

**Consolidating democracy, building civil society. The
South African Council of Churches in post-apartheid
South Africa and its policy of critical solidarity with the
state**

Thesis submitted in partial fulfilment of the requirements for the
degree of Master of Social Science in International Relations

Rhodes University

Submitted by

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January 2005

Abstract

The South African Council of Churches (SACC) played an extremely crucial role during the struggle against apartheid. The role of the SACC was first and foremost to provide a voice for the voiceless. It managed, among other tasks, to actively fill the void left by movements banned by the illegitimate apartheid government. As a result of its fight against the inequalities that existed in South Africa, its work adopted a political character. In the aftermath of post-apartheid South Africa, the SACC was left with the task of redefining its role within South African society and civil society, specifically. The euphoric sentiment in the mid-1990s was in part reflected in the SACC. However, the conclusion reached by the Council in 1995 was that it would also play a role of 'critical solidarity' which essentially meant that it would not shy away from attacking the government when the need arose.

Since 1994, the South African government has implemented a number of policies that do not appear to be in the immediate interest of the majority of South African citizens and have brought church and state into conflict. This thesis attempts to tackle three issues which are pertinent to the South African situation and which shed light on state-civil society interactions. These issues are HIV/Aids, the question of odious debt and the Zimbabwe crisis. By using both primary and secondary sources, the SACC's responses to government's handling of these matters will be compared with the responses of the South African Catholic Bishops Conference in order to determine their relationships with government.

The conclusion of this investigation is that the SACC has in fact managed to maintain a position of critical solidarity. It has been faced with numerous challenges with regard to maintaining the fragile boundary of alliance with government on the one hand, and becoming anti-government on the other. However, by forming alliances with other civil society actors as well as fostering a relationship with government in order to facilitate mediation this dissertation argues that the SACC has become an essential member of South Africa's vibrant civil society.

Acknowledgements

The financial assistance of the National Research Foundation towards this research is hereby acknowledged. Opinions expressed and conclusions arrived at are those of the author and are not necessarily to be attributed to the National Research Foundation.

In addition I would like to thank my mother Andoline and my siblings Ryan, Leigh-Roy and Jo-Anne for their love and understanding. My love and thanks to Khanyo who supported me every step of the way. Thank you to my lecturers especially Professor Vale for lending a shoulder to cry on. Many thanks also go to my supervisor, Dr Greg Ruiters, for guidance and to everyone who provided support and assistance when I needed it. Most importantly, I would like to dedicate this thesis to my late father, Richard Joseph, whose love and guidance has enabled me to come this far and who taught me that *the sky is not the limit*.

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Glossary

AACC	All Africa Council of Churches
ANC	African National Congress
ARV's	Anti Retrovirals
ASSA	Actuarial Society of South Africa
BIG	Basic Income Grant
CODESA	Convention for a Democratic South Africa
COSATU	Congress of South African Trade Unions
CPS	Centre for Policy Studies
EJN	Economic Justice Network
FBO's	Faith Based Organisations
FDI	Foreign Direct Investment
FOCCISA	Fellowship of Christian Councils in Southern Africa
GEAR	Growth Employment and Redistribution Plan
HIPC's	Heavily Indebted Poor Countries
IDASA	Institute for Democracy in South Africa
IJR	Institute for Justice and Reconciliation
MDC	Movement for Democratic Change
MTCT	Mother to Child Transmission
NEDLAC	National Economic Development and Labour Council
NEPAD	New Partnership for Africa's Development
PLWA	People Living with AIDS
PMTCT	Prevention of Mother to Child Transmission
SACBC	South African Catholic Bishops Conference
SACC	South African Council of Churches
SACP	South African Communist Party
SADC	Southern African Development Community
SANAC	South African National Aids Council
TAC	Treatment Action Campaign
TRC	Truth and Reconciliation Commission
WCC	World Council of Churches
ZANU PF	Zimbabwe African National Union Patriotic Front
ZCBC	Zimbabwe Catholic Bishops Conference
ZCC	Zimbabwe Council of Churches

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Chapter 1

Introduction

Gellner (1995: 32) has defined civil society as

that set of diverse non-governmental institutions, which is strong enough to counterbalance the state, and, whilst not preventing the state from fulfilling its role as keeper of the peace and arbitrator between major interests, can nevertheless prevent the state from dominating and atomizing the rest of society.

