand, closeness to the ANC and the perception of size and resources being used to impose upon network partners presents a threat. There is evidence to suggest that both (COSATU-affiliated) trade unions and other actors (such as social movements) benefit through linking up their campaigning activities.<sup>634</sup> Similarly, the resources available to NGOs can offer both an incentive and means to carry out closer collaboration between actors, and can serve to create or reinforce a power dynamic perceived by some as disempowering and threatening relationships with grassroots actors. The role of individual personalities in the network is also double-edged. New and closer relationships may be built through developing ties between actors based on individual links. However, the potential for individuals to exert disproportionate influence over organisations' actions and the possibility for personal disagreements to overshadow broader interests can threaten effective collaboration.

A second, related, conclusion surrounds the centrality of resources and access to resources for network building and action. Resources or a lack thereof are strongly linked to the capacity of network actors and ultimately of the network as a whole. In the next chapter this is explored in greater detail. Specifically further attention is paid to the ways in which applying an analytical lens turned to the political responsibilities of network actors may be useful in overcoming the threats to and maximising the opportunities for effective collaboration between network actors. Building upon this, the next chapter also pays greater attention to the interaction between the action taken by the case study network and the pursuit of transformative justice. Important to this analysis is a recognition of the state of the network with regard to the kinds of ties that exist between the different actors, the motivations behind these and the current opportunities and threats to collaboration attached to this.

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<sup>634</sup> Steven Friedman, "Beyond the fringe? South African social movements and the politics of redistribution," *Review of African Political Economy* 39, No. 131 (2012): 85-100; Bond, "South African People Power since the mid-1980s".

The third conclusion to be drawn from this analysis surrounds the stated aims and motivations for organisations and groups within the network pursuing relationships with one another. Different organisations within the network, including those closely associated with disparate clusters of actors, display a high degree of agreement when it comes to the desirability and utility of engaging in networked action. Moreover, despite differences and difficulties, collaboration does take place. As the analysis moves towards concentration upon the scope for transformative justice to be facilitated through developing the case study network the apparent compatibility of diverse actors' understandings comes to the fore. Similarly, in proposing an analysis of the case study network based upon political responsibilities the discernible aims and motivations of the affected actors are of particular importance.

## Chapter 5

### Political responsibilities of the actors within the case study network

#### **I: Introduction**

This chapter applies the concept of political responsibility to the case study network. This builds upon the previous chapter's analysis, which focused on the kinds of ties which exist between network actors as well as the threats to and opportunities for more effective collaboration. By focusing on political responsibility, this chapter moves towards an exploration of how threats to more effective collaboration might be overcome and opportunities for more effective collaboration may be brought to fruition. This analysis is ultimately central to the conclusions and recommendations put forward in the final section of the thesis. This chapter also synthesises the exploration of network actors' political responsibilities with a consideration of transformative justice. This sheds light on the aims of the network and how this can be understood in a broader context than the case study itself. Moreover, an understanding of the relationship between the network and transformative justice serves to reveal the particular political responsibilities of the actors concerned.

It is important throughout this chapter that some of the findings discussed earlier are highlighted. It was found that the case study network did not have a great many international links. This is central to developing a new synthesis building upon existing literature about the political responsibilities of networks. The existing literature, such as it is, presumes a transnational advocacy network as the unit of analysis. Particular emphasis is placed upon the status of Northern and Southern network partners within these discussions. As the case study network is not in a meaningful sense transnational, and Northern actors are almost entirely absent, the assumptions of the literature must be questioned. Nevertheless, it is possible to adapt and apply the analytical approach of the existing literature to the case study. This adapted analytical approach is particularly useful in allowing evaluation of the relationships within the case study network and for assessing the network's contribution to processes of transformative justice.

As with the previous chapter, this chapter focuses in particular on an analysis of the network actors closely associated with the Housing Assembly cluster of actors

and the Poor People's Alliance cluster of actors. However, this chapter also contains further analysis of the network relationships of other actors, including SDI and actors not closely linked to any cluster. This is because the exploration of political responsibilities lends itself usefully to explaining the form of the network including regarding the positions of actors not closely linked to the Housing Assembly or Poor People's Alliance.

This chapter first addresses the political responsibilities of actors associated with the Housing Assembly and the Poor People's Alliance in regard to the opportunities for and threats to effective collaboration identified in the previous chapter. After this, the chapter turns the political responsibilities lens of analysis on to actors outside these two clusters within the network. This attempts to explain why the network is formed in the way that it is, including shedding some light on the reasons behind different kinds of relationships within, between and outside of the main clusters identified.

Ultimately this chapter draws conclusions in three areas. It is concluded that the political responsibilities framework can usefully be adapted to analyse the case study network, though the original conception of the framework is not wholly appropriate. Following this framework, the Housing Assembly and Poor People's Alliance clusters within the network are found to display higher levels of political responsibility than other areas of the network. However, shortcomings in these clusters' fulfilment of their political responsibilities are also highlighted. Finally, the chapter concludes that transformative justice and politically responsible networked action are synergistic processes. It is suggested that within the case study network potential exists for the pursuit of a transformative agenda, principally through the facilitation of transformative justice as a process. This is chiefly the case through the praxis of the Housing Assembly and Poor People's Alliance clusters, especially if a greater realisation of political responsibilities is achieved and particularly in relation to the two clusters' relations with each other rather than in relation to responsibilities within each cluster.



## **II: The Housing Assembly and the Poor People’s Alliance**

There are seven areas of political responsibility identified by Jordan and Van Tuijl.<sup>635</sup> These are “dividing political arenas”, “agenda setting and strategy building”, “raising and allocating financial resources”, “information flow”, “information frequency and format”, “information translation into useful forms” and “the formalisation of relationships”.<sup>636</sup> Making use of the analytical framework proposed in Chapter 2, these are the thematic areas through which the existing relationships, threats to and opportunities for more effective collaboration within the network are analysed. However, due to the degree to which they overlap, here the three areas of political responsibility relating to information are discussed together. The following discussion is consequently framed by five, rather than seven, elements of political responsibility.

### **(a) Dividing political arenas**

“Dividing political arenas” means “[r]ecognizing who has expertise and knowledge in which political arena and respecting the boundaries established by that expertise”.<sup>637</sup> In relation to the Housing Assembly three main political arenas can be seen. First there is the grassroots politics of community mobilisation. Second, there is the arena in which political education and policy research takes place. Third is the arena of formal engagement and negotiation with government and related authorities. Each of these can feed into the others. However, these arenas are distinct from one another and understanding them as such makes the political responsibilities analysis clearer. It appears that within the cluster the actors in the Housing Assembly largely meet their political responsibility in this area. For instance, SAMWU’s role includes provision of resources (discussed in the previous chapter) such as the means to produce a memorandum of demands to the City of Cape Town and provide an address for related correspondence. SAMWU are also involved in pursuing some of the aims of the Housing Assembly via an industrial dispute. This particular arena is within SAMWU’s remit and area of expertise but not that of other Housing Assembly members. Likewise, the role of ILRIG in the Housing Assembly focuses

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<sup>635</sup> Jordan and Van Tuijl, “Political Responsibility in Transnational NGO Advocacy”, 2054.

<sup>636</sup> Ibid..

<sup>637</sup> Ibid..

largely upon research and education activities. Housing Assembly action related to grassroots mobilisation of affected communities appears to be largely carried out by community based organisations and social movements. The expertise and “long-term presence”<sup>638</sup> of different actors within the Housing Assembly in different political arenas appears to be reflected in the division of activities in these arenas.

In some ways the Poor People’s Alliance contrasts with the Housing Assembly in relation to the dividing of political arenas. The actors which make up the Poor People’s Alliance are all social movement organisations. It is difficult therefore to assess whether political arenas are divided responsibly. As the members of the Poor People’s Alliance are broadly similar groups it is not clear when or why one group would have greater expertise or established presence in a political arena than another. The cluster does have links to other organisations (and kinds of organisation) but in itself the arenas in which the Poor People’s Alliance has expertise and an established presence are more limited than the Housing Assembly. This limits the cluster’s campaigning efficacy to some extent. Diverse links to different kinds of actors, containing different constituencies and possessing different expertise can add value to social movement action.<sup>639</sup> As some of the groups which make up the Poor People’s Alliance do not operate in the Western Cape these largely fall outside of the scope of this case study. However, in one sense this is a way in which political arenas are divided. Gauteng and KwaZulu-Natal based groups do not ordinarily take action in the Western Cape where other groups have an established presence and vice versa. How this area of political responsibility plays out with regard to ties with actors outside of the cluster itself is explored in greater detail below.

### **(b) Agenda setting and strategy building**

The second area of political responsibility is “agenda setting and strategy building”.<sup>640</sup> This is “closely related to the management of risks”.<sup>641</sup> As such, this area of political responsibility maps closely onto the threats to collaboration identified in the preceding chapter. Jordan and Van Tuijl posit that politically

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<sup>638</sup> Ibid..

<sup>639</sup> Friedman, “Beyond the fringe?”.

<sup>640</sup> Jordan and Van Tuijl, “Political Responsibility in Transnational NGO Advocacy”, 2054.

<sup>641</sup> Ibid..

responsible network actors must answer the questions “what are the substantive priorities; for whose benefit; using which time frame and with what level of antagonism are authorities or power holders approached in which political arena?” and that it is “essential to find a format to lay out explicitly what one’s objectives are and to then develop a strategy with transparent goals”.<sup>642</sup>

In the preceding chapter it was noted that the actors associated with both the Housing Assembly and the Poor People’s Alliance share many of the same goals. This is both in regards to the organisational aims surrounding securing housing rights and regarding strategic goals around linking the struggles of different affected communities.<sup>643</sup> There are, however, questions surrounding whether these actors meet all areas of this responsibility. The substantive priorities of the Housing Assembly and the Poor People’s Alliance are broadly in line. Similarly, both clusters share a commitment to action being of benefit to the affected communities. This was emphasised by an interviewee from SAMWU, who noted that despite trade unions having a particular representative role regarding employed people, their action in the Housing Assembly should produce benefits more widely.<sup>644</sup>

Questions around whether the actors in each cluster meet their responsibilities regarding the time frame, level of antagonism and political arena in which to act are more difficult. Based on this research the time frame question is almost impossible to answer. Interview data collected in this research did not cover how the timing of action is decided and this is not detailed by wider sources. It is the case that both the Housing Assembly cluster and the Poor People’s Alliance cluster, plus many of the constituent actors within these, have established decision making processes.<sup>645</sup> However, it cannot be concluded decisively from this that time frame decisions are made responsibly. These decision making processes may or may not work in practice.

With regard to choosing the political arena and level of antagonism the evidence is clearer. Within the Housing Assembly it seems that member social movements and community based organisations have significant influence in deciding the political arenas and levels of antagonism employed. For instance,

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<sup>642</sup> Ibid., 2055.

<sup>643</sup> E.g. Blake, personal interview; Heunis and Hoedemaker, personal interview; Twalo, personal interview.

<sup>644</sup> Jacobs, personal interview.

<sup>645</sup> E.g. Blake, personal interview; Jacobs, personal interview; Twalo, personal interview.

interviewees from ISIS made reference to a desire to make the City of Cape Town ungovernable.<sup>646</sup> They also detailed a number of interactions with official representative government. Research responses indicate that ISIS have been supported by the other Housing Assembly members, including the NGO ILRIG in pursuing their chosen approach.<sup>647</sup> This has included dialogue with Helen Zille in her role as Mayor of Cape Town, and subsequently as Premier of the Western Cape, and with Patricia de Lille, Zille's successor as mayor.<sup>648</sup> According to the interviewees these interactions have become more antagonistic over time as the organisation became increasingly dissatisfied with the results of the dialogue.<sup>649</sup> Within the Poor People's Alliance it is not entirely clear whether political responsibilities are met in this regard. On the one hand the actors associated with the Poor People's Alliance have been able to engage in a variety of actions including both contentious, antagonistic protests and direct action aimed at defying government and less antagonistic legal challenges to evictions.<sup>650</sup> Moreover, both Abahlali baseMjondolo and the AEC – the groups within the Poor People's Alliance operating in the Western Cape – are ostensibly under the control of their memberships.<sup>651</sup> The scepticism of these actors towards NGOs and the fact that no NGOs participate directly in the Poor People's Alliance would suggest that decisions around political arenas approached and levels of antagonism are not imposed upon them.<sup>652</sup> On the other hand, as the previous chapter outlined, there are questions surrounding the actual practice of decision making in these organisations.<sup>653</sup> The political responsibility of their actions in this sense can also be questioned.

### **(c) Raising and allocating financial resources**

There are questions regarding the extent to which the actors in the Housing Assembly and the Poor People's Alliance meet their political responsibilities in relation to the third aspect, the raising and allocation of financial resources. Jordan

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<sup>646</sup> Heunis and Hoedemaker, personal interview.

<sup>647</sup> Ibid..

<sup>648</sup> Ibid..

<sup>649</sup> Ibid..

<sup>650</sup> E.g. Twalo, personal interview; Legassick, personal interview; Friedman, "Beyond the fringe?".

<sup>651</sup> E.g. Twalo, personal interview.

<sup>652</sup> Ibid.; Abahlali baseMjondolo, "Once Again the Name of Our Movement is Being Abused by the NGOs," press statement, *Abahlali baseMjondolo*, May 14, 2010, <http://abahlali.org/node/6702> [accessed June 14, 2013].

<sup>653</sup> E.g. Hendricks, personal interview.

and Van Tuijl's original description of a scenario in which "the bulk of financial resources is in the hands of a relatively small group of NGOs in the North"<sup>654</sup> does not directly apply. As previously mentioned, the case study network is not transnational in most of its activities. However, there are some transnational funding relationships between Northern actors and case study network members, including those associated with these two clusters. It is difficult for social movements and community based organisations to obtain funding. This was highlighted in interviews with members of groups closely linked to both the Poor People's Alliance and the Housing Assembly.<sup>655</sup>

The kind of action carried out by the Housing Assembly appears to have been divided for the most part in such a way as to not require significant expenditure of financial resources on the part of social movements and community based organisations. Indeed, interviewees from some of the better financially resourced actors within the cluster noted that it would be necessary for them to contribute more financial resources than some of their partners.<sup>656</sup> It was evident from some interviews with social movements attached to the Housing Assembly that the financial resources of richer actors within the cluster were perceived as being used responsibly. However, interviewees' comments also suggested that the lack of further allocation of financial resources to poorer network partners inhibits action.<sup>657</sup>

The raising and allocation of financial resources within the Poor People's Alliance cluster of actors brings up some of the same issues as within the Housing Assembly but also raises some new questions. Interviewees from both the AEC and Abahlali baseMjondolo indicated that these organisations have very limited financial resources.<sup>658</sup> Whilst this puts both these actors on a roughly equal footing in regards to the distribution of financial resources within the cluster there are clear difficulties associated with this. First and most obviously, lack of financial resources can limit the scope of possible action to be taken. Second, there is a risk that even if the finances are raised in a politically responsible manner they may not be distributed and used responsibly. For instance, one of the few clear transnational relationships the Poor People's Alliance cluster has is a funding relationship with the UK-based

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<sup>654</sup> Jordan and Van Tuijl, "Political Responsibility in Transnational NGO Advocacy", 2055.

<sup>655</sup> Heunis and Hoedemaker, personal interview; Twalo, personal interview.

<sup>656</sup> E.g. Jacobs, personal interview.

<sup>657</sup> Heunis and Hoedemaker, personal interview.

<sup>658</sup> Poni, personal interview; Twalo, personal interview.