Civil society has generally come to be seen as important for democracy because it mediates between the state on the one hand and the mass of the populace on the other (Gill, 2000: 6-7). According to Salvador Giner (1995: 302)

Liberal democracy (encompassing not only political representation and participation, privacy and autonomy of association and private institutions, but also the free formation of all sorts of movements and parties, whether socialist, liberal, conservative, feminist, environmentalist, or any other kind) has been closely tied to civil society through out modern history.

Civil society is regarded as critical for democracy in developing countries (Nkhulu, 1993; Glaser, 1997; Kasfir, 1998; Zuern, 2000). According to Gill (2000: 7) 'it is through civil society and its institutions, including political parties and voluntary groups and associations, that the network of popular participation and activism, which is the heart of any notion of what democracy means, is established'. Liebenberg (2000: 70) shares these sentiments and argues that '...the role of one of the building blocks of a democracy, the civil community or civil society, is of extreme importance'. This is particularly relevant for post-apartheid South Africa. Civil society, many argue, can represent the interests of the marginalized (Nkhulu, 1993: 7). Swilling (cited in Nkulu, 1993: 2-3) sees civil society as

one where ordinary everyday citizens who do not control the levers of political and economic power, have access to locally constituted voluntary associations that have the capacity to influence and even determine the structures of power and the allocation of material resources

Civil society and its institutions, which include political parties and voluntary associations, allow for the existence of popular participation and activism which is important for democracy to succeed (Gill, 2000: 7). These approaches to civil society

appear to argue that civil society and the state are two separate entities. However, this is not the case as civil society cannot claim to exist if it is not situated within the space that is essentially provided by the state. According to Young (1994: 44) 'the very notion of civil society loses its meaning if severed from the state'. Civil society and the state therefore mutually reinforce one another. Thus, without the state there can be no civil society as civil society often develops in response to and in some instances in opposition to the state. Young (1994: 45) further argues that civil society's opposition to the state is not 'to its territorial framework but to its hegemonical project'. The intent of civil society is not to take over the role of the state but to challenge the state when it does not serve the interest of the elected. The area of civil society is regarded as the necessary middle ground or the space between those in government and the people that they rule. If one were to accept these definitions, the implication is that the civil society-state interface allows for issues to be 'thrashed out' in order to find solutions that would benefit all.

However, for a deeper understanding of civil society, it is necessary to look at the historical roots of the concept. It was not always seen as separate from the state. John Locke made no separation between the state and civil society. Locke saw it as essentially constituting the idea of a limited government, which allows for the protection of civilian rights (de Lue, 1997: 136-137). He argued that a civil society is created when citizens give consent and enter into a contract with government to protect their rights. According to Locke (cited in Young, 1994: 33)

Wherever, therefore, any number of men so unite into one society as to quit every one his executive power of the law of Nature, and to resign it to the public, there and there only is a political or civil society

Thus, the concepts of civil and political society were initially used interchangeably and there was no separation between the political and the civil arenas.

Hegel was one of the first theorists to make a distinction between political and civil society, by defining the latter as the space between the state and the family. He did not regard civil society as antagonistic to the state and the space created by civil society was therefore not the arena for criticism or antagonism. Instead Hegel viewed it as the field in which debate could take place and mutual agreement could be reached regarding issues

which impact on human rights but with the state as a much higher form of rationality than society (Khilnani, 2001: 23-24). Hegel believed that there existed a reciprocal relationship between civil society and the state and that civil society was the sphere of recognition for modern liberal individual freedoms (Khilnani, 2001: 23-24). According to Harbeson (1994: 19-20) the Hegelian notion of the state and civil society exists in a symbiotic relationship. For Hegel one could not exist without the other and civil society in particular was governed by the rules of the state as it was not inherently 'civil' and therefore had to be subjected to the higher political will of the state (Bratton, 1994: 54). Thus, civil society, in Hegel's view, depended on the state for its existence.