NGO War on Want.<sup>659</sup> War on Want emphasises its model of working with social movements as being partnerships, maintaining the autonomy of recipients of funding, and explicitly acknowledging the structural bases of and political aspects to this work.<sup>660</sup> This would appear to be consistent with Jordan and Van Tuijl's conception of politically responsible action by NGOs. However, there is a gap in the analyses of political responsibilities put forward by Jordan and Van Tuijl and by Hudson. These analyses of political responsibilities in networks are focused upon the responsibilities of NGOs, particularly Northern NGOs.<sup>661</sup> It has already been highlighted that the case study network does not operate transnationally for the most part. This draws the focus of a political responsibilities analysis of the network away from Northern actors. Furthermore, in taking an NGO-centric view of how political responsibilities in a network should be analysed, the kind of approach taken by Jordan and Van Tuijl and by Hudson would obscure scrutiny of clusters within the network in which no NGOs directly participate such as the Poor People's Alliance. Interviewees commented on the alleged willingness of some individuals to tell funders "this and that" in order to obtain financial resources.<sup>662</sup> Respondents also reported that financial resources are not always transparently or appropriately distributed.<sup>663</sup> Another research participant stated that the individual circumstances of many social movement activists can lead to "survivalist" opportunism.<sup>664</sup> Keeping this in mind, along with evidence put forward in the existing critical literature,<sup>665</sup> suggests that the politically responsible allocation of financial resources is an issue within the constituent movements of the Poor People's Alliance.

It may be that the responsible raising and allocation of financial resources is more important within groups such as the social movements which make up the Poor People's Alliance than it is between the Northern and Southern NGOs analysed by Jordan and Van Tuijl and by Hudson. This is because the social movements in the Poor People's Alliance are more severely under-resourced even than the formal

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<sup>659</sup> Twalo, personal interview.

<sup>660</sup> Miller, "A change in charity law for England and Wales".

<sup>661</sup> Hudson, "NGOs' transnational advocacy networks"; Jordan and Van Tuijl, "Political Responsibility in Transnational NGO Advocacy".

<sup>662</sup> Hendricks, personal interview.

<sup>663</sup> Ibid..

<sup>664</sup> Ashley, personal interview.

<sup>665</sup> E.g. Böhmke, "Ventriloquism, Fanon and the Social Movement Hustle"; Pointer, "Questioning the Representation of South Africa's 'New Social Movements'".

Southern NGOs Jordan and Van Tuijl and Hudson consider. This, coupled with the high degree of economic marginalisation and of unemployment amongst members of these movements, means that distribution of financial resources can have a much clearer impact upon individual movement members' wellbeing.<sup>666</sup> These factors exacerbate tensions over the use of resources and, consequently, draw attention to the importance of responsible allocation of financial resources.

Political responsibility in this area in a network such as the case study reflects that of transnational networks but is starker. Despite their relative lack of resources compared with Northern-based international NGOs, local Southern NGOs occupy a privileged position compared with social movements of the poor and marginalised. Within these movements, access to financial resources and the power to distribute these conveys a degree of privilege upon the power holding group or individual. The privileged position power over financial resources entails can be delimited by politically responsible allocation and distribution of these resources.

#### **(d) Information**

Information flow within and between these clusters, information frequency, format and translation impact upon the other areas of political responsibility as well as being considerations in themselves. In a highly politically responsible network it would be expected that imbalances in resources would be recognised. Similarly, the activities and agendas of network members would be discussed. Network-level decisions would be shared and, through equitable exchange of information, campaigning areas in line with the transparent goals of the network would be decided. Each of these areas requires information to be responsibly handled within the network. Several of the instances of the Poor People's Alliance and Housing Assembly clusters of actors failing to fully meet their political responsibilities identified above relate to these information-related issues.

Transparency is a key theme which links political responsibilities relating to information together. Interviewees from groups closely associated with the Poor People's Alliance reported distrust of the motives of NGOs and suspicion over how

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<sup>666</sup> E.g. Ashley, personal interview; Hendricks, personal interview; Twalo, personal interview; Heunis and Hoedemaker, personal interview; Friedman, "Beyond the fringe?".

resources are utilised.<sup>667</sup> In relation to improving the relationship between the Housing Assembly (especially the hub NGO ILRIG) and the actors associated with the Poor People's Alliance improved information flow and frequency may be necessary. Given the extent to which organisations in the Housing Assembly including ILRIG appear to meet their political responsibilities within the cluster it can be suggested that these organisations fail to usefully translate information for use by actors in the Poor People's Alliance. It is not the case that no social movements or community based organisations work with ILRIG in the Housing Assembly. Moreover, information sharing and effective translation appears to be present internally. There is not a fundamental difference in the kind of actor involved in the Poor People's Alliance as opposed to the Housing Assembly. The fact that research participants from ISIS indicated satisfaction with their relationship with ILRIG in the Housing Assembly serves to suggest that there is scope for Poor People's Alliance-affiliated groups such as the AEC to build a closer relationship with the Housing Assembly if information is more effectively managed between the two clusters.

Effective information exchange with the Poor People's Alliance is not, however, wholly the responsibility of the key actors within the Housing Assembly. Some of this political responsibility lies with the actors within the Poor People's Alliance. Information flow, frequency, format and translation are all two way processes. A key disconnect between the understandings of the case study network put forward by actors closely involved in the Poor People's Alliance and the Housing Assembly lies in the extent to which key actors within each cluster are successful in conveying their positions. Given the previously outlined similarity between the aims of the groups closely tied to both clusters, and the declared willingness of interviewees from both clusters to work with those with whom they share aims, on the face of it one might be surprised that there is not more and closer collaboration between the two clusters. Consideration of the clusters' information-related political responsibilities provides some explanation.

There is a disconnect evident between the positions articulated by groups closely linked to the Poor People's Alliance and groups closely linked to the Housing Assembly and how these are perceived. On the one hand, some research participants from social movements in the Poor People's Alliance expressed

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<sup>667</sup> E.g. Twalo, personal interview.



suspicion of the motives and efficacy of NGOs, including those connected to the Housing Assembly. On the other hand, interviewees from Housing Assembly-connected NGOs stated that they do not understand the position put forward by groups such as the AEC in relation to NGOs.<sup>668</sup> An interviewee from the AEC referred to what he described as the hijacking of the Social Movements Indaba by NGOs including ILRIG.<sup>669</sup> This event, in 2006, has been the source of much controversy and contestation.<sup>670</sup> It is, however, evident that the concerns of the social movements (including the AEC and Abahlali baseMjondolo) are not well understood by those to whom they are directed. The political responsibility of effective information exchange is not well met. On the part of the Poor People's Alliance-linked social movements there is an absence of effective explanation of the concerns and proposed means of mitigation to NGOs such as ILRIG. On the part of NGOs such as ILRIG there is evidently a lack of successful communication of their position to groups attached to the Poor People's Alliance. This is especially the case with regards to articulation of their goals, activities and the constraints upon them. The shared rhetorical commitments evident in interview responses from both clusters indicates that compatible communication of information between the two clusters is possible and could be improved.

#### **(e) Formalisation of relationships**

Within the Housing Assembly relationships are formalised to varying degrees. Overall the Housing Assembly has a chairperson, a formal relationship with SAMWU as providing a correspondence address and with ILRIG operating as a hub coordinating activities such as training for participants. Each participating organisation or individual outside of specific office holders, SAMWU and ILRIG is involved to a slightly less formal degree. Formal decision making processes exist within the Housing Assembly. However, interview responses indicate that the formalisation of the relationships within the Housing Assembly does not go as far as full organisational unity. Members of the Housing Assembly continue to act independently and, the research data suggests, there are few barriers to new

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<sup>668</sup> E.g. Blake, personal interview.

<sup>669</sup> Twalo, personal interview.

<sup>670</sup> E.g. Niren Tolsi, "On the far side of left," *Mail and Guardian*, December 8, 2006, <http://abahlali.org/node/454> [accessed June 15, 2013]; Western Cape Anti-Eviction Campaign, "On the SMI, from the Anti-Eviction Campaign." <http://abahlali.org/node/462> [accessed June 15, 2013].

organisations joining the Housing Assembly or current affiliates breaking their ties.<sup>671</sup>

The Poor People's Alliance is a relatively formal structure. There is a clearly defined membership – the four constituent social movements (the AEC, Abahlali baseMjondolo, LPM and the Rural Network). However, each of these groups does take part in individual action and the relationships the Poor People's Alliance have outside of its structures vary in their degree of formality. The degree to which the two clusters of the Housing Assembly and the Poor People's Alliance are formally associated within the network is more widely varied. As has been mentioned elsewhere, groups closely linked to the Poor People's Alliance (such as the AEC-affiliated Symphony Way Pavement Dwellers) and members of groups including the AEC and Abahlali baseMjondolo have taken part in Housing Assembly activities.<sup>672</sup> Direct and indirect ties between the two clusters are present but are not highly formalised.

Within the Poor People's Alliance cluster and the Housing Assembly cluster relationships are formal and transparent. However, when the broader network is considered, including the links between these two clusters, there is less formalisation. Whilst the political responsibilities framework formulated by Jordan and Van Tuijl suggests that increased formalisation of relationships necessarily increases the political responsibility of a network,<sup>673</sup> the reality of the case study network is more complicated than this. Earlier in the thesis it was pointed out that some commentators praise the informal nature of relationships within some networks. Flexibility and the alleged circumvention of top-down and hierarchical structures are seen as advantageous. As ever, the reality of the case study network is also more complicated than this.

The formalisation of relationships presents some risks which may in fact undermine the political responsibility of the network. A highly formalised cluster of actors which does not cooperate with, or actively excludes, other network actors would not be highly politically responsible. Conversely, informal relationships which facilitate decision making which is not transparent or the development of

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<sup>671</sup> Blake, personal interview; Jacobs, personal interview; Heunis and Hoedemaker, personal interview; SAMWU and Housing Assembly, "Memorandum of demands to the city of Cape Town Council"; Marsden, unpublished letter to Mario Jacobs and Mhlobo Gunguluzi.

<sup>672</sup> Blake, personal interview; Heunis and Hoedemaker, personal interview.

<sup>673</sup> Jordan and Van Tuijl, "Political Responsibility in Transnational NGO Advocacy".

power structures and hierarchies which obstruct participation and reduce transparency would also reduce the network's political responsibility. The case study network displays both of these tendencies to varying degrees. It is possible that the formal relationship with ILRIG (which membership of the Housing Assembly entails) limits the scope for greater formalisation of relationships between actors in the Housing Assembly and those in the Poor People's Alliance. This is due to the close formal ties between the members of the Poor People's Alliance and the position of some of these actors as critical of NGOs including ILRIG. On the other hand, it is simultaneously possible that the relationships that do exist between the two clusters are facilitated in part by the fact that greater formalisation is not strongly pursued. It would not be politically responsible for the Housing Assembly and Poor People's Alliance to abandon the less formal relationships between the clusters in order to further formalise the relationships within the clusters.

### **III: Transformative justice and political responsibilities of the network**

Applying the political responsibilities framework as it has been adapted in this thesis to the case study network sheds light on the potential for transformative justice in several ways. Those elements of the case study network which meet their political responsibilities to a high degree are engaged in praxis which contests the terrain upon which much of the transitional justice discourse is built. Politically responsible networked action requires better resourced, formalised and professionalised actors such as NGOs to engage with less formal grassroots activism, ideally with a high degree of cooperation between network actors and shared decision making. Consequently, politically responsible action in the case study network includes social movements and other actors whose approaches contrast with the elite-driven changes "at the top" which characterise transitional justice and the distorted mainstream approach to human rights.<sup>674</sup> Politically responsible action therefore allows space for more transformative approaches to be aired and attempted than is possible in networks which do not display a high degree of political responsibility. This is demonstrated through an analysis of the case study network's political responsibilities through the lens of transformative justice.

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<sup>674</sup> Daly, "Transformative Justice", 74; Stammers, *Human Rights and Social Movements*, 8.

This section applies the abovementioned areas of political responsibility to an analysis of key actors within the case study network including those which are outside of the Housing Assembly and Poor People's Alliance clusters. Analysis of these actors serves in part as a comparison to the political responsibilities analysis of the Poor People's Alliance and the Housing Assembly above. In part this section also serves to explain why the Poor People's Alliance and Housing Assembly clusters within the network are of particular interest for this research.

### **(a) Dividing political arenas**

Throughout the network as a whole the division of political arenas between actors varies widely. In addition to the political responsibility in this area of the Housing Assembly and Poor People's Alliance clusters discussed above, several other relationships within the network are worthy of consideration. It is particularly worthwhile highlighting the division of political arenas within the SDI-associated cluster of actors. Here familiar areas of action can be discerned. There is grassroots community mobilisation, policy and research work and formal engagement and negotiation with government and related authorities. The formal structures of the SDI-associated cluster (the secretariat, local federations of shack dwellers and local partner NGOs) define the roles of each element of the cluster clearly. Within the cluster at least there is a transparency and clarity over the arenas in which each node acts.<sup>675</sup> There is, however, some tension with regard to how the SDI-associated cluster's actions within these political arenas relate to the actions of other network nodes (such as those associated with the Housing Assembly and/or Poor People's Alliance) in the same political arenas.

It has already been noted that the cluster of actors associated with SDI does not have a great many, or strong, ties to other nodes in the network. In one respect this means that political responsibility is not well met. Jordan and Van Tuijl argue that "[r]ecognizing who has expertise and knowledge in which political arena and respecting the boundaries established by that expertise is the first necessary act of accountability in a joint NGO advocacy effort".<sup>676</sup> This is even more important when the network is not only made up of NGOs. In a network, such as the case study,

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<sup>675</sup> SDI Programme Officer, personal interview.

<sup>676</sup> Jordan and Van Tuijl, "Political Responsibility in Transnational NGO Advocacy", 2054.

containing grassroots and non-professionalised actors as well as NGOs it is particularly important that the political responsibility to recognise expertise and knowledge of particular political arenas and to respect the boundaries of action this implies is fulfilled. It is not clear that the SDI-associated cluster of actors fulfil this responsibility as fully as might be possible, or indeed as fully as the Poor People's Alliance and Housing Assembly-linked clusters discussed above. On the one hand SDI argues for bottom-up practice, with the shack dwellers' federations taking a lead role in shaping the activities of the cluster.<sup>677</sup> On the other hand, SDI has been criticised as promoting a top-down model of activism.<sup>678</sup> Leopold Podlashuc (who worked for SDI between 2003 and 2008),<sup>679</sup> for instance, argues that

it appears that SDI's success relied on tight control over the tactics of the grassroots locally, achieved through the disbursement of money to key leaders, who would then "look up" toward the coordinators, instead of "looking down" toward their constituency.<sup>680</sup>

These tensions also affect other political responsibilities. With regard to the division of political arenas, however, the lack of agreement over whether and how actors associated with SDI operate in the same political arenas as other network nodes suggests that this political responsibility is not fully met.

Some analysis of the role of DAG in the network with regard to dividing political arenas also has relevance here. Similarly to SDI, DAG does not have a large number of strong ties with the rest of the case study network. However, DAG's work within its own arena of expertise and with academic and government-based planners is balanced to some degree by their partnerships with community based organisations.<sup>681</sup> There is recognition of the different political arenas in which different actors operate. Though there has been some criticism of the nature of DAG's partnerships with community based organisations this impacts more upon other areas of political responsibility than on the division of political arenas.<sup>682</sup>

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<sup>677</sup> SDI Programme Officer, personal interview.

<sup>678</sup> E.g. Gibson, *Fanonian Practices in South Africa*, 13.

<sup>679</sup> Leopold Podlashuc, *The South African Homeless People's Federation: Interrogating the myth of participation*, Working Paper, African Centre for Citizenship and Democracy, (Cape Town: University of the Western Cape, 2011): 34.

<sup>680</sup> *Ibid.*, 21.

<sup>681</sup> Mchunu, personal interview; Development Action Group, written response to interview questions.

<sup>682</sup> E.g. Twalo, personal interview.

There are lessons for transformative justice which emerge from consideration of the division of political arenas in the case study network. Most significantly, the network includes action taken by network members in both elite spaces such as government and academia and at the grassroots. The extent to which this is coordinated varies across the network. Nevertheless, a transformative justice agenda requires change throughout society. Through network members' recognition of the importance of grassroots activism and through this action (largely) being undertaken by those groups and organisations recognised within the network as having a long term presence in the arena at least one of the necessary conditions for the pursuit of transformative justice is met (Chapter 3 discusses the necessary conditions for transformative justice in more detail).

### **(b) Agenda setting and strategy building**

Agenda setting and strategy building crosses over to some degree with the division of political arenas. Throughout the network it is the nodes with the strongest relationships with one another for which the political responsibilities regarding agenda setting and strategy building are most clearly met. It is also between strong ties that this responsibility might most obviously be unfulfilled, particularly, with regard to the need to manage risks. Those actors within the network which do not have many links to others are less likely to be in a position where it would be possible for them to put others at risk. However, a lack of involvement and influence over agendas by affected communities and grassroots actors would also indicate a failure to fully meet this responsibility.

DAG for instance operates largely according to its own agenda and does not maintain significant long term relationships with affected communities. Whilst this does mean that community participation in DAG's programmes does not entail a great deal of organisational or individual risk for participants it is also the case that these communities do not have a decisive role in setting DAG's agenda or deciding its strategic approach.<sup>683</sup> Whilst DAG's goals are relatively transparent and there may well be opportunity for DAG's partners to discuss the strategy being pursued, the space for strategies to be reviewed in accordance with the priorities of actors other than DAG itself do not seem to be present. In contrast, as discussed above, this

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<sup>683</sup> Ibid..

research indicates that there is greater scope for strategies to be shaped by affected communities through the clusters of actors associated with the Poor People's Alliance and the Housing Assembly.

Analysing the political responsibility of agenda setting and strategy building in the cluster of actors within the case study network associated with SDI is difficult. On the one hand, the narrative from official SDI sources would suggest that affected communities have significant influence over decision making and that the professionalised NGO elements of the cluster support the strategies put forward by shack dwellers themselves.<sup>684</sup> On the other hand, critics of SDI tend to argue almost the opposite. It is suggested in these narratives that SDI's strategies are not open for discussion or review by the affected communities and that shack dwellers are recruited to provide legitimacy for a pre-existing agenda imposed from the top down from international donors, government and intergovernmental partners to affected communities.<sup>685</sup> Gibson argues that

SDI is not a democratic organisation of shack dwellers but an elite organisation that works as a gate keeper with other NGOs and academic institutions (such as the Sustainability Institute at Stellenbosch University). Echoing World Bank "boot-strap" programmes for the poor, and the currently fashionable micro-financing programmes, their major initiative is to encourage micro-saving and credit schemes, which often pathologise the poor for their "inability" to save.<sup>686</sup>

What is uncontested is that SDI as an organisation is present in many countries and promotes a particular philosophy with regard to the roles of savings schemes and microcredit in facilitating development for shack dweller communities.<sup>687</sup> It is not then implausible to imagine that the structures present in the cluster of actors associated with SDI in the case study network might not be open to the pursuit of alternative strategies. Indeed, some existing research records significant organisational problems being caused within SDI's structures in Cape Town when

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<sup>684</sup> SDI Programme Officer, personal interview; Robins, *From Revolution to Rights in South Africa*, 77-99.

<sup>685</sup> Gibson, *Fanonian Practices in South Africa*, 13; Richard Pithouse, "Fidelity to Fanon," in *Living Fanon: Global Perspectives*, edited by Nigel C Gibson (New York: Palgrave Macmillan, 2011): 232; Podlashuc, *The South African Homeless People's Federation*.

<sup>686</sup> Gibson, *Fanonian Practices in South Africa*, 271.

<sup>687</sup> Robins, *From Revolution to Rights in South Africa*, 77-99.

shack dweller communities (organised in the South African Homeless People's Federation) did not conform to the NGO's desired model of organisation (and ultimately disaffiliated from SDI).<sup>688</sup> According to Podlashuc, "[a]ll the SDI's axioms of savings, exchange, social capital, transparency, and co-production came to nought in the free-for-all that erupted when the homeless savers realised the limitations of the system to which they had been contributing".<sup>689</sup> Moreover, he argues that during the period of this internal conflict

Repeated claims by the SDI Alliance of building community-driven actions for addressing need, giving women a primary role in community-based structures and creating space for the poor to control their own development, did not allow them to be financially independent. The refrain of the Alliance that they were giving finances and resources directly to the poor was not true; absolute financial autonomy, of the type of an independent not-for-profit company, would have meant the loss of strategic control over the movement. The autonomy that the Alliance spoke of should be seen as mere lip service to donors, who wanted to hear the narrative of social entrepreneurship.<sup>690</sup>

It has also been suggested that elsewhere in South Africa government insistence that organised shack dwellers must affiliate to SDI's structures in order to be considered legitimate led to the arrest and torture of Abahlali baseMjondolo members upon their refusal to comply with this demand.<sup>691</sup> Indeed, a rare point of agreement between the analyses of Richard Pithouse and Heinrich Böhmke is the shared view that SDI's approach is a bad one.<sup>692</sup>

Applying an analytical lens turned to transformative justice reveals several considerations around the setting of agendas and building of strategies within the case study network. In the pursuit of a transformative agenda it is necessary for affected communities to be involved in decision making. Indeed, given the prioritisation given by many victims of conflict and authoritarian regimes to socio-economic concerns such as those relating to land and housing, there is an imperative from a transformative justice perspective to take account of these views in the building of strategies and setting of agendas in networked action. Taking this into

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<sup>688</sup> Ibid.; Podlashuc, *The South African Homeless People's Federation*.

<sup>689</sup> Podlashuc, *The South African Homeless People's Federation*, 25.

<sup>690</sup> Ibid..

<sup>691</sup> Pithouse, "Fidelity to Fanon", 232.

<sup>692</sup> Ibid.; Böhmke, "The Branding of Social Movements in South Africa".



consideration, there is increased transformative potential in networked action which allows affected communities to contest the structures which facilitate and maintain their socio-economic conditions.

As well as the achievement of successful outcomes, the provision of processes by which these structures are contested is important for the pursuit of socio-economic rights.<sup>693</sup> Some of the most obvious achievements of actors within the case study network (particularly social movements associated with the Poor People's Alliance and the Housing Assembly) may be in addressing the immediate needs of their constituents, for example, through the successful prevention of evictions.<sup>694</sup> However, there are also wider achievements. According to Dale McKinley, these kinds of actors contribute to "placing mass struggles back onto the political and organisational 'agenda' of the left"<sup>695</sup> and to

providing critical opposition to both the ideas and practice of the neoliberal policies of the ANC government and contributing to a deepening of the class and ideological divisions with the ANC-led Alliance; and helping to create a renewed social, political, and moral consciousness and solidarity around the most basic needs of life, both domestically and internationally.<sup>696</sup>

Referring to Abahlali baseMjondolo's grassroots mobilisation and to the movement's engagement with law through partnering with NGOs such as SERI, Kate Tissington makes a similar point. She argues that "[c]hallenging the state's approach to development, highlighting the inequalities in South Africa's land and housing distribution, and mobilising for something different is an important step towards challenging the status quo and the current economic system".<sup>697</sup> As such, these processes are also important to the pursuit of transformative justice. Following this line of reasoning, it can be seen that the strategies of SDI within the case study network (and indeed those of DAG) have less of a role to play in promoting

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<sup>693</sup> E.g. Matilda Aberese Ako, Nana Akua Anyidoho and Gordon Crawford, "NGOs, Rights-Based Approaches and the Potential for Progressive Development in Local Contexts: Constraints and Challenges in Northern Ghana," *Journal of Human Rights Practice* 5, No. 1 (2013): 46-74.

<sup>694</sup> E.g. Legassick, personal interview.

<sup>695</sup> Dale T McKinley, "The Crisis of the Left in Contemporary South Africa," in *Contesting Transformation: Popular Resistance in Twenty-First-Century South Africa*, edited by Marcelle C Dawson and Luke Sinwell, (London: Pluto Press, 2012): 40.

<sup>696</sup> *Ibid.*.

<sup>697</sup> Kate Tissington, "'Tacticians in the Struggle for Change'? Exploring the Dynamics between Legal Organisations and Social Movements Engaged in Rights-Based Struggles in South Africa," in *Contesting Transformation: Popular Resistance in Twenty-First-Century South Africa*, edited by Marcelle C Dawson and Luke Sinwell, (London: Pluto Press, 2012): 214-215.

transformative justice than other elements of the network, particularly the Housing Assembly and Poor People's Alliance clusters.

Whether or not the cluster of actors associated with SDI in the case study network is characterised by bottom up agenda setting its strategies are inherently untransformative. Regardless of whether savings schemes and microcredit assist affected shack dweller communities they do not constitute, or meaningfully contribute towards, the radical change throughout society which transformative justice seeks.<sup>698</sup> It is not the case that this approach or working with the state, for instance, necessarily precludes the pursuit of transformative justice. However, these strategies take place within the existing framework set out by transitional elite bargains. Prioritising working with the state does preclude the pursuit of transformative justice when (as is the case in contemporary South Africa) this requires working within a paradigm which is untransformative. For instance, interviewees from the Poor People's Alliance cluster were critical of the government's housing subsidy and house building programmes. This was due to both the scope of the programmes (i.e. the number of houses made available) and the quality of the housing.<sup>699</sup> Moreover, interviewees did not suggest that the transitional justice mechanisms put in place after the end of apartheid had effectively addressed the housing and land rights issues with which they are concerned. Indeed, one interviewee (from the AEC) commented that the label of "previously disadvantaged people" is not helpful and that instead the poor and marginalised in his community, and involved with the Poor People's Alliance, should be referred to as "currently disadvantaged".<sup>700</sup> Working closely with the state requires a degree of acceptance of policies which many actors within the network view as inadequate. If the state were to actively pursue a transformative agenda (of the sort discussed in Chapter 3) then working closely with the state might contribute to transformative justice. Strategies such as savings schemes and microcredit on the other hand cannot in themselves be used to contest an untransformative paradigm.

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<sup>698</sup> Podlashuc, *The South African Homeless People's Federation*; Daly, "Transformative Justice"; Gready, Boesten, Crawford and Wilding, "Transformative Justice".

<sup>699</sup> E.g. Legassick, personal interview; Twalo, personal interview; Hendricks, personal interview.

<sup>700</sup> Twalo, personal interview.

### (c) Raising and allocating financial resources

The severe lack of some network members' financial resources and the implications of this have already been discussed above. This is worth reemphasising in light of the following considerations. First, there is tension evident between the refusal of financial support from NGOs and donor agencies perceived as seeking to buy influence by some social movements such as those affiliated with the Poor People's Alliance and the need to access resources in order to take effective action. This refusal of funding which is perceived as being tied to attempts to co-opt movements is on one level politically responsible. However, as previously outlined, the lack of resources itself (partly precipitated by refusals of funding) can indirectly lead to the undermining of political responsibilities. Second, there is a challenge to politically responsible action associated with the raising of financial resources from sources such as international philanthropic foundations. Jordan and Van Tuijl's conception of political responsibilities includes the need for financial resources to be separated from decision making power within networks. This can reasonably be extended further. For instance, SDI is funded by a variety of international donors, including the Bill and Melinda Gates Foundation.<sup>701</sup> Some criticism of SDI's approach has focused upon these sources of funding in relation to the comparative influence of resource-rich donors over strategies affecting poor shack dwellers.<sup>702</sup> Even if the raising of financial resources from these sources is genuinely divorced from decision making power there are challenges to politically responsible action. The Gates Foundation recently invested in G4S,<sup>703</sup> the very private security company which has been implicated in repression of and violence against shack dweller communities and actors involved in the case study network.<sup>704</sup> This is problematic.

From the point of view of transformative justice there are more questions raised than answers provided by this research with regard to the political responsibilities of the network over the raising and allocation of financial resources. In order to facilitate the primacy of affected communities in the setting of agendas

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<sup>701</sup> Shack/Slum Dwellers International, "Partners".

<sup>702</sup> E.g. Gibson, *Fanonian Practices in South Africa*, 271; Pithouse, "Fidelity to Fanon", 232.

<sup>703</sup> Nick Fletcher, "Bill Gates buys £110m stake in security group G4S," *The Guardian*, June 10, 2013, <http://www.guardian.co.uk/business/marketforceslive/2013/jun/10/bill-gates-stake-security-g4s?INTCMP=SRCH> [accessed June 12, 2013].

<sup>704</sup> E.g. Tony Roshan Samara, "Order and security in the city: producing race and policing neoliberal spaces in South Africa," *Ethnic and Racial Studies* 33, No. 4 (2010): 642-643.

and in the politically responsible division of action by network members between political arenas there is a need, from a transformative justice position, to separate decision making power from financial resources. If this political responsibility is not met then the exclusivity and elite nature of the transitions at the top which transformative justice seeks to go beyond are likely to be reproduced. Conversely, financial and other resources are a necessity for taking action. If the sources of funding which might be perceived as politically irresponsible are to be eschewed it is not always clear what the responsible alternative might be.

#### **(d) Information**

The thesis has previously highlighted the fact that ties within and between the Housing Assembly and Poor People's Alliance clusters of actors are the most common, strong and enduring links within the case study network. The discussion above indicates the importance of information related political responsibilities to these clusters, particularly with regard to the impact of responsibilities in this area upon meeting political responsibilities in other areas. Outside of the actors closely associated with these clusters use of information varies. It is for instance possible that within the SDI-associated cluster of actors internal information exchange is frequent and is articulated into useful forms. However, as the abovementioned debate over whether SDI is undemocratic and elite-oriented indicates, it is questionable whether there is equality and multi-directionality in the flow of information in the cluster. Moreover, the unresolved confusion which abounds with regard to the extent of Abahlali baseMjondolo's participation or non-participation in SDI's structures is indicative of a failure of the cluster to provide the transparency in information sharing which maximal political responsibility would require.<sup>705</sup> Many of the other actors in the case study network have relationships with other network nodes based on short term or narrow co-operation. For example, participants in DAG's workshops or the relationship the Legal Resources Centre has in providing legal support to other network members. As such, Jordan and Van Tuijl's model of political responsibilities surrounding information is not as easily applied to these actors as some of the other elements of political responsibility. As discussed in

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<sup>705</sup> E.g. Abahlali baseMjondolo, "Once Again the Name of Our Movement is Being Abused by the NGOs".

greater detail below, Jordan and Van Tuijl's formulation of these political responsibilities is based upon the assumption of a formalised, or at least relatively long term and campaign based, network. Elements of the case study network fit this description, particularly the main clusters of actors which are explored in this chapter and elsewhere in the thesis. However, outside these it is much more difficult to meaningfully explore the political responsibilities relating to information. In shorter term or more narrowly defined network relationships it is not necessarily the case that the absence of the modes and frequency of communication highlighted by Jordan and Van Tuijl would be an indication of failure to meet political responsibility.

In relation to transformative justice, political responsibilities of network members regarding information are of most relevance when considering the appropriate format and translation of, and equality of access to, information. The elite practices associated with the standard toolkit of transitional justice can only be challenged through transformative justice if this is open and accessible to non-elite actors. In the case study network this is evident to varying degrees. Responsibilities in this area are met and potentially underpin moves towards transformative justice in instances where affected communities and grassroots actors have access to and influence over network-relevant and network-produced information. For instance, the responses of research participants indicate that this is the case within the Housing Assembly cluster, though may be to a lesser extent between the Housing Assembly cluster and the Poor People's Alliance cluster.<sup>706</sup> Whereas, on the other hand, if the criticisms of the SDI model of organising are accepted, the responsibility is not as well met – and potential for pursuing transformative approaches are reduced – in this cluster.

#### **(e) Formalisation of relationships**

Outside of the Housing Assembly and Poor People's Alliance clusters the degree of formalisation of relationships between network nodes varies. As mentioned above, the model of political responsibilities proposed by Jordan and Van Tuijl, with formalised relationships seen as inherently more responsible, is not wholly adequate.