But civil society has been an extremely contested subject for several reasons. First, some normative theorists insist that civil society should not be too powerful, although it should be robust. It is suggested that civil society should limit itself to an 'intermediary, regulatory' role in the relationship between government and its citizens. Civil society does therefore not exist to take over the role of the state but to create a space for debate and increased participation of citizens. Kasfir (1998: 1) for example, sees civil society as an instrument to make African states more democratic, more transparent and more accountable. De Lue (1997: 13) suggests that it 'acts as a buffer against the power of central government' and it is a 'space' in which individuals or citizens of a state are able to enjoy their rights without violation from either the state or any other person (de Lue, 1997: 136). Gill (2000: 7) argues that 'it is through civil society and its institutions, including political parties and voluntary groups and associations, that the network of popular participation and activism, which is the heart of any notion of what democracy means, is established'. A 'robust' civil society is seen as an important factor in improving and stimulating political participation (Diamond, 1994: 7), but these definitions suggest that civil society is self-limiting.

Second, a more expansive definition offered by Bayart (1986: 111) argues that civil society only exists to the extent that it is 'in confrontation with the state'. It is 'the process by which society seeks to "breach" and counteract the simultaneous "totalisation" unleashed by the state. In some instances civil society may go beyond a 'watchdog' role

but may consequently contribute to the overthrow of authoritarian and undemocratic regimes. Of importance in Bayart's definition is the fact that he acknowledges civil society's integral relationship with government and that one does not exist without the other. His definition of civil society is however limiting as it does not make provision for a civil society that is not essentially antagonistic toward government. It assumes that civil society loses its place or value when it does not actively oppose government. Kasfir (1998) and Zuern (2000) have suggested that civil society has a dual role as in certain instances it would work to undermine government while in others it would support newly democratic regimes.

Third, the concept of civil society is contested because its origins lie in a Western philosophical tradition and has therefore often been defined in a way that does not allow it to be used in an 'African' sense as it does not take into consideration the history and experiences of communities in the Third World. (Young, 1994). Nevertheless, it has been hailed by many theorists as the key to understanding democratic transitions and change around the world (Diamond, 1994; Glaser: 1997; Kasfir: 1998; Liebenberg: 2000). Civil society, most agree, has generally been an important dimension of democracy and democratization because it mediates between the incumbent regime and its electorates (Gill, 2000: 6-7).

Fourth, traditional definitions and notions of civil society do not include religious organizations. Zuern (2000: 109) argues that 'while ethnic and village based groupings are normally excluded in Western definitions of civil society, the African case and all – countries outside the advanced industrialized states, beg the question of whether this is appropriate'. Because of the differing historical context that Africa finds itself in, it is necessary to include other social, cultural, political and economic groupings which are inherent to the African context. Religious organizations appear to have all the necessary characteristics believed by Camerer (cited in Liebenberg, 2000: 71) to define civil society. According to Camerer (Liebenberg, 2000: 71) civil society organizations are communally organized, independent, voluntary, autonomous, able to form links with other interest groups and do not in any way seek to set themselves up as an alternative

authority to the state'. In South Africa (and also within the broader African context) churches have been integral members of civil society. Patrick Molutsi (2003: 168) suggest that religious groups, together with human rights groups, closely follow media and women's groups as the strongest organs of civil society in the Southern African region.

In Africa, the concept of civil society is fraught with difficulties. Zuern (2000: 107) cautions that African states need to be dealt with taking unique circumstances into account, given that the past experiences of African countries are 'qualitatively different from European states'. Gorus (cited in Liebenberg, 2000: 73) similarly argues that 'we are faced with the need to remodel sustainable democracy in the African context' One of the major issues is the fact that civil society has more of a dual role in African settings than most definitions imply. Often 'civil' society in Africa has had to be far more antagonistic towards the state. Its primary purpose is to ensure that the socio-economic needs of the populace are advanced. Once this happens, however, civil society is often in a dilemma for it may have to pose fundamental questions about policy choices and international alignments of a given state. Another tension also arises according to Zuern (2000: 105) after democratic transitions. Civil society has to move from the role of street protester to proactive policy maker, but 'this is hardly realistic'. A number of civic movements have the very challenging task of remaining the voice of the people while their former allies in the liberation struggle are now in power.

As has been extensively documented, the civic movement, in South Africa was vital in ending apartheid. One of the key players was the South African Council of Churches. It performed a crucial role during the liberation struggle following the banning of mainline political movements in the 1960's (Nel, 1994: 142). Despite numerous attempts by the apartheid government to shut down the SACC, it was the one part of civil society that the state could not effectively repress (Phiri, 2001: 114).