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<sup>706</sup> E.g. Heunis and Hoedemaker, personal interview; Hendricks, personal interview; Twalo, personal interview.

Transparency may be more important than formalisation itself. Moreover, formalisation of some relationships may undermine and preclude the development of politically responsible ties in other areas. For instance, the high degree of formalisation and apparent rigidity in the relationships between the SDI-associated actors in the network serves in part to close down opportunities for new or stronger partnerships to be built between these actors and others within the case study network.<sup>707</sup>

From the point of view of transformative justice the political responsibilities of the network relating to the formalisation of relationships need to be considered in light of the foci of transformative justice on inequalities and on holistic societal, rather than elite-oriented, change. This requires making some assessment with regard to whether relationships (formal or not) reflect transformative aims. Consequently, formalised relationships (and indeed less formal ties) are only politically responsible if they facilitate access to the mechanisms of change for affected communities and those at the grassroots and if they present a challenge to unequal outcomes and processes. Whilst this may be seen to be fulfilled to a greater extent within the Housing Assembly and Poor People's Alliance than in the interaction between these two clusters, it is less evident in the SDI-associated cluster. As discussed earlier, the formal partnership of the Housing Assembly provides means by which affected communities can articulate themselves and has undertaken activity contesting the dominance of established political elites.<sup>708</sup> Similarly, research participants indicated that the Poor People's Alliance and its formally constituent organisations provide a platform for affected communities' concerns to be raised and have had some success in challenging existing power.<sup>709</sup> Conversely, the cluster of actors associated with SDI has been criticised due to the perception in some quarters that its formalised relationships exclude the possibility of wider grassroots participation, particularly due to the commitment of SDI to working with government and other elite actors. Arguably, this takes place at the expense of transformative potential.

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<sup>707</sup> E.g. Abahlali baseMjondolo, "Once Again the Name of Our Movement is Being Abused by the NGOs".

<sup>708</sup> Heunis and Hoedemaker, personal interview.

<sup>709</sup> Twalo, personal interview.

#### **IV: Conclusion**

There are three main areas in which conclusions can be drawn based on the analysis discussed in this chapter. First, there are conclusions to do with the ways in which the framework of political responsibilities can usefully be developed and adapted in order for the framework to be applied to the case study network in particular and networks which do not conform to Jordan and Van Tuijl's assumptions in general. Second, there are conclusions made with regard to the extent to which the case study networks displays political responsibility, drawing upon the adaption of the political responsibilities framework put forward in the chapter. Third, conclusions are put forward regarding the synthesis of political responsibilities with transformative justice and, in particular, with regard to the role and potential for the case study network in the pursuit of a transformative agenda.

In relation to the political responsibilities framework it may be concluded that Jordan and Van Tuijl's approach contains important elements which are transferable to the analysis of the case study network, whilst also necessitating some adaption in order for this to be most useful. Specifically, it can be seen that whilst the political responsibilities framework in its original formulation is focused very much upon North-South networks consisting of NGOs the same issues are also present in the Southern, domestic network of social movements, trade unions and NGOs analysed in the case study. The importance placed in the framework on an analysis of the power dynamics present in networks due to inequalities in resources and access to information are particularly relevant, and may even be more significant in networks (such as the case study) where there are both well-resourced (or at least better resourced) professionalised actors and voluntary or informal grassroots actors present. On the other hand, some elements of the political responsibilities framework require development in order to be usefully applied to the case study network. In particular, the suggestion in the original formulation of the political responsibilities framework that increased formalisation of relationships in networks necessarily increases political responsibility may be questioned. From the analysis put forward in this chapter it is evident that the formalisation of relationships such as within the SDI-associated cluster of actors can undermine political responsibility. Instead it is concluded that transparency in relationships and the ability of network participants to

access information and resources, and to operate in appropriate political arenas, are more important factors to be measured when considering the political responsibilities of networks such as the case study.

Having applied the abovementioned developed version of Jordan and Van Tuijl's political responsibilities framework to the case study network several specific conclusions about the network can be drawn. The degree of political responsibility in the case study network varies between the various clusters of actors within the network and between the various other relationships evident in the network. It is clear that no relationships within the case study network meet the ideal-type benchmark of maximally politically responsible action. Nevertheless, there are areas within the network where a high degree of political responsibility is evident. In particular, in the areas of political responsibility that it was possible to investigate in this research project the Housing Assembly displays a high degree of political responsibility, especially within the cluster. The Poor People's Alliance cluster also displayed a higher degree of political responsibility than several of the other relationships present in the network. The main shortcoming in regard to the political responsibilities of these two clusters was in relation to the ties between the clusters, particularly in relation to information exchange. There may, however, be scope for this to be improved. Conversely, lower degrees of political responsibility are evident in other parts of the network. Given the status of the SDI-associated cluster of actors within the network as accounting for multiple links between several actors, and in some respects meeting elements of Jordan and Van Tuijl's conception of political responsibility, particular attention was paid to analysis of this cluster. It can be concluded that the SDI-linked cluster of actors does not display as high a level of political responsibility as the Poor People's Alliance or the Housing Assembly clusters. Principally this is because of the problematic nature of the raising and allocation of financial resources and the setting of agendas within the cluster. Furthermore, as has already been discussed, the degree to which relationships within the SDI-linked cluster are formalised serves in some ways to undermine political responsibility, despite Jordan and Van Tuijl's original suggestion that formalisation of relationships necessarily improves political responsibility.

Building upon the above conclusion regarding the relatively high degree of political responsibility evident in the Housing Assembly and Poor People's Alliance



clusters of actors, further conclusions may be made with regard to the potential for the advancement of transformative justice. This chapter highlights the potential synergy between politically responsible networked action and action which promotes transformative justice. This is especially the case in relation to the need for transformative approaches to integrate grassroots actors and perspectives outside of elite transitional spaces. As such, the actions of the Housing Assembly and Poor People's Alliance clusters of actors in particular are highlighted in the network as contributing to and having the potential to further transformative justice at least in terms of processes. This is as the more politically responsible action present in these clusters provides a means by which diverse actors, especially communities affected by socio-economic inequalities and structural violence, express themselves politically. These clusters within the network particularly contribute to a potentially transformative agenda in ways which other parts of the network, such as the SDI-associated cluster, do not due to their contestation of the terrain upon which conditions are built. For transformative justice to be effectively implemented wide-reaching change throughout much of society (not just the top) is necessary. The grassroots elements of the case study network, particularly within the two major clusters highlighted above, call for wide-reaching change. Through networked action which displays a comparatively high degree of political responsibility there is space for these calls to be articulated into practice within the network. In less politically responsible networked action there is not the space for these transformative calls to be expressed as easily and, moreover, there is not space for transformative action to be pursued in contravention of the agenda set by powerful or elite network partners. There are, however, areas in which the political responsibilities of the Poor People's Alliance and Housing Assembly clusters of actors might be improved, and as a consequence, there is scope for the pursuit of transformative justice to be improved within the case study network. The final conclusions of the thesis engage with lessons to be learned by and from the case study network as well as on recommendations drawn from the research project.

# Conclusion

## Part 1: Findings, conclusions and recommendations

### **I: Introduction**

This part of the thesis sets out the conclusions and recommendations drawn from the research project. There are theoretical, methodological and practical contributions to knowledge made. Nonetheless, there are limitations to this research project. Discussion of the boundaries of the scope of this research, reflection upon the research process and recommendations for future investigation are also included.

Based upon an exploration of the case study network, the thesis sought to address the following overarching question:

- Can transformative justice be advanced through networks of trade unions, social movements and NGOs in the global South?

This question is important for several reasons. First, a review of the literature reveals gaps with regard to investigation of advocacy and activist networks based primarily or solely on the global South. Second, there are gaps in the existing literature in relation to discussion of networks which are made up of actors other than NGOs. This is particularly the case with regard to discussion of networks which could be defined as human rights networks. Within the existing literature it is often the case that any discussion there is of diverse actors in advocacy networks (such as trade unions and social movements) frames these as part of labour networks or other framings which do not explicitly overlap with human rights and/or are discussed from the perspective of NGOs engaging with other actors in the human rights and transitional justice-oriented networks which much of the literature concentrates upon. This thesis takes a broader view of human rights and consequently a broader view of the networks which may be analysed in reference to human rights. Related to this, the main research question arises from the lack of a significant body of existing literature on transformative justice. In particular, transformative justice provides a framework through which it is possible to coherently analyse the networks identified as falling outside the focus of the existing literature due to their diverse composition, Southern location and issue focus on socio-economic concerns and other human rights and human rights-overlapping issues. However, the lack of existing literature

on the subject leads to the necessity in this research of asking what role the abovementioned actors might play in advancing the theory and practice of transformative justice.

Answering the main research question entails addressing several secondary questions:

- How do NGOs, trade unions and social movements currently engage with each other in networks?
  - Which actors participate in networks?
  - How do these actors' approaches to networks differ?
- What can be learned from the approaches of NGOs, trade unions and social movements in networks?
  - What risks and opportunities do these approaches present?

The study puts forward answers to each of these questions inasmuch as they apply to the thesis case study. The potential for future research is discussed further below. However, in relation to exploration of the case study network in particular the research objectives were:

1. To map participation in the case study network.
2. To analyse relationships within the case study network.
3. Evaluate the political responsibility of the case study network.
4. Synthesise conclusions addressing the research questions.
5. Create recommendations for research and practice.

Throughout this part of the thesis reference is made to the research questions and the specific research objectives addressed. Predominantly, research objectives 1 to 3 are achieved through the discussion put forward in Chapters 4 and 5. The findings of these chapters in relation to the overarching research questions are presented below. Furthermore, research objectives 4 and 5 are covered in this section of the thesis, first in relation to broad conclusions addressing the research question and then in the form of specific recommendations.

## **II: Summary of research findings and conclusions**

Here the findings of the research project are presented first. After this conclusions are put forward. The findings relate to research objectives 1 to 3 and the conclusions

to research objective 4. Recommendations, addressing research objective 5, are presented further below.

#### **(a) Map participation in the case study network**

In mapping participation in the case study network several findings were made. Social movements, trade unions and NGOs do interact both directly and indirectly in the network. Particular clusters of actors within the network are also identifiable, particularly around the Housing Assembly, Poor People's Alliance and SDI. More importantly, however, it is evident from the mapping process that the case study network is not in a meaningful sense a transnational advocacy network. This brings some of the literature on networks and collective action into question. As identified earlier in the thesis, much of the literature assumes that networks are transnational and that analysis of transnational networks can easily be applied to domestic networks. This research suggests that this is partially true. However, there are features of transnational networks discussed at length in the existing literature which cannot be identified in the case study network. The boomerang effect and spiral process, for instance, is not present in the network. Transnational links are necessary for these processes to occur in the manner described in the literature.

The above findings lead to the conclusion that the tools put forward for the analysis of networks in the existing literature (focused on transnational advocacy networks) are not wholly adequate. There is reason to believe that in at least some key ways domestic networks (particularly those based in the global South) behave differently and should be considered distinctly from transnational networks. Given the inadequacy of the existing analytical tools for use on domestic networks the study further posits that evaluation of and recommendation for the practice of domestic networks also need to be distinct.

#### **(b) Analyse relationships within the case study network**

The relationships within the case study network display a variety of characteristics. Elements of the network involve highly formalised ties between nodes. For instance, the cluster of actors associated with SDI has a clear structure and format and the Housing Assembly is based at its core on a formal structure and a formalised relationship between SAMWU, ILRIG and other participants. Other elements of the

network involve much less formal interaction. Moreover, relationships between the network nodes vary in the extent to which they are long-lasting, based on organisational or individual ties and with regard to whether there are direct relationships. One of the key findings of this research is that increased formalisation of relationships in networks may not always be desirable. It was found that there are opportunities associated with relationships which are not highly formalised. Transparency of relationships was found to be more important. Findings relating to this are discussed further below.

Another key finding centres on the importance of informal relationships and ties based on individual (rather than organisational) relationships to strengthening networks. Informal relationships present opportunities for a network as a whole to be strengthened where highly formalised relationships in some instances close down the scope for increased collaboration and wide participation in network action.

### **(c) Evaluate political responsibility of the case study network**

The analysis of the relationships present in the case study network leads directly on to the evaluation of the political responsibility of the network. Findings in this area are threefold. First, the research brought to the forefront the use of a political responsibilities analysis as a means of analysing the potential for transformative justice in networks. This is because the aspects of transformative justice this research project is primarily concerned with are those relating to the process of action. It is possible to synthesise the political responsibilities analysis with consideration of the processes which contribute to transformative justice. This is particularly the case when attention is paid to the scope for grassroots participation in action involving affected communities and the space (or absence of space) for elite practices and dominant policy paradigms to be contested, challenged or altered. More politically responsible action provides more transformative potential. An analysis of political responsibilities can usefully be applied to actors working in contexts where transformative justice might be pursued. This analysis can illuminate the potential for and limits of transformative processes in particular and may underpin analysis of the scope for successful transformative outcomes and how these might be pursued.

Second, it is important that this research found that it is necessary to adapt the political responsibility framework in order for it to meaningfully be applied to

networks, such as the case study, which include trade unions and social movements rather than just NGOs. The political responsibility framework was, for instance, adapted to place greater emphasis on the transparency of network relationships as an indicator of responsibility rather than on formalisation. This was instrumental in producing findings regarding the varying degrees of responsibility displayed in the relationships within and between the clusters and nodes which make up the network. This is important as a nuanced view of politically responsible network relationships opens up a wider range of possibilities for action than an application of the original framework without adaptation would imply. It is not simply the case that formal relationships are better. Recognition of this by actors pursuing network relationships (and those who study them) allows greater attention to be paid to analysing what is in practice good or bad about an existing or proposed relationship.

Third, taking the adaptation of the political responsibility framework into account, it was found that throughout the network varying degrees of political responsibility are present. The most politically responsible relationships in the network were those between clusters of actors which maintained a degree of flexibility in the relationships they engaged in. Not all the relationships within (and between) these clusters were highly formalised. However, the degree of transparency as well as other factors such as the extent to which grassroots actors can access the clusters indicated that these were more politically responsible than other elements of the network. This leads to the wider transferable lesson for actors engaging in networks that reflection upon the nature of their ties to other actors and a willingness to pursue different characters of links with different partners can be fruitful. Indeed, as previously mentioned, a higher degree of formalisation of relationships (such as that evident in the SDI-associated cluster within the case study network) can at times lead to less politically responsible relationships. The nature of formal relationships can limit the extent to which narratives alternate to those endorsed by dominant network actors are able to be articulated and can prevent the broadening of participation in the network by excluding involvement of groups which are unwilling or unable to commit to working in relatively narrowly defined, formal structures.

### **III: Conclusions and recommendations**

In addressing research objective 4 several specific conclusions can be made based on the research study. The overarching research question asked whether transformative justice can be advanced through networks of trade unions, social movements and NGOs in the global South. Based on this case study, broadly, the answer to the main research question is that networks including trade unions, social movements and NGOs can advance transformative justice. The specific conclusions of the research project in relation to this overarching question and the secondary questions are addressed below.

Following the conclusions, recommendations for practice are put forward in this section. These are based upon the conclusions reached in answer to the thesis research questions and contribute in part to addressing research objective 5, to create recommendations for research and practice. The recommendations for research are outlined further below, following a discussion of the contribution made by and limitations of this study. Here recommendations for practice concentrate on issues relating to the improving of communication, building upon individual relationships and increasing transparency within the network.

#### **(a) Processes of transformative justice**

Transformative justice is concerned with both processes and outcomes. However, with regard to the contribution that could be made by networks of trade unions, social movements and NGOs, this research makes specific conclusions mainly in relation to the processes of transformative justice. These largely come out of consideration of the political responsibilities of actors within the case study network and the identification of the opportunities these network relationships present. In particular processes of transformative justice which networks can contribute to are those relating to contesting the social, economic and political status quo and those relating to facilitating the involvement of affected communities.