With the end of official apartheid in 1994, an end to the old role that the SACC played seemed inevitable. Churches had fulfilled their immediate mission to bring an end to

apartheid and the unbanned political movements took over the role of providing a voice to the people (Phiri, 2001: 124). In 1995 the SACC, in association with the World Council of Churches, held a conference where it questioned the place of the ecumenical movement in post-apartheid South Africa. According to Charles Villa-Vicencio and Wolfram Kistner (Bam, 1995: 50) the challenge to the church was to provide a position of 'critical solidarity'.

The current government, some argue (Bond, 2003; Jubilee South Africa, 2001; TAC, 2002; Ngwane, 2002), has not always been sufficiently responsive on issues like HIV/Aids, apartheid debt and reparations. Many policies instituted by government seemed to be more concerned with improving the minority interests of the new governing class and the old economic elites instead of concentrating on development and the upliftment of the poor in South Africa. The apparent failure to adequately address issues like debt and HIV/Aids directly affects the lives of the marginalized. Studies have shown that the HIV/Aids epidemic in South Africa has led to the death of millions of South Africa's working population and this could have devastating effects for society as well as for the economy. Until very recently seemingly little has been done by the state to address this issue.

It is not only the Aids dilemma that has sparked controversy. Government has also had a somewhat antagonistic relationship with the Jubilee debt campaigners. Though the majority of South African citizens continue to live in abject poverty, government has continued to service debts which were incurred by the previous regime. As a result South Africans continue to suffer as government has to spend a large percentage of its budget on debt servicing. Thus resources that should be used on social spending, the health sector in particular, are being used to further enrich the West, argues Jubilee. Another thorn in South Africa's side is the Mugabe government's continued disregard for human rights and the devastating impact that his policies are having not only on Zimbabwe but also the entire region.

This study will examine the state-civil society nexus by exploring three issues pertinent to South Africans and the Southern African region. The thesis will thus attempt to interrogate how the concept of critical solidarity is operationalised within the state-civil society relationship. This will be done by comparing the role of the SACC, from 1998-2002, with that of the South African Catholic Bishops Conference (SACBC) on three issues (HIV-Aids, debt and Zimbabwe).¹ Both primary and secondary sources will be used in order to assess the involvement of the SACC and SACBC.² Primary sources include statements from both the SACC and SACBC as well as newspaper articles, speeches and official documents while the secondary resources refer to academic literature. In every chapter the interaction that has taken place between government and the SACC and SACBC will be analysed and compared in order to determine whether one has been more aggressive than the other in exerting pressure on government to change or re-evaluate its policies.

The first goal of this thesis is to investigate the role of the SACC in representing socially and politically marginalized groups to the state. The involvement of the SACC will be assessed within its paradigm -- the SACC's idea of critical solidarity.

Comparing the views of the SACC and SACBC on three issues, will allow me to situate the SACC within one of three positions; a close alliance with the government, occupying the middle ground and a third option; outright opposition to the government.

Overview of Chapters

Chapter Two looks at the HIV/Aids dilemma in South Africa and how the SACC has been involved in lobbying government to uphold the human rights of people who are

¹ The SACBC has been a full member of the SACC since 1995 and prior to this they enjoyed observer member status (www.sacbc.org.za/ecume.htm). Though this thesis will compare the actions of the two organisations this fact has been kept in mind. In many ways the SACBC still functions differently from the SACC and though they are a member of the council they have a large amount of capacity and resources to perform on their own. Another important factor is that the policies of the SACBC are informed by the Vatican.

² In some instances the thesis will make use of Council to refer to the SACC and Conference to refer to the SACBC.

affected by this disease. The argument of this chapter is that the SACC has been 'wholly' antagonistic towards government HIV policies. The SACC has, despite its belated joining of the campaign, been militant in its opposition. . Its movement character was further strengthened by the fact that it formed alliances with other civil society actors which were willing to undertake mass action of a sometimes 'illegal' character to challenge government.