Importantly, transformative justice is concerned (in part) with remedying structural violence. Transformative justice also necessitates the involvement of affected communities and grassroots actors. In both these areas it can be concluded from the case study research that networks of trade unions, social movements and

NGOs in the global South contribute to the pursuit of transformative justice. Elements of the case study network explicitly challenge the structures which facilitate unequal access to land and housing and which lead to evictions. Challenges of this sort are necessary for a transformative approach. Indeed it is arguable that more generally for “rights-based approaches... to be progressive, then a vigorous opposition to prevailing neoliberal ideology is required”.<sup>710</sup> The research did, however, also find that the extent to which this structural violence is challenged (and consequently the extent to which transformative justice is pursued) varied within the case study network. Some parts of the network do not significantly challenge the existing paradigms which facilitate structural violence. These actors contribute less to transformative justice than those which enable overarching conditions and the root causes of these to be questioned and challenged.

The above conclusion leads on to several related further conclusions which also shed light on the research questions. These are particularly in relation to the research questions asking how NGOs, trade unions and social movements currently engage with each other and asking what can be learned from the approaches of NGOs, trade unions and social movements in networks. First, as already highlighted, the positioning of the actors concerned with regard to opposing or maintaining the structural status quo matters. The processes through which actors within the case study network challenge evictions and advocate housing rights impact upon the relationships they have with other network members and upon the scope for transformative outcomes to be achieved. The willingness to engage in contentious politics and overt criticism of the state varied in the case study network. In regard to pursuing transformative justice, network actors which provide a platform for the concerns of affected communities to be addressed – which may include by more contentious tactics – contribute more to transformative processes. There is a need for decision making processes and campaigning strategies to be open to the grassroots, particularly affected communities and network members who are otherwise less well-resourced or less powerful on the face of it. Consequently, a degree of openness to the preferred approaches of affected communities is indicative of a network relationship with greater potential for contributing to transformative justice. Opening

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<sup>710</sup> Aberese Ako, Akua Anyidoho and Crawford, “NGOs, Rights-Based Approaches and the Potential for Progressive Development in Local Contexts”, 69.



up of decision making processes supports the challenging of structures and established practices which facilitate structural violence. Network relationships built around action which opposes the status quo in regard to (in this case study) the implementation of land and housing rights encourage further ties with and wider participation of affected communities disadvantaged by the existing paradigm. In networks processes which advance transformative justice are mutually reinforcing.

### **(b) Outcomes and resources**

It is difficult to overemphasise the extent to which social movements and community based organisations (and to some extent the NGOs and trade unions) in the case study network are under-resourced. Moreover, this is not a unique state of affairs.<sup>711</sup> This has a severe impact on the action a network can take. The limit on action entailed by a severe lack of resources available to a network impacts upon the extent to which the network contributes to transformative justice outcomes in and of itself. Moreover, the case study shows that the lack of resources available to grassroots actors can also be partially reproduced in the more professionalised sections of a network. This is especially the case when financial resources available to NGOs (particularly local Southern NGOs) but tied to specific uses are also considered. Conflicts over use of resources, especially financial resources, also represent one of the most significant threats to the effective continuation of relationships in networks.

With regard to enacting transformative outcomes, resources are extremely important. This is both in terms of the range of actions which may contribute to transformative outcomes available to be pursued and in terms of the processes by which distribution and use of resources within a network can contribute to transformative outcomes. In relation to the former, it can be concluded that access to resources influences a network's ability to take action across a wide geographic area and in particular political arenas. For instance, the lack of international links in the case study network is in part due to the lack of resources available for network members to build and sustain these links. This means that strategies of the sort highlighted in much of the literature on transnational advocacy networks do not apply. The boomerang effect is not possible. The spiral process is not available. Change at the levels of global governments and intergovernmental organisations are

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<sup>711</sup> Ibid., 54-55.

not available. In relation to the processes of distribution and use of resources it can be concluded that where control of resources is dominated by a small part of a network without access and meaningful oversight from other network participants the potential for transformative outcomes is reduced. This is for two principal reasons. Conflicts over resource use and distribution can lead to the breaking up of network relationships. Control of resources by actors pursuing less transformative goals can lead to the exclusion of other options from the realm of possible courses of action.

Despite the severe lack of resources in the case study network and the limiting effect this has on enacting transformative outcomes, there is good reason for believing that the case study network achieves a degree of success. The sustained presence of the case study network and its constituent actors over a significant period of time allows the abovementioned processes of transformative justice to take place with regard to articulating the concerns of affected communities. This is in itself a success. The actors associated with the case study network may not, for instance, be an effective opposition to ANC domination when it comes to the likelihood of a change in government. However, even the successful articulation of rhetorical opposition to dominant narratives is an important step. Moreover, individual, (on the face of it) isolated and piecemeal achievements by the case study network and actors within it, such as preventing specific evictions, mobilising protest action, successful legal cases (especially the defeat of the Slums Act in a case brought by Abahlali baseMjondolo in Durban) and direct negotiation with politicians, each contribute towards transformative outcomes, even if only in a small way.<sup>712</sup> In themselves these successful outcomes do not constitute the outright achievement of transformative justice. They may, however, contribute towards it. Taking these achievements together, and in the context of other networks contesting the same terrain and achieving similar piecemeal successes, leads to the conclusion that, despite not being ideal, action taken by the network works.<sup>713</sup> It is likely that if the actors which make up the case study network had access to greater resources, including the strategies which become available through close partnerships with powerful or better resourced

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<sup>712</sup> Legassick, personal interview; Heunis and Hoedemaker, personal interview; Jacobs, personal interview; Tissington, “‘Tacticians in the Struggle for Change?’”.

<sup>713</sup> Peter Alexander and Peter Pfaffe, “Social Relationships to the Means and Ends of Protest in South Africa’s Ongoing Rebellion of the Poor: The Balfour Insurrections,” *Social Movement Studies* (2013).

international actors, that there would be more scope for the achievement of transformative outcomes. Nevertheless, these outcomes are not entirely precluded by the reality of the network's circumstances.

### **(c) Political responsibility and transformative justice**

It has already been noted that elements within networks which display a high degree of political responsibility are better able to contribute to transformative justice. The crucial influence of access to resources on action taken by networks is impacted upon by the extent to which network relationships are politically responsible. Regardless of the amount of resources available, the separation of financial resources from decision making power is one of the fundamental aspects of politically responsible networked action. Elements within the case study network where the allocation of financial resources and decision making processes are transparent demonstrate greater scope for the pursuit of transformative justice. Where it is not clear that resources are used responsibly and, relatedly, when it is not evident that decision making processes are accessible to individual network members and affected communities, the potential for transformative justice is undermined.

In addition to the responsible distribution of financial resources and the transparency of decision making processes, the degree to which networks meet political responsibilities relating to information and communication impact upon how the research questions are answered. The extent to which affected communities are able to articulate their views and engage meaningfully in action is at times limited in the case study network by a lack of successful communication between network nodes. It is possible for there to be a high degree of commonality in the analyses of two or more actors but strong ties between them to be hampered by difficulties the actors face in making themselves fully understood by their counterparts. Based on the case study it is possible to conclude that improved communications and access to information within the network would allow for more effective collaboration. More significantly, it was evident that there is a degree of pay off which comes with perseverance in seeking common ground and means of effective communication between disparate actors. More effective collaboration between network clusters facilitates the transformative justice processes discussed further above. Actors in networks are able to engage in more and better collaboration

through developing and nurturing links as they emerge. The case study highlighted the importance of some ties between network nodes being based upon relationships between individuals. This provides one way by which organisational barriers to collaboration in networks can be overcome and communication between actors can be facilitated. The case study suggests that actors which are more insular, and do not persevere in building links (even if these are initially fragile), display less political responsibility and contribute less to transformative justice.

#### **(d) Improving communication**

Participants in networks should take steps to develop and improve communication and the dissemination of information amongst those with whom they have existing relationships and those with whom relationships may be sought in the future. In particular, efforts should be made to explain appropriately and in detail the reasons behind strategic decisions and to explain structural and other limitations on action. It was identified earlier in the thesis that in the case study network the Housing Assembly cluster of actors and the Poor People's Alliance cluster of actors share many of the same goals and rhetorical commitments. There appears, however, to at times be a state of confusion with regard to the actors which make up these clusters understanding each other's positions. This confusion has been identified as limiting the extent to which these two clusters have been able to forge links with each other and, as a consequence, limits the extent to which the case study network as whole is effective.

In practice, this recommendation means that more professionalised and comparatively well-resourced network members such as NGOs and trade unions should be clear in their interactions with grassroots organisations and non-professional social movements what their approach is and why, and about what the legal, financial or other constraints there are on the action they take. This means explaining when and why funds can be used for specific purposes only. It also means engaging in open discussion with partners and potential partners about proposed strategies and putting forward detailed defences of these.

This recommendation also has particular implications for actors such as grassroots community based organisations and non-professional social movements in the network. These groups and organisations should on the one hand be prepared to

actively discuss their own analyses and proposed strategies, providing explanation for the courses of action preferred and defences of the positions taken. On the other hand, these groups and organisations should also be prepared to listen and receive communication. For communication and information sharing to be improved there has to be a multifaceted dialogue.

Both professionalised organisations and grassroots actors should be prepared to engage in discussion with one another with a view to gaining better understanding of the convergences and tensions in their positions. In the case study network for instance, if communication was improved between the social movements which make up the Poor People's Alliance and the various groups and organisations which make up the Housing Assembly, the case study network would be strengthened. A stronger and more unified network is better able to take action.

#### **(e) Building on individual relationships**

It was noted earlier on that one of the key opportunities for strengthening the case study network comes from an exploration of the relationships which tie network nodes at an individual rather than an organisational level. It was also noted that the influence of individuals can lead to the breaking down of network relationships and the failure to fully live up to political responsibilities. In order to reduce this risk as much as possible and in order to maximise the opportunities individual relationships represent the following recommendation is made. Networks (and the actors which make them up) should recognise and actively reflect on the importance of individuals to establishing (or destabilising) relationships. Groups and organisations within networks or seeking to establish networks should develop their existing ties with individuals associated with organisations which they are not already formally partnered with. This is not an outright replacement for organisational relationships. However, particularly in the event of organisational scepticism of a mooted relationship on behalf of one party, links to individuals and the development of these offers a means by which some form of collaboration may still be pursued. Indeed, it may be possible to establish better communication channels and shared understandings in this manner. Moreover, if successful, individual relationships can contribute to the establishment of closer organisational relationships which otherwise it might not be possible to establish.

In building these relationships emphasis should be placed upon exploring the common ground which exists between actors. Moreover, the possibility of coming to mutually acceptable positions regarding analysis and strategy should be explored as a priority in building relationships. Similarly, any scope for developing greater links in formal – or at least transparent – organisational relationships should be discussed and explored with any individuals with whom it is possible to build relationships between formally disparate actors. Indeed, it is worth noting that this research did reveal collaboration between apparently disparate actors in the case study network, that this collaboration can be positive in terms of the politically responsible pursuit of transformative justice and that it could be built upon. Specifically, the discussion in Chapters 4 and 5 highlights the relationships which exist between the Poor People’s Alliance and Housing Assembly clusters. These include relationships between social movements such as the (Poor People’s Alliance-affiliated) AEC (which have at times expressed antagonism towards NGOs and COSATU-affiliated unions) and Housing Assembly-linked actors such as the NGO ILRIG and the (COSATU-affiliated) trade union SAMWU.

**(f) Increasing transparency**

It has already been noted that transparency in relationships may be a more useful measure of a network’s political responsibility than formalisation of relationships. The importance for transformative justice processes of clear means by which affected communities can articulate their concerns and interrogate or contest established approaches has also been highlighted. With this in mind it is recommended that network members strive to increase and maintain transparency in their relationships and actions.

Increasing transparency has several aspects. With regard to network relationships, important areas where transparency could usefully be increased based on the case study findings are in relation to the extent and scope of partnerships. In practice this particularly relates to the ways in which network nodes frame their commitments to one another in terms of time, resources and the limits of action. Some relationships within the case study network, such as those between social movements and organisations which provide legal support, are clearly limited in their scope. Other relationships appear broader. However, critical risks are apparent

in cases where relationships fail to live up to one or more parties' expectations and understandings of the partnership. Groups and organisations in the network need to be clear about what it is they are able to offer each other. This means that network nodes should take steps to ensure they are open in identifying the ways in which it is possible to work together and should identify limits to this work. For instance, areas where it is not possible to work together due to commitments to other partners, limits placed upon the use of financial resources or due to a lack of resources should be identified and discussed inasmuch as it is possible to do so.

With regard to processes of network action key areas where transparency could usefully be increased relate to decision making, resource distribution and accountability. Major criticisms of both the professionalised actors and grassroots movements involved in the case study network revolve around the perceptions of some that decision making by these actors is not accountable to those affected or that the distribution of resources (especially financial resources) is arbitrary, unfair or on some level corrupt. Increasing and maintaining transparency in these processes would address this problem to some extent. In particular, those criticisms which stem from the abovementioned lack of effective communication and information sharing between network members might also be addressed in part through increased transparency in the processes of taking action. It is recommended that network participants ensure that decision making processes and the reasoning behind strategic decisions and distribution of resources are clear to network participants and open to scrutiny by those affected. In instances where this exists already in a network to some degree care should be taken to maintain and to promote transparency. Where it is absent steps should be taken by individual network nodes and their partners to develop transparency further.

## **Part 2: Importance of the study**

### **I: Contribution to knowledge**

This study makes contributions to theory, methodology and practice. Whilst there are limitations to the research (discussed below), some important developments are made by this study. Principally these relate to the theorising of transformative

justice, to the application of a range of methods and analytical frameworks to the case study and to the practical implications of the findings.

### **(a) Theory**

Transformative justice is a relatively young concept and is under-theorised. This study synthesised and applied a concept of transformative justice which develops the existing literature in the area. Key to this concept is that transformative justice is separate to transitional justice. Whilst the two may overlap at times, with transitional justice mechanisms contributing to transformative outcomes, this study developed the idea that transformative justice requires a separate toolkit and a different focus to transitional justice. In proposing areas upon which transformative justice should focus and in discussing elements of a possible transformative justice toolkit, the research highlights the importance of processes – as well as outcomes – to the pursuit of transformative justice. This has implications (discussed in more detail below) for how future research on transformative justice might be carried out and regarding the phenomena with which future research on transformative justice might be concerned.

### **(b) Methodology**

Methodologically the study builds upon and combines existing approaches. Importantly, the thesis makes use of tools adapted from social network analysis and applies these to the advocacy network which makes up the case study. This is a new contribution in the sense that sociological methods typically applied to individual social relationships are applied to organisational networks typically analysed from the perspective of comparative politics or international relations. Furthermore, the thesis adapts and applies a political responsibilities analysis. This builds upon the existing framework for analysing advocacy networks but contributes new insight by developing the analytical tools so that they can more appropriately be applied to the kind of network (domestic, not just made up of NGOs) explored in the case study. In these two ways the study adds to the range of methods used to investigate and analyse advocacy and activist networks.



### **(c) Practice**

Practical contributions of this study mostly come out of the recommendations for practice detailed above. In particular, attention should be drawn to the importance of transparency (not necessarily formalisation) of network relationships. This adds nuance to the existing literature on networks, which often proposes formal relationships as inherently more desirable than less formal ties. The study also produces knowledge with practical implications in relation to the findings that groups within the case study network which at times appear antagonistic towards one another share many of the same aims and rhetorical commitments, and in relation to the recommendation that those ties between these elements of the network which do exist (largely based on relationships with individuals) should be developed. If these recommendations were to be followed there would be an impact upon the practice of individual actors within the case study network and on the case study network as a whole.

## **II: Reflection and limitations of research**

There are many things this study does not do. There are also limitations on what the study does achieve. Limitations are principally in relation to the overall scope of the research project, the methodological approach and gaps in the data collected.

### **(a) Scope of the research project**

The research project set out to explore the relationships between and approaches of NGOs, trade unions and social movements in the case study network and apply this to the research questions. Consequently, the study concentrates upon the ways in which different organisations and groups work together or do not work together, rather than on questions about the effectiveness or impact of their work. Issues such as the extent to which the state is influenced by actors in the case study network are largely outside the scope of this study. Questions surrounding the extent to which material outcomes are influenced by the action of the case study network also fall outside the remit of this study for the most part. For these reasons it is not possible to draw wide reaching conclusions or to make recommendations about the ways in which land and housing rights should be implemented or about the extent to which

the network contributes to transformative outcomes. These areas would be better explored through separate research projects designed specifically for the purpose.

### **(b) Methodological approach**

A defence of case study research in general is put forward in the Appendix and a justification of the specific case study selection is provided in the introductory section of the thesis. Nevertheless there are things that cannot be learned from the case study. It is not, for instance, possible to gain insight into the particularities of groups and organisations involved in action outside of the relatively narrow case study network. The focus of the study on actors in the urban Western Cape excludes the possibility of gaining significant knowledge of other actors such as those engaged in similar action in other areas of South Africa. The case study does demonstrate some important transferable lessons and it is possible to generalise in some ways from this. For example, it is useful to observe that domestic advocacy networks of this sort exist and it is not unreasonable to suggest that some of the challenges encountered by this network and some of the means of overcoming these challenges might also be applicable to other networks. In the specific detail, however, it is not possible to know with any certainty exactly what the character of relationships in other networks is or exactly what practical issues might emerge. This is one reason why the political responsibilities analytical framework is of use. The same framework may be applied to different case studies in order to produce an analysis based on the same points of reference and in this sense may be used to propose means of overcoming challenges which are framed in consistent terms.

### **(c) Gaps in the data**

There are necessarily some gaps in the data, especially primary data collected through interviews in the field. Data collection was limited by practical concerns including the limited available time in which to conduct fieldwork and the problem of reliably making contact with potential research participants. In addition to this there are gaps in the data due to the emergence of some themes and points of interest in the research after substantive data collection had taken place, or after key research participants had been interviewed and without the available option of conducting multiple interviews, and due to some interview responses lacking detail in areas

which might have been useful for the research project. It is not, for example, possible to gain a full picture of the political responsibilities of the case study network due to some areas not having been discussed in any detail by research participants.

The study relies upon interviews with fifteen key informants conducted in 2012. These informants are all leaders, practitioners, activists or staff members at groups and organisations involved in the case study network. As such these interviewees were well placed to discuss their organisations' ties to other groups, their strategies and their analytical positions. In addition to these, a further six interviews with activists, practitioners and academic commentators conducted in 2010 (originally for the MA research which preceded this doctoral study) are drawn upon. If the same research were to be repeated or incorporated into a larger study it could be worthwhile conducting additional interviews with existing and new research participants in an attempt to gain a clearer understanding of the details which this project was unable to collect. Nevertheless, this project did succeed in collecting rich data on the key areas discussed in the thesis. Data saturation was reached relatively early on in the data collection process.<sup>714</sup> On the one hand some areas, which are focused upon in the thesis, were revealed with relative ease by the research. On the other hand, areas about which there are gaps in the data collected represent issues which it is more difficult to illuminate through the research process used. A repeat of the study, or further research building upon it, might seek to specifically address these gaps in its research design and data collection.

### **III: Further research**

In a sense the limitations of this research project imply areas where further research could be carried out. Broadly, two main areas for further research emerge from this thesis. These are research on transformative justice, particularly in relation to tools for promoting transformative outcomes, and research on networks, particularly comparative study of domestic networks.

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<sup>714</sup> Sarah Elsie Baker and Rosalind Edwards, *How many qualitative interviews is enough? Expert voices and early career reflections on sampling and cases in qualitative research*, Review Paper, National Centre for Research Methods, (Southampton: Economic and Social Research Council, 2012).

### **(a) Transformative justice**

This study concentrated on the processes of transformative justice. This is important and further research could be carried out exploring means by which affected communities' contestation and challenging of structural violence might be facilitated. However, given this research project does not significantly investigate the specifics of how transformative justice outcomes might be promoted, this may be a more crucial area into which further research may be needed. An important question raised by this research is regarding the tools which could be used to promote transformative justice. If transformative justice is separate to transitional justice (as this thesis argues) then there is a need to develop separate toolkit for promoting transformative justice. Future research in this area might concern itself with asking what policies, programmes and methods in the governmental, nongovernmental or intergovernmental spheres might be created or adapted to promote transformative outcomes.

### **(b) Networks**

Based on this research project's analysis of the existing literature on advocacy networks it is clear there is a gap with regard to discussion of domestic networks. This thesis contributes to filling this gap. However, further questions are raised which could form the basis of further research building upon this study. There is for instance, a question raised by this research project about the political responsibilities of network members. This is particularly in relation to how responsibilities may be improved and, especially in the context of pursuing transformative justice, whether there is a means by which the appropriateness or otherwise of network members' relationships with the state, state-aligned actors or the interests of powerful actors separate to the grassroots and affected communities might be assessed. This thesis concluded that networks of trade unions, NGOs and social movements can contribute to advancing transformative justice. Future research could focus in greater detail on the barriers to advancing transformative justice, including within networks. It would be worthwhile conducting research into instances where network action of this sort does not contribute to transformative justice. Similarly, comparative study of other networks would further shed light on the ways in which networks (especially

domestic networks) operate and whether it might be possible to improve their praxis to further contribute to transformative justice.

# Appendix

## Part 1: Methodological and ethical issues

### **I: Introduction**

Early on in the thesis it is mentioned that this project focuses on a case study of the South African landless people's rights network. Here three aspects of the research methods and approach being used are explained in greater detail than that provided in the Introduction section of the thesis. First, attention is paid to the theory of case study research. This seeks to explain what case study research is, what it can do and what the limits of case study research are. Attention is also briefly paid to the overall theoretical approach this research takes and how this relates to the methodological choice of case study research as the research strategy for this project. Next this part of the thesis moves on to a discussion of the specific case study of this project, explaining what information is sought by this research and why case study research is appropriate for this. Third, the tools and methods used to collect data in the case study are discussed. Finally, some of the key ethical issues which were encountered in the research project are explored.

### **II: Case study research**

Case study research is not in itself a methodological choice as such. The actual methods of data collection, the kinds of data collected and the means by which data are analysed are not determined by the decision to carry out a case study.<sup>715</sup> The methods and analytical frameworks employed in this research are discussed in more detail elsewhere. Here it should be noted that a case study is “not so much... a methodological choice as a choice of what is to be studied”.<sup>716</sup>

There are two key aspects of “what is to be studied” in a case study. Using Gary Thomas's definition, there is a “*subject* of the case study” and an “*object* of the case study” (emphases in original).<sup>717</sup> The subject of the case study comprises what

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<sup>715</sup> Gary Thomas, “A Typology for the Case Study in Social Science Following a Review of Definition, Discourse, and Structure,” *Qualitative Inquiry* 17, No. 6 (2011): 511-521.

<sup>716</sup> Bent Flyvbjerg, “Case Study,” in *The Sage Handbook of Qualitative Research* 4<sup>th</sup> Edition, edited by Norman K Denzin and Yvonna S Lincoln (Thousand Oaks: Sage, 2011): 301.

<sup>717</sup> Thomas, “A Typology for the Case Study in Social Science”, 513.

Thomas, borrowing from Michel Wieviorka's definition of a "case",<sup>718</sup> calls a "practical, historical unity".<sup>719</sup> This is a specific, identifiable, time-bound "instance of a class of phenomena" such as "persons, events, decisions, periods, projects, policies, institutions, or other systems".<sup>720</sup> The object of the case study is the "analytical or theoretical frame" which the "class of phenomena" provides. The study is conducted within the object and the case (subject) "illuminates and explicates" the object.<sup>721</sup> In this project human rights advocacy networks are the "object" and the South African landless people's and housing rights network is the "subject".

The purpose of case study research is not to examine a representative sample of a wider group. It is not suggested that the results of a case study will be generalisable to all possible alternative cases. Rather, the case study sheds critical light upon the object within which it takes place.<sup>722</sup> Critical light is shed upon the phenomena of networks through exploring the South African landless people's and housing rights network as an example of a network. The assumptions and theoretical elements which make up the analytical frame in which the case study occurs may be questioned, reinforced, refined, expanded, or added to in light of the findings of a case study. To be clear, the subject of a case study – the particular instance of the object (class of phenomena) being studied (in this project, the South African landless people's and housing rights network) – is chosen not due to any claims with regard to its representativeness or the generalisability of results but is selected precisely due to its status as an "interesting or unusual or revealing example".<sup>723</sup>

#### **(a) Limits of case study research**

A number of limits to case study research have been identified, with these impacting upon the utility of case studies to research (and this research in particular) to varying degrees. First, it has already been mentioned above that case study research is not concerned with collecting data on representative cases and drawing conclusions

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<sup>718</sup> Michel Wieviorka, "Case studies: history or sociology?" in *What is a Case?: Exploring the Foundations of Social Enquiry*, edited by Charles C Ragin and Howard S Becker (Cambridge: Cambridge University Press, 1992): 159.

<sup>719</sup> Thomas, "A Typology for the Case Study in Social Science", 513.

<sup>720</sup> Ibid..

<sup>721</sup> Ibid..

<sup>722</sup> Ibid., 514.

<sup>723</sup> Ibid..

which may be generalised across all possible alternative cases. The apparent inability to generalise from a case study has led to the approach being criticised as unable to provide reliable information by those following what Bent Flyvbjerg calls the “conventional wisdom” approach to case studies.<sup>724</sup> Further to this, “conventional” criticisms of case study research have suggested that case studies should only be used in preliminary investigations prior to wider comparative research. It has been suggested that a case study may generate a hypothesis but may not be used in theory building as hypothesis testing must occur in a broader study.<sup>725</sup> Flyvbjerg suggests that each of these criticisms of case study research may be rejected, calling “conventional wisdom” on case studies “grossly misleading”.<sup>726</sup> According to Flyvbjerg, the conventional approach misunderstands case study research in five main ways:

*Misunderstanding 1:* General, theoretical (context-independent) knowledge is more valuable than concrete, practical (context-dependent) knowledge.

*Misunderstanding 2:* One cannot generalize on the basis of an individual case; therefore, the case study cannot contribute to scientific development.

*Misunderstanding 3:* The case study is most useful for generating hypotheses; that is, in the first stage of a total research process, whereas other methods are more suitable for hypotheses testing and theory building.

*Misunderstanding 4:* The case study contains a bias toward verification, that is, a tendency to confirm the researcher’s preconceived notions.

*Misunderstanding 5:* It is often difficult to summarize and develop general propositions and theories on the basis of specific case studies.<sup>727</sup>

Addressing these misunderstandings, Flyvbjerg concludes that these five conventional rules should be altered as follows. With regard to the first misunderstanding it is more accurate to say that “*Predictive theories and universals cannot be found in the study of human affairs. Concrete, context-dependent knowledge is, therefore, more valuable than the vain search for predictive theories and universals*” (emphasis in original).<sup>728</sup> The second rule may be amended to

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<sup>724</sup> Bent Flyvbjerg, “Five Misunderstandings About Case-Study Research,” *Qualitative Inquiry* 12, No. 2 (2006): 219-220.

<sup>725</sup> *Ibid.*.

<sup>726</sup> *Ibid.*, 220.

<sup>727</sup> *Ibid.*, 221.

<sup>728</sup> *Ibid.*, 224.



*One can often generalize on the basis of a single case, and the case study may be central to scientific development via generalization as supplement or alternative to other methods. But formal generalization is overvalued as a source of scientific development, whereas “the force of example” is underestimated [emphasis in original].*<sup>729</sup>

Following on from this, Flyvbjerg revises the third rule to “*The case study is useful for both generating and testing of hypotheses but is not limited to these research activities alone*” (emphasis in original).<sup>730</sup> Addressing the fourth misunderstanding of the conventional view, Flyvbjerg puts forward an amended rule:

*The case study contains no greater bias toward verification of the researcher’s preconceived notions than other methods of inquiry. On the contrary, experience indicates that the case study contains a greater bias toward falsification of preconceived notions than toward verification [emphasis in original].*<sup>731</sup>

Responding to the final of the five conventional misunderstandings around case study research, Flyvbjerg concludes that

*It is correct that summarizing case studies is often difficult, especially as concerns case process. It is less correct as regards case outcomes. The problems in summarizing case studies, however, are due more often to the properties of the reality studied than to the case study as a research method. Often it is not desirable to summarize and generalize case studies. Good studies should be read as narratives in their entirety [emphasis in original].*<sup>732</sup>

### **III: The case study in this project**

As previously mentioned, in this project the case study is the network of actors (focusing on NGOs, trade unions and social movements) working on promoting and protecting the human rights (particularly the economic, social and cultural rights relating to land and housing) of landless people in post-apartheid South Africa. This network is a system which is geographically- and time-bound as a “practical,

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<sup>729</sup> Ibid., 228.

<sup>730</sup> Ibid., 229.

<sup>731</sup> Ibid., 237.

<sup>732</sup> Ibid., 241.

historical unity” in contemporary, post-apartheid South Africa. The South African landless people’s rights network is the “subject” of the case study in this research project. Networks (more specifically, advocacy networks or activist networks) are a “class of phenomena”.<sup>733</sup> The South African landless people’s and housing rights network is an instance of this class of phenomena. Networks are the “object” of the case study in this research project.

This research project contains a single case study. It does not compare multiple cases of the phenomena being studied (networks). There is, nevertheless, a comparative element. The case study for this research project provides a “nested study”. Comparison is made between multiple “nested elements” (emphasis removed) within the case.<sup>734</sup> That is to say that comparison is drawn between different actors (i.e. different NGOs, trade unions and social movement organisations) which participate in the South African landless people’s rights network. Each network participant is an element “nested” within the network as a whole and “[t]he elements are nested only in the sense that they form an integral part of a broader picture”.<sup>735</sup> Studying the participants in the network provides interest as these elements make up and shed light upon the workings of the network as a whole, which is the subject of the case study. The network itself is significant as a subject of research in its own right, not merely as it contains the participants being studied. If the network itself was only significant due to containing the participating actors, each actor studied would constitute a separate case study; the elements would not be considered nested.<sup>736</sup>

#### **(a) Case selection and purpose**

Cases may be selected for a variety of reasons and in order to fulfil a variety of purposes. In this research project the case (subject) has been selected due to its status as a “key case”. This means that the case (the South African landless people’s rights network) holds “inherent interest”.<sup>737</sup> The details of the interest provided by studying this case in particular are explored more extensively below. At this point, though, it should be explained that the selection of a “key case” differs to that of an “outlier

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<sup>733</sup> E.g. Keck and Sikkink, *Activists beyond Borders*.

<sup>734</sup> Thomas, “A Typology for the Case Study in Social Science”, 517.

<sup>735</sup> Ibid..

<sup>736</sup> Ibid..