Chapter Three deals with the Jubilee debt coalition of which the SACC was a founding member. The primary aim of the coalition was to have South Africa's debt written off since it was regarded as 'odious and illegitimate' because it was incurred by the apartheid government. The SACC continues to support this campaign but its relationship with the Jubilee leadership since 2003 has been tense. This stems from the fact that after repeated calls for government to become involved with the debt and reparations campaign, it only did so after legal proceedings were instituted against foreign businesses. The SACC officially supported government's attempts at mediation and urged all involved (government, civil society and business) to partake in efforts to find a suitable solution. This position led to the SACC being accused of aligning itself with government at the expense of civil society. Some within the Jubilee movement (Giyose, 2004) have suggested that the SACC has in this instance allowed itself to be caught in a compromising situation which has led others within civil society to question its allegiance. Though it has made valid arguments for mediation, it has also become alienated from its allies in Jubilee. The Council has not been very sensitive to the consequence of its actions and it appears that it could have found a more effective way to deal with both government and civil society.

Chapter Four of the thesis addresses the situation in Zimbabwe over the last three years. The SACC as well as the SACBC have received numerous requests from their Zimbabwean counterparts to lobby the Mbeki government to do something to stop the lawlessness in the country. Despite repeated lobbying from South African civil society, including the SACBC and SACC and more recently COSATU, the South African government has maintained its policy of 'quiet diplomacy' despite a lack of success. The

chapter seeks to establish what the roles of the SACC and SACBC have been in lobbying government with regard to finding a solution. In the past few years Zimbabwe has become progressively worse and the situation in that country is having profound effects on South Africa as well as on the entire region. Despite its initial support for government's 'quiet diplomacy' the SACC has recently protested against the handling of the situation and has joined other civil society movements to lobby the Mbeki government to commit itself to more assertive and aggressive action towards Zimbabwe. Together with the SACBC and other civil society organizations it has shown its lack of faith in government's stance by instituting its own attempts at mediation and arbitration in Zimbabwe. This however, has been less than successful but the failure to make any inroads has not deterred either the Council or Bishops Conference which are both actively opposed to the South African government's policy and lack of action.

Finally **Chapter Five** concludes by arguing that the SACC and SACBC have both been very active in South African society in the last six years. Both organizations had the major task of having to redefine their roles within the changing South African context which existed after the 1994 democratic elections. Not only did the new government have to deal with the vast legacy of poverty and inequality left to it by the apartheid regime but it was also suddenly confronted by a whole new range of problems that were affecting the country. The entire climate after 1994 was one of uncertainty in which former allies suddenly found themselves on opposite sides. For the SACC this was certainly the case and for this reason it is perhaps understandable that it finds itself in the predicament in which it has to define its relationship with government in a way that does not suggest that it has become too closely allied and thus a puppet of those in power. For the SACBC this was not much of an issue. The Catholic Church chose not to get too involved in the anti apartheid struggle and as a result it did not find itself in the same situation as the SACC and this has allowed it to be (in some instances) more objective and critical of government when necessary. Despite its predicament, however, the SACC has to a large extent managed to fulfil its role of 'critical solidarity'. This has been difficult in some instances but for the most part the Council has not allowed itself to be coerced or co-opted by government.

Chapter 2

The SACC and SACBC response to the South African Government's HIV/Aids policies

Introduction

The scale of the HIV/Aids pandemic has made it the worst in modern times. In Sub-Saharan Africa alone by 2003 an estimated 25 million people had been infected with HIV while about 2.2 million deaths were recorded in the region. Since 1981 HIV/Aids has claimed more than 20 million lives worldwide (UNAids, 2004). South Africa was the last African country to be affected by HIV/Aids. According to estimates, in 1998, India was the only country with a higher number of HIV/Aids infections than South Africa (Kinghorn and Steinberg, 1998: 3).

Already in 2002, 5.3 million South Africans were infected, up from an estimated 4.74 million in 2001 (Department of Health, 2003). According to statistics by the Actuarial Society of South Africa (ASSA) an estimated 6.5 million South Africans live with the disease (Dorrington et al, 2002: 4). Of the 6.5 million about 6.1 million were between 18 and 64. More women than men are infected with women of child-bearing age accounting for almost 50% of infections. In the 15-24 age group, for every one male that is infected, there are four females who are HIV positive (Dorrington et al, 2002: 4). According to ASSA, by the end of 2002, HIV/Aids was responsible for about 40% of all deaths in South Africa (Dorrington et al, 2002: 6). The populations most affected were: 18.4% for Africans, 6.6% for Coloureds, 6.2% for Whites and 1.8% among Indians (Chisana, 2002: 8). Though Aids was initially associated with being a problem in the townships an increasing number of White, Coloured and Indian people are becoming infected. A study conducted by the Wits University Reproductive Health Research Unit showed that by the time they are 23, a fifth of South African youths between 15 and 24 will be infected. A further worrying statistic is that by the age of 22 at least 1 in 4 South African women are HIV positive (Ndaki, 2004).

The problem has been complicated by stigma and discrimination. Until fairly recently it was taboo in many religions to talk about sex and sexuality. This reluctance to deal with HIV/Aids has been exacerbated by the fact that the virus was commonly associated with gay men and sexual promiscuity. Even when the church responded to the HIV/Aids epidemic, many claimed that its response was inadequate (SAFAIDS, 2001). It was only in 2000 that the religious community in South Africa started to address the devastation of HIV and other sexually transmitted diseases, and the fact that it has affected all ages and every sector of the population. Concerted action from religious institutions and organizations attempting to curb the spread of this fatal disease started in early 2001 and 1999 for the South African Council of Churches (SACC) and the South African Catholic Bishops Conference (SACBC), respectively. In the SACC, in the late 1990's HIV/Aids was not addressed with any vigour as many saw it as a 'non-issue' (Thompson, interview, 14 May 2004). In order to address the issue, the church had to come to grips with its reluctance to begin to talk about sex and sexuality.

Because this is currently the biggest challenge faced by South Africa, this chapter will firstly look at the SACC's response to the South African government's handling of the HIV/Aids issue. It will thereafter examine the reaction of the South African Catholic Bishops Conference (SACBC) to the HIV/Aids policies of government.

SACC response to government

In this section, I will provide the following:

- 1) A content analysis of the interactions between the SACC and the state.
- 2) A chronology of the interactions between the SACC and the state.

Contents of interactions between the SACC and the state

The SACC's first official response to the HIV epidemic was formulated during a regional consultation that it hosted together with the World Council of Churches (WCC) and the Fellowship of Christian Councils in Southern Africa (FOCCISA). The consultation was

attended by delegates from ten other Southern African Christian Councils and resulted in a pledge made by all present to tackle the issue (WCC, 2001).

The SACC's commitment to challenging the problem of HIV/Aids was confirmed in 2001 when it held its National Conference from 14 to 17 August. A resolution passed stated that,

the SACC should, together with other organizations who are involved in lobbying the government, work to ensure the availability of free anti-retroviral drugs for people living with HIV/AIDS, including Nevirapine for all pregnant women and their newborns, and the provision of adequate health care for all South Africans (SACC, 2001a).

On 30 October 2001, soon after the National Conference, the general secretary, Molefe Tsele, addressed a conference of church leaders about the role of the church in South Africa. The speech, entitled '*The Church must once again become a nuisance to the nation*' appealed to the religious community to carry on their mission of providing a voice to the poor. Tsele argued that the SACC could not become so close to government that it could not be critical of the latter's policies. In his opinion

We (the SACC) must run away from an incestuous cohabitation with government. To do otherwise would be to neglect our mission as a church. We would cease to exist as an autonomous entity (Tsele, 2001).

Referring to the SACC's alliance with the ANC during the apartheid struggle he stated

To be in alliance with a persecuted political movement is one thing, but to become its ally in government is another. The problem for South Africa is that government tends to see non-support as opposition, and even such opposition is interpreted in terms of an "anyone who is not with us is against us" dichotomy (Tsele, 2001)

The government's response to this speech came during the president's birthday greeting to the former Archbishop of Cape Town, Desmond Tutu. After commending Bishop Tutu on devoting his life to the liberation struggle, President Mbeki implied that the

churches today were confused about their role and that they had lost sight of eradicating the legacies of apartheid. According to Mbeki (2001)³,

Rightly or wrongly, the perception emerged that the religious communities had come to the conclusion that the end of white minority rule had also brought an end to their own obligation to be involved in the continuing struggle to address the terrible legacy of the political and social system against which they had struggled.

Despite the fact that the SACC had indeed been going through an identity crisis, it was clear that the Council would not become a puppet of government. Instead the SACC's intention was to remain an active member of civil society.