<sup>737</sup> Ibid., 514.

case”, which provides interest and sheds light upon the case study’s object due to its observable difference to or deviation from what might otherwise be expected. Key cases also differ from those selected as “local knowledge” cases, which rely upon the researcher’s pre-existing knowledge of and placement within “one’s own place of work, one’s placement, or even one’s home” in order to provide “intimate knowledge and ample opportunity for informed, in-depth analysis” of the case.<sup>738</sup> As alluded to above, this case study has in no way been selected due to any claims with regard to its typicality or representativeness. Indeed, following Thomas’s analysis, value is not added to research through cases being selected due to their presumed representativeness. In his words, “the notion of typicality may give an unwarranted impression to any reader that the significance of the analysis rests in the representativeness of the subject. It does not.”<sup>739</sup>

The purpose of the case study in this research project is exploratory and heuristic as opposed to evaluative or descriptive. Carrying out the case study contributes to theory-building rather than theory-testing.<sup>740</sup> The aim of the study is to explore the South African landless people’s rights network, mapping network participants and drawing comparisons between the approaches of the network’s various nested elements. Through this exploration it was intended that, through the heuristic exploration of each nested element of the case, practice-oriented theory would be developed and applied in relation to the network. This should provide knowledge which is valuable in its application to the nested elements of the case (specific NGOs, trade unions and social movement organisations), the case study subject itself (the South African landless people’s rights network), and, more broadly, should reflect and shed further intellectual light upon the object of the case study (human rights activist and advocacy networks). The reasoning behind the selection of the South African landless people’s and housing rights network as a particularly appropriate case study is discussed in more detail in the Introduction section of the thesis.

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<sup>738</sup> Ibid..

<sup>739</sup> Ibid..

<sup>740</sup> Ibid., 515-518.

#### **IV: Research strategy**

Substantive research on particular NGOs, trade unions and social movements was carried out through an interaction with a small number of groups and organisations over a period of several months of field work in South Africa. This aspect of the research included carrying out informal scoping of the network and formal interviews with key informants. The aim of this is to compare and contrast the various approaches of different NGOs, trade unions and social movements with a view to synthesising recommendations for modifications and improvements to their approaches. Keeping a focus on networks and the agenda of advancing transformative justice, the aim was to generate data on NGOs', social movements' and trade unions' understandings of – and approaches to protecting and promoting – human rights.

Interviews conducted in person and via telephone as well both published and unpublished documents produced by actors in the case study network were analysed as data for the study. This including identifying links and relationships between different network actors and identifying common themes (and departures from these) in explanations of the nature and purpose of network relationships and actors' approaches to network action. As well as being detailed in the bibliography to the thesis, lists of the sources of data analysed in the thesis (interviews and documents) are provided below.

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## **V: Research ethics**

Serious consideration was given to the decision to name research participants in the study if they so wished. There are important ethical implications of refusing people the right to be named in research if they so wish. It is imperative in research to treat participants as "subjects not as the objects of research or as a means to an end".<sup>741</sup> This requires recognising, appreciating and facilitating the autonomy of research participants.<sup>742</sup> There is a danger of undermining participants' autonomy if their capacity to decide that they wish to be named is ignored and if their wishes are denied.<sup>743</sup> In keeping with the need to recognise and support the autonomy of research participants including with regard to their ownership of their own stories,<sup>744</sup> this study followed the positions of James Giordano, Michelle O'Reilly, Helen Taylor and Nisha Dogra<sup>745</sup> and of Liz Tilley and Kate Woodthorpe that "there is a strong case to be made for offering individuals and organizations the choice as to

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<sup>741</sup> Anthropology Southern Africa, "Ethical guidelines and principles of conduct for anthropologists," *Anthropology Southern Africa* 28, No. 3/4 (2005): 142.

<sup>742</sup> E.g. Eileen Pittaway, Linda Bartolomei and Richard Hugman, "'Stop Stealing Our Stories': The Ethics of Research with Vulnerable Groups," *Journal of Human Rights Practice* 2, No. 2 (2010): 229-251; Human Rights Media Centre. *The Story is Yours, The Choice is Yours: Media Ethics for Storytellers*. Cape Town: Human Rights Media Centre, 2006.

<sup>743</sup> Liz Tilley and Kate Woodthorpe, "Is it the end for anonymity as we know it? A critical examination of the ethical principle of anonymity in the context of 21st century demands on the qualitative researcher," *Qualitative Research* 11, No. 2 (2011): 197-212; Rose Wiles, Vikki Charles, Graham Crow and Sue Heath, "Researching researchers: lessons for research ethics," *Qualitative Research* 6, No. 3 (2006): 283-299.

<sup>744</sup> E.g. Paul Gready, "Introduction – 'Responsibility to the Story'," *Journal of Human Rights Practice* 2, No. 2 (2010): 177-190; James Giordano, Michelle O'Reilly, Helen Taylor and Nisha Dogra, "Confidentiality and Autonomy: The Challenge(s) of Offering Research Participants a Choice of Disclosing Their Identity," *Qualitative Health Research* 17, No. 2 (2007): 264-275.

<sup>745</sup> Giordano, O'Reilly, Taylor and Dogra, "Confidentiality and Autonomy".

whether their identities are disclosed”.<sup>746</sup> Consequently, participants in the study are not anonymised as a matter of course in instances where this runs contrary to the informed, expressed wishes of those participants.<sup>747</sup>

Whilst accommodating participants’ right to be named in research does not automatically compromise the anonymity of unnamed participants, in certain circumstances, for instance, where multiple participants from the same organisation are interviewed it is possible that there could be a risk attached to revealing the identities of some participants and not others. It was decided that in the event that there was grounds to believe using specific information would place a research participant (or others) at risk the information would not be used. In these circumstances anonymity was prioritised over the desire of some participants to be named. With regard to both the anonymity of participants and the ethics of using direct quotations it was decided that if it is deemed necessary by the participant or researcher, identifying data would be redacted from interview transcripts. Importantly, when instances of a participant giving consent for sensitive or identifying information to be used occurred but there was also reason to believe that using this information would place the participant or a third party at risk the information was not used. These principles account for a variety of possible situations, including those where the anonymity of one group of participants may be compromised by revealing the identity of another. Many of these possible situations did not arise over the course of the study. However, some did. It is therefore particularly important to note that an assessment of risk took place and a plan for the ethical conduct of the research was in place prior to the collection of primary data.

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<sup>746</sup> Tilley and Woodthorpe, “Is it the end for anonymity as we know it?”, 200.

<sup>747</sup> Giordano, O’Reilly, Taylor and Dogra, “Confidentiality and Autonomy”.

(a) Information sheet

**Information about this research**

**About me**

My name is Matthew Evans.

I am a postgraduate student at the Centre for Applied Human Rights, University of York (UK). My email address is [mhe501@york.ac.uk](mailto:mhe501@york.ac.uk). Please contact me if you have any questions.

I am supervised by Professor Paul Gready, he can be contacted by email at [paul.gready@york.ac.uk](mailto:paul.gready@york.ac.uk), by telephone at +441904325831 and by post at the Centre for Applied Human Rights, Law and Management Building, University of York, YO10 5GD, UK.

I am researching the links between social movements, trade unions and NGOs and how they work on landless people's rights and the right to housing.

**What the research is**

The research aims to analyse how different organisations and groups work with each other and how they approach promoting landless people's rights. The research aims to provide recommendations for how these organisations and groups might be able to work more effectively.

The research is based on interviews with those working on the issue such as members of trade unions, NGOs and social movements. These interviews will be analysed and will form the basis of my PhD thesis.

**What this will be used for**

This research will be used for **my PhD thesis**.

The findings **may be published** both in print and electronically, for example, in a book, in academic journal articles or in presentations at conferences.

**You DO NOT have to take part**

**If you choose to take part I CANNOT pay you**

**PLEASE ASK if you have any questions about the research**

Figure 5: Information sheet provided to research participants

Figure 5, above, contains the information sheet provided to participants in this research study. This was given to interviewees in person where possible. When

interviews did not take place face to face the information sheet was emailed to research participants. In all cases, whether face to face or via telephone, the content and meaning of the information sheet was discussed with and explained to the research participants. Research participants also had the opportunity to ask questions about the study.

Greater emphasis was placed upon discussing the research, answering participants' questions and addressing concerns which emerged than upon delivering written information. This was in order to facilitate as much as possible the genuine informed consent of research participants. Particularly taking into account the context in which the substantive data collection took place, with English not being the first language of some interviewees for instance, this approach sought to maximise participants' understanding of the research and autonomy over taking part and to minimise potential confusion over the information provided.

#### **(b) Consent form**

The consent form used for interviews (in Figure 6 below) followed the same principles as the information sheet. Bearing in mind that the consent form is retained by the researcher, and keeping in mind the abovementioned principles regarding emphasising discussion, explanation and understanding over the delivery of large amounts of text, the consent form is relatively brief. This was also the case so as not to repeat too much of the same information from the information sheet in the consent form. In addition to this, the consent form asked interviewees to sign indicating consent to participate twice. Once before the interview began and once shortly after the interview was completed. This was so that it is possible to discuss the interview – and use of it in the research – with the participants whilst the interview is fresh in their minds. This allowed issues such as the flagging up of specific comments to keep off the record and the desire of some interviewees to check and approve direct quotations prior to their use in the thesis to be discussed and noted as appropriate.

### Consent for use of interview

You DO NOT have to answer any question you do not wish to

You CAN END the interview at any point

You CAN WITHDRAW your consent for the interview to be used BEFORE OR AFTER the interview

Do you consent for the interview to be recorded?

Yes [ ] No [ ]

Do you consent for DIRECT QUOTATIONS to be used in the final document and publications?

Yes [ ] No [ ]

What has been agreed regarding anonymity and off the record comments?

Provide details here: .....

If you WOULD LIKE YOUR NAME TO BE USED in the final document please tick here [ ]

If you WOULD LIKE A COPY of the completed PhD thesis tick here [ ]

and provide an email address where an electronic copy of the thesis can be sent:  
.....

Please sign here BEFORE the interview begins to indicate that you consent to participate in this research

Signed: ..... Date: .....

Please sign here AFTER the interview is completed to indicate that you still consent to the use of the interview in my research

Signed: ..... Date: .....

PLEASE ASK if you have any questions about the research or use of the interview

Figure 6: Consent form used for interviews

The consent form explains in writing that interviewees can withdraw consent after the interview. In discussions with research participants it was made clear that there are, however, inevitable limits on this. Care was taken not to imply that consent can be withdrawn at *any time*. This is because there are ultimately cut-off points outside of the researcher's hands, such as the submission of a thesis or publication of results after which it is too late to withdraw consent (at least for use in that specific context). It would be misleading to suggest that there are no limits on when and from what it is possible for research participants to withdraw their consent. Matters such as these were discussed in face to face and telephone conversations with participants in the study rather than being written down in the information sheet or consent form.

## **Part 2: Mapping the case study network**

### **I: Links between organisations and groups within the urban Western Cape**

Chapter 4 outlines and maps out the three clusters of linkage between organisations and groups taking action on anti-eviction and land reform-related issues which are particularly notable within the Western Cape. Additionally, relationships between actors involved in these clusters and ties with other actors can be observed. These are detailed in Figures 2 to 4 in Chapter 4. Here a fuller description of the actors involved in the case study network and their relationships with one another is provided. This part of the thesis turns first to the network actors linked to the Poor People's Alliance, then to the Housing Assembly, third to actors tied to SDI and finally to examining other links between relevant network actors.

#### **(a) The Poor People's Alliance**

As discussed in Chapter 4, the Poor People's Alliance is the AEC, Abahlali baseMjondolo, the Rural Network and the LPM.<sup>748</sup> Notwithstanding the fact that the LPM and Rural Network do not operate within the Western Cape, the relationships between the actors which make up the Poor People's Alliance are strong. Indeed, there is some suggestion from interview responses that it is difficult to ascertain where the AEC ends and Abahlali baseMjondolo begins.<sup>749</sup> The Poor People's Alliance has also shared platforms with and engaged in some of the same campaigns

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<sup>748</sup> Poor People's Alliance, "About the Alliance".

<sup>749</sup> Louw, personal interview.



as Sikhula Sonke.<sup>750</sup> However, research participants suggested that this relationship, though ongoing with regard to rhetorical platform-sharing, has become less strong in recent years.<sup>751</sup> Moreover, it has been claimed by various sources that the AEC has at least declined significantly, if not fragmented or ceased to functionally exist entirely.<sup>752</sup> This is explored in greater detail in Chapters 4 and 5. Here suffice it to say that inasmuch as the AEC and Abahlali baseMjondolo continue to exist and take action in the urban Western Cape they work closely together and have strong overlap in terms of membership.

### **(b) The Housing Assembly**

The social movements and community based organisations which participate in the Housing Assembly include the Gugulethu Backyard Dwellers, the Tafelsig Community Forum, Tafelsig Residents United, Blikkies for Hope, Blikkies-Delft Concerned Residents, the Symphony Way Pavement Dwellers, ISIS, the Progressive Youth Movement, plus groups based in Vanguard Drive, Newfields and Maccassar.<sup>753</sup> The Symphony Way Pavement Dwellers are closely associated to the AEC.<sup>754</sup> Both the AEC and the Western Cape branch of Abahlali baseMjondolo have also taken part in the Housing Assembly directly.<sup>755</sup> However, research participants suggested that whilst some members of the AEC continue to work with ILRIG and participate in the Housing Assembly, organisationally the relationship is not strong.<sup>756</sup> Some interviewees reported that community based organisations and social movements are faced with a choice between close involvement in the Housing Assembly and affiliating with or maintaining strong relations with the AEC.<sup>757</sup>

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<sup>750</sup> Sikhula Sonke official, personal interview; Twalo, personal interview; War on Want, “No Land! No House! No Vote!”

<sup>751</sup> Sikhula Sonke official, personal interview.

<sup>752</sup> Heunis and Hoedemaker, personal interview.

<sup>753</sup> Blake, personal interview.

<sup>754</sup> Symphony Way Pavement Dwellers, *No Land! No House! No Vote!: Voices from Symphony Way*, (Cape Town: Pambazuka Press, 2011); Western Cape Anti-Eviction Campaign, “Contact List,” <http://antieviction.org.za/western-cape-anti-eviction-campaign-detailed-contact-list/> [accessed November 25, 2012].

<sup>755</sup> Blake, personal interview.

<sup>756</sup> Ibid.; Twalo, personal interview.

<sup>757</sup> Blake, personal interview; Heunis and Hoedemaker, personal interview.

### **(c) SDI**

The cluster of actors linked to SDI appear to have strong relationships with each other and to be integrated into a fairly clear formalised structure. It is not clear that there are significant ties between SDI and groups outside its formalised partnerships. On the other hand, it is possible that there may be some. It is, for instance, occasionally claimed that Abahlali baseMjondolo is (or perhaps, was) affiliated to ISN.<sup>758</sup> However, no such relationship was revealed through this research. It therefore seems unlikely that a relationship between Abahlali baseMjondolo and SDI exists in the Western Cape. It is possible that such a relationship exists or at one time previously existed outside of the Western Cape, though even the evidence pointing to this is both sparse and contentious.<sup>759</sup> As a consequence, the analysis put forward in this thesis posits that the cluster of actors tied to SDI is largely separate to the other clusters of actors identified as making up the case study network.

### **(d) Further links between organisations and groups**

In addition to the ties between groups within the abovementioned three clusters of actors there are other relationships between organisations and groups working on anti-eviction and land reform issues evident in the urban Western Cape. These include relationships between groups and organisations based on relationships between individuals as opposed to strong organisation-level ties.

SAMWU has a direct relationship with the AEC through activists taking part in both organisations.<sup>760</sup> Indeed, historically, though apparently to a lesser extent in more recent years, SAMWU has provided significant support to the AEC in the form of providing office space and access to resources such as communication equipment.<sup>761</sup> In the Western Cape the AEC has also had a relationship with COSATU the trade union confederation.<sup>762</sup> As with the relationship between SAMWU and the AEC, it would seem that the formal relationship between COSATU and the AEC has declined over time. However, interviewees reported that

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<sup>758</sup> Böhmke, "The Branding of Social Movements in South Africa".

<sup>759</sup> Ibid..

<sup>760</sup> Jacobs, personal interview; Hendricks, personal interview.

<sup>761</sup> Hendricks, personal interview; Mtetho Xali, "Seeking Trade Union and Community Organisation Linkages in the Cape Town Metropolitan Area: Possibilities for New Trade Unionism and New Social Movements," *Centre for Civil Society Research Reports 2*, No.37 (2005): 167-207.