The SACC released a 27 November 2001 statement calling for public programmes to prevent mother-to-child-transmission (MTCT). Significantly, the call coincided with the decision of the Treatment Action Campaign (TAC) to institute legal action against the South African government to provide Nevirapine to HIV positive pregnant women. The SACC made it clear in this November 2001 statement that it was in support of TAC's proposed plan of action as this was the last resort in getting government to prevent MTCT

We regret that it has been necessary for TAC to resort to litigation to compel government action. We believe strongly that both plaintiff and respondent in this case share a genuine concern for the lives and health of people living with HIV/AIDS, especially those whose treatment options are severely constrained by poverty' (SACC, 2001c).

According to the statement

TAC's suit (law suit) seeks to achieve two objectives. First, it aims to ensure that every woman with HIV who gives birth using public health facilities has immediate access to Nevirapine if her attending doctor or nurse recommends such treatment to minimise the risks of transmitting the virus to her child. Second, the

³ It is ironic that the president chose to praise Archbishop Tutu for his courage and faith during the struggle while at the same time separating him from those who are critical of government. This relationship has soured since the Archbishop criticized government for its lack of action with regard to black economic empowerment, HIV/Aids and the Zimbabwe question (*Independent Online*, 29 November 2004). Mbeki launched a scathing attack on Tutu and accused him of making gratuitous insults and suggested that the Archbishop should not be making certain claims concerning the decision making that happens within the ANC as he is not a member of the party (*ANC Today*, 26 November 2004). It is interesting to note that Mbeki, in his reply to Tutu's criticism, addressed all the concerns raised by Archbishop Tutu with the exception of arguably the most important issue: HIV/Aids. He declined to make any comment on the government's HIV/Aids policy.

action hopes to require the state to introduce in a timely fashion a national programme to prevent mother-to-child transmission of HIV. The SACC endorses both of these goals (SACC, 2001c).

The subsequent ruling of the High Court was in favour of TAC and forced government to provide anti retrovirals (ARV's) to HIV positive pregnant mothers. This was a welcome change and victory for those who have been fighting to save the lives of HIV positive mothers and their unborn children.

At an interfaith workshop held in Durban on 5 March 2002, the Minister of Health, Dr. Manto Tshabalala-Msimang, pledged to consolidate the partnership between government and faith based organisations (FBO's). According to the minister, the importance of churches was recognized and the religious community had a central role to play in the implementation of the five year HIV/Aids Strategic Plan for South Africa that was introduced in 2000 (Tshabalala-Msimang, 2002). FBO's in turn agreed to commit themselves to a partnership with government.

However the progress made during this time was marred by the controversy during 1999 and 2000, surrounding President Mbeki's apparent questioning of the link between HIV and Aids and whether or not HIV causes Aids (Haffajee, 2003). On April 16 2002, the SACC released a statement that challenged those in government, who doubted the link between HIV and Aids, to concentrate their efforts on finding an adequate solution to the problem at hand instead of wasting valuable time, energy and resources that would have been better spent addressing a situation that was heading for a major disaster. In the statement, the SACC expressed its dismay at Aids 'denialists' in government and said that it found it 'ironic that the vacillation, and doubt, comes from within the camp that we thought would lead the assault on HIV/Aids'. According to the SACC it was taking

A bold stance, and challenged the mighty and powerful in government circles to work in partnership with all stakeholders seeking to alleviate the plight of those infected and affected by the pandemic (SACC, 2002a).

The SACC also criticized the decision, by the Mpumalanga Health Department, to terminate the services of Dr. Thys von Mollendorff⁴, calling its actions 'ethically indefensible' (SACC, 2002a).

On 2 May 2002 the SACC together with TAC, the Archbishop of Cape Town, COSATU and other civil society organizations participated in a public march (attended by about 6000 people) which culminated in the presentation of a memorandum to the Presidential Task Team on Aids requesting a meeting to tackle the issue from a civil society perspective. This memorandum started off by stating civil society's disappointment with government and especially Aids denialists

...it must be emphasized that the views of the HIV/Aids denialists are an insult to millions of people living and dying with HIV, as well as their friends and families. Debating life and death questions that have been settled by science is not constructive... (TAC, 2002).

However, the request was also framed as an offer to facilitate interaction between civil society and government

The TAC and its allies offer our full support to Government to assist with the development of this plan. We are ready, in the words of Cabinet, to join hands to combat the HIV/Aids epidemic (TAC, 2002).

The SACC pledged its support to TAC's initiative with the release of a 7 May 2002 statement in which it blamed the church, broader society and particularly some in government for doing the HIV/Aids cause a 'grave disservice' by concentrating too much energy and effort on internal debates and infighting and this was doing the cause more damage than good. It urged all within society to continue the process of de-stigmatisation as rejection and isolation experienced by Aids sufferers are crucial factors which ultimately claim lives (SACC, 2002b). With this in mind, the SACC hosted a conference to condemn stigmatization on 12 May 2002. An address given by Deputy

⁴ Von Mollendorff was the superintendent of a Mpumalanga state hospital who had disciplinary proceedings brought against him in 2002 after he allowed an NGO to provide emergency ARV treatment to people who have survived sexual assault. He was subsequently dismissed by the Mpumalanga MEC for Health (*Sunday Times*, 16 March 2003).

President Jacob Zuma once again declared government's commitment to forging a strong partnership with FBO's. A hand of partnership and friendship was reached out to those within the faith communities and an appeal was made to them to assist government in its attempts to overcome and find a solution for this problem (Zuma, 2002).

On 3 October 2002 the National Executive Committee of the SACC released a statement that applauded TAC for its actions against government and pharmaceutical companies and calling on them to launch a stronger fight and all out war on Aids. However, in this statement it also congratulated government for finally introducing the roll out of prevention of mother to child transmission (PMTCT) programmes at some public hospitals while at the same time urging them to speed up the provision of ARV's to others who might have been exposed to the virus for example those who have been victims of sexual abuse and rape (SACC, 2002c).

In 2003 the National Economic Development and Labour Council (NEDLAC) framework agreement on a National Prevention and Treatment Plan for Combating HIV/Aids --- an agreement between Government, Business, Labour and the community -- - called for a rollout of a programme to prevent mother-to-child-transmission (MTCT) and provision of ARV's to rape victims as well as people living with HIV/Aids. A recommendation was made at the start of the proceedings that an agreement be reached by the end of that year so that it could be introduced on World Aids Day on 1 December 2003. However, government stated that it was not able to agree to the document in such a short space of time due to certain constraints (NEDLAC framework agreement, 2003). President Mbeki was questioned in the media about the controversy surrounding this document and his reply was that no agreement had been reached contrary to what had been reported. COSATU had called the President's answer 'a wilful distortion of the nature of the Nedlac processes. In response to this government's NEDLAC representative, Advocate Rams Ramashia (2003), called COSATU's statement 'despicable and unjust' and argued that it 'cast aspersion on the credibility and integrity of the president'.

On 14 February 2003 the SACC joined TAC in another mass march (with more than 15 000 in attendance) which was intended to appeal to government to make a pledge to supply ARV's. A memorandum was handed to representatives from the offices of the President and Deputy President. However, there was very little response from government and the memorandum has gone unanswered (TAC, 2003). The next move by the SACC was to hand in a submission to the Portfolio Committee on Social Development, 9 June 2003, which urged the government to seriously consider the introduction of a social protection package in the form of a Basic Income Grant (BIG) that would benefit those at the bottom end of society and would be particularly useful for HIV/Aids sufferers. The BIG would relieve the burden on already over stretched social and health departments as people would not succumb easily to opportunistic infections which are caused by Aids but worsened by poverty stricken conditions. This suggestion offers a real solution to many social problems that face the country and the view of the SACC is that it would improve the lives of many (SACC, 2003b). According to the SACC 'a BIG can help to break the vicious cycle of HIV/Aids and poverty and reverse the trend of the HIV/Aids crisis in South Africa' (SACC, 2001c). However, government continues to debate the efficacy of a social grant of this magnitude.

A breakthrough, in South Africa's strategy to fight HIV/Aids, was made during the first national Aids conference hosted in Durban during August 2003. In a statement made on 7 August 2003, Minister of Health Manto Tshabalala-Msimang reiterated the need for all South Africans to 'engage constructively to ensure that the country's response to the challenge of HIV and Aids is a success'. She further recognized the importance of Anti-retrovirals in improving and prolonging the lives of those who live with Aids (Tshabalala-Msimang, 2003). The SACC welcomed this statement and in response to the minister's speech, recommitted itself to assisting