<sup>762</sup> Louw, personal interview.

COSATU continues to work with activists from both the AEC and Abahlali baseMjondolo.<sup>763</sup> This is both through the relationships built by individuals and through COSATU working with the NGO the AIDC.<sup>764</sup> AIDC works with Abahlali baseMjondolo as well as other social movement organisations taking action on land and housing issues.<sup>765</sup> With regard to the relationship between COSATU and the AEC and Abahlali baseMjondolo, AIDC acts as something of an intermediary, providing a forum in which various actors can meet to facilitate collaboration.<sup>766</sup> However, as detailed further in Chapters 4 and 5, effective, sustained and close collaboration has not always emerged from these opportunities for building relationships.<sup>767</sup>

The links between Stellenbosch-based farm workers' trade union Sikhula Sonke and the cluster of actors surrounding the Poor People's Alliance have already been discussed. In addition to these ties it is worthwhile highlighting some of the other relationships Sikhula Sonke has with actors working on anti-eviction and land issues in the Western Cape. Though Sikhula Sonke is not COSATU-affiliated, COSATU and COSATU-affiliated unions such as FAWU do work closely with Sikhula Sonke.<sup>768</sup> Sikhula Sonke also works with the Surplus People's Project (SPP).<sup>769</sup> SPP is an NGO which originally worked to oppose evictions in the urban Western Cape during the apartheid era. SPP's current focus is largely upon rural development and food sovereignty.<sup>770</sup> However, particularly through relationships such as that with Sikhula Sonke, there continues to be a link between SPP's work and the area covered by this research.

DAG is another NGO which has built relationships with other actors working on land and housing issues in the urban Western Cape. Whilst DAG does not work with any trade unions it does have relationships with social movements and community based organisations.<sup>771</sup> These appear to largely be relationships which are centred around particular events or programmes implemented by DAG which

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<sup>763</sup> Ibid..

<sup>764</sup> Ibid..

<sup>765</sup> Ashley, personal interview.

<sup>766</sup> Louw, personal interview.

<sup>767</sup> Ibid..

<sup>768</sup> Ibid.; Mbana, telephone interview; Sikhula Sonke official, personal interview.

<sup>769</sup> Sikhula Sonke official, personal interview.

<sup>770</sup> SPP staff member, personal interview.

<sup>771</sup> Development Action Group, "Development Action Group in partnership with 25 citizen groups"; Development Action Group, written response to interview question; Mchunu, personal interview.

include spaces for participation by social movements and community based organisations rather than long-term relationships based on a sustained level of interaction between partners.<sup>772</sup>

DAG collaborates with at least twenty-five groups, which are plotted on the diagrams in Chapter 4.<sup>773</sup> The twenty-five community based organisations DAG has relationships with are the Lavender Hill Backyarders' Association, Siyaya Housing Project, Phoenix Foundation, Egoli Informal Settlement, Parkwood Backyard Dwellers, Grassy Park Grassroots Backyard Dwellers, Khayelitsha Development Forum, Cape Metro Backyarders' Forum, Greater Cape Town Civic Alliance, Overcome Heights, Hanover Park Housing Saving Scheme, Langaletu Ministries, Mandela Park Backyarders' Association, Sibanye Housing Project, Wynberg Informal Settlement, Hangberg In situ Development Association, Zille-raine Heights, Masincedane, People's Integrated Association, Dunoon Development Forum, Joe Slovo Development Forum, Oceanview Backyard Dwellers, Tafelsig People's Association, Hanover Park Housing Association and Bonthewel Backyarders.<sup>774</sup> Each of these appears as a node in the diagrams depicting the case study network in Chapter 4 (Figures 2 to 4).

Of the groups DAG collaborates with several also have ties to the major clusters of actors discussed above. The Zille-raine Heights community organises under the auspices of ISIS, which it has already been noted takes part in the Housing Assembly and has links to the AEC and Abahlali baseMjondolo from the Poor People's Alliance.<sup>775</sup> Similarly, the Mandela Park Backyarders are closely linked to the AEC.<sup>776</sup> Further, AEC representatives have taken part in DAG's programmes.<sup>777</sup> Interviewees from the AEC have, however, criticised the extent to and manner in which DAG allows participation of community based and social movement organisations.<sup>778</sup>

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<sup>772</sup> Development Action Group, written response to interview questions; Mchunu, personal interview.

<sup>773</sup> Development Action Group, "Development Action Group in partnership with 25 citizen groups"; Mchunu, personal interview.

<sup>774</sup> Development Action Group, "Development Action Group in partnership with 25 citizen groups".

<sup>775</sup> Heunis and Hoedemaker, personal interview.

<sup>776</sup> Western Cape Anti-Eviction Campaign, "Contact List".

<sup>777</sup> Twalo, personal interview.

<sup>778</sup> Ibid..

## **II: National and international links**

As well as the associations between groups and organisations within the Western Cape, ties between the actors discussed above and other groups and organisations throughout South Africa and internationally are evident. This section again focuses on the Poor People's Alliance, the Housing Assembly and SDI. First the national and international links of groups associated with these clusters are described. After this, further national and international ties between other actors in the case study network are outlined.

### **(a) The Poor People's Alliance**

The Poor People's Alliance is a national alliance throughout South Africa. In addition to the AEC and the Western Cape branch of Abahlali baseMjondolo, the Durban branch of Abahlali baseMjondolo and the LPM (which, to the extent that it continues to exist, is based mostly in Gauteng) and the KwaZulu-Natal-based Rural Network form part of the alliance.<sup>779</sup> There are several further national ties emanating from this cluster of actors. The AEC, Abahlali baseMjondolo and (inasmuch as they continue to function) LPM work with SERI.<sup>780</sup> SERI is an NGO based in Johannesburg. SERI provides support of a predominantly legal kind to community based and social movement organisations focusing in particular on urban and peri-urban contexts, including the abovementioned groups working on anti-eviction and housing issues.<sup>781</sup> SERI is also linked to some other organisations which come under the case study network. This is detailed further below.

There are a number of ties between groups and organisations associated with the Poor People's Alliance and actors outside of South Africa. In particular the role of War on Want as a funder was highlighted in interview responses, as well as the role of the German trade union Ver.di in building relations with the AEC, including by hosting AEC visits to Europe.<sup>782</sup> It is also evident that at least on an ad hoc basis international organisations have provided funding and legal support to Abahlali

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<sup>779</sup> Poor People's Alliance, "About the Alliance".

<sup>780</sup> Tissington, telephone interview; Twalo, personal interview.

<sup>781</sup> SERI, "About Us," <http://www.seri-sa.org/> [accessed November 25, 2012]; Tissington, telephone interview.

<sup>782</sup> Twalo, personal interview.

baseMjondolo.<sup>783</sup> However, it does not appear that the branches operating in the Western Cape are well-connected to international actors. Interviewees stated that the AEC finds it difficult to liaise with organisations outside of South Africa such as an AEC support group based in Chicago.<sup>784</sup> Further analysis of these circumstances is provided in Chapters 4 and 5.

### **(b) The Housing Assembly**

The Housing Assembly itself exists only in Cape Town. Groups and organisations which participate in the Housing Assembly, however, do have national and international relationships. ILRIG works with organisations across South Africa and has some international relationships (particularly with funders).<sup>785</sup> Though, in terms of addressing housing and land issues, the activities of ILRIG in the Housing Assembly are linked to national groups only through the clear ties between SAMWU's activities in the Western Cape and its national structures and through the relationships other groups within the Housing Assembly have.<sup>786</sup> SAMWU as a South Africa-wide organisation takes some action which links back to land and housing issues in the urban Western Cape. Furthermore, SAMWU is a COSATU affiliate. This tie to a national organisation is another relationship the Housing Assembly has which can be of relevance to its action on housing issues in the urban Western Cape.<sup>787</sup> The utility of COSATU-affiliation to action taken within the case study network and the political implications this entails is explored in more detail in Chapters 4 and 5.

As noted above, Abahlali baseMjondolo, the AEC and closely AEC-linked groups have taken part in the Housing Assembly. When mapping the relationships participants in the Housing Assembly have with relevant national and international organisations, the overlap between the cluster of actors strongly associated with the Housing Assembly and the cluster of actors strongly associated with the Poor

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<sup>783</sup> Abahlali baseMjondolo, "Supporting Abahlali baseMjondolo," <http://www.abahlali.org/node/269> [accessed November 25, 2012].

<sup>784</sup> Twalo, personal interview; Chicago Anti-Eviction Campaign, "Anti-Eviction Campaign: Cape Town; Chicago," <http://chicagoantieviction.org/> [accessed November 25, 2012].

<sup>785</sup> Xali, personal interview; International Labour Research and Information Group, "What is ILRIG?" [http://ilrig.org/index.php?option=com\\_content&view=article&id=3&Itemid=10](http://ilrig.org/index.php?option=com_content&view=article&id=3&Itemid=10) [accessed August 12, 2013].

<sup>786</sup> Jacobs, personal interview; Blake, personal interview; Xali, personal interview.

<sup>787</sup> Jacobs, personal interview.

People's Alliance is highlighted. The AEC's and Abahlali baseMjondolo's national and international links, described above, are therefore of relevance to an analysis of the Housing Assembly as well as the Poor People's Alliance.

**(c) SDI**

In addition to affiliates of ISN and FEDUP being linked to the SDI secretariat and local NGO in South Africa, SDI also has relationships with some actors outside of its own structures.<sup>788</sup> For instance, SDI in South Africa has a relationship with the Gauteng-based development NGO Planact.<sup>789</sup> SDI also has ties to government at all levels throughout South Africa and international links to UN bodies.<sup>790</sup> Based on research participant responses, outside of its own structures, SDI appears to focus its relationship-building largely on direct ties to policy-makers through either local or national government or UN structures and upon ties with academic institutions and planners such as through the relationship SDI has with the University of Cape Town's planning department.<sup>791</sup>

In addition to the limited ties between the SDI-associated cluster of actors and other clusters within the network mentioned above, the approach of SDI limits the potential for greater collaboration with actors associated with the Housing Assembly or Poor People's Alliance. As an SDI press statement puts it, "SDI's experience, in every single country where it has a presence... have led it to dismiss the world view" attributed to Abahlali baseMjondolo "that regards the state and civil society as binary opposites".<sup>792</sup> The statement goes on to say that

SDI and AbM [Abahlali baseMjondolo] share the same point of departure. They both recognise that the power of those who control the world's resources depends on the systematic disempowerment of the global poor. This shared point of departure should be the basis for a broad-based alliance. This is the root of a real solidarity. Differences in strategies – between

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<sup>788</sup> SDI Programme Officer, personal interview.

<sup>789</sup> Ibid..

<sup>790</sup> Ibid..

<sup>791</sup> Ibid..

<sup>792</sup> SDI, "Slum Dwellers International Statement on the Attacks on Kennedy Road Settlement, Durban, South Africa," press statement, October 1, 2009, <http://abahlali.org/node/5826> [accessed April 18, 2012].

resistance and negotiating deals – create a healthy diversity within such an alliance.<sup>793</sup>

However, as far as can be ascertained, this proposed alliance has not come to fruition. Moreover, given SDI's proclaimed dismissal of the world view of actors affiliated to the Poor People's Alliance it seems unlikely that a greater collaboration is feasible. Given this, and the analysis put forward in some of the literature of SDI as representing a form of nongovernmental co-option of poor people's struggles,<sup>794</sup> the discussion of potential improvement and increase of collaboration in the network in the thesis is concentrated largely on actors associated with clusters within the network other than SDI. At times, however, it is illuminating to discuss the praxis of SDI as shedding light upon that of other clusters through comparison.

#### **(d) Further national and international links**

As mentioned above, SERI works with some organisations tied to clusters of actors outside of the Poor People's Alliance such as the Built Environment Support Group and the Good Governance Learning Network. This also includes working with Planact.<sup>795</sup> Consequently, the cluster of actors surrounding the Poor People's Alliance are indirectly linked to the cluster of actors surrounding SDI through both SERI's and SDI's relationships with Planact. DAG also works with Planact, sharing proposals and ideas.<sup>796</sup>

SPP has relationships with several further organisations and groups nationally and internationally which are of relevance to this research. Specifically, SPP has worked with the LRC.<sup>797</sup> LRC is an NGO providing legal support throughout South Africa and has worked on land and housing-related cases with DAG and with the groups linked to the Poor People's Alliance.<sup>798</sup> SPP also has some ties to La Via Campesina and Brazil's MST.<sup>799</sup> La Via Campesina is an international

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<sup>793</sup> Ibid..

<sup>794</sup> E.g. Gibson, *Fanonian Practices in South Africa*, 13.

<sup>795</sup> Tissington, telephone interview.

<sup>796</sup> Development Action Group, written response to interview questions; Mchunu, personal interview.

<sup>797</sup> SPP staff member, personal interview.

<sup>798</sup> Abahlali baseMjondolo, "Supporting Abahlali baseMjondolo"; Legal Resources Centre, "About Us," <http://www.lrc.org.za/about-us> [accessed November 25, 2012]; Legal Resources Centre, "Housing & Planning," <http://www.lrc.org.za/housing-planning> [accessed November 25, 2012].

<sup>799</sup> SPP staff member, personal interview.



network of peasants' and landless people's movements.<sup>800</sup> In South Africa LPM is affiliated to La Via Campesina.<sup>801</sup> Abahlali baseMjondolo have also had some contact with MST, providing another indirect tie between the Poor People's Alliance cluster of actors and SPP, though this does not appear to be a close or ongoing relationship.<sup>802</sup>

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<sup>800</sup> La Via Campesina, "Organisation," <http://viacampesina.org/en/index.php/organisation-mainmenu-44> [accessed November 25, 2012].

<sup>801</sup> La Via Campesina, "Our Members," <http://viacampesina.org/en/index.php/organisation-mainmenu-44/our-members-mainmenu-71> [accessed November 25, 2012].

<sup>802</sup> Poni, "Another World is Possible".

## Glossary

Table 2, below, provides a key to abbreviations used in the thesis. These are arranged alphabetically by the abbreviation.

<b>Abbreviation</b>	<b>Term</b>
AEC	Anti-Eviction Campaign, Western Cape Anti-Eviction Campaign
AIDC	Alternative Information Development Centre
ANC	African National Congress
APF	Anti-Privatisation Forum
BEE	Black Economic Empowerment
CND	Campaign for Nuclear Disarmament
COSATU	Congress of South African Trade Unions
COURC	Community Organising Urban Resource Centre
DA	Democratic Alliance
DAG	Development Action Group
DLF	Democratic Left Front
FAWU	Food and Allied Workers' Union
FEDUP	Federation of the Urban Poor
GEAR	Growth, Employment and Redistribution
IANSA	International Action Network on Small Arms
ICBL	International Campaign to Ban Landmines
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organisation
ILRIG	International Labour Research and Information Group
IRIN	Integrated Regional Information Networks
ISIS	Informal Settlements In Struggle
ISN	Informal Settlements Network
ITUC	International Trade Union Confederation
IWMA	International Working Men's Association
LPM	Landless People's Movement
LRC	Legal Resources Centre

MST	Movimento dos Trabalhadores Sem Terra, Landless Workers' Movement
NGO	Nongovernmental organisation
NSM	New social movement
PAC	Pan-Africanist Congress
PT	Partido dos Trabalhadores, Workers' Party
RDP	Reconstruction and Development Programme
SACP	South African Communist Party
SAMWU	South African Municipal Workers' Union
SDI	Shack/Slum Dwellers International
SERI	Socio-Economic Rights Institute
SMO	Social movement organisation
SPP	Surplus People's Project
TRC	Truth and Reconciliation Commission
TUC	Trades Union Congress
UCT	University of Cape Town
UDF	United Democratic Front
UDHR	Universal Declaration of Human Rights
UN	United Nations
WEF	World Economic Forum
WSF	World Social Forum

**Table 2: Key to abbreviations**

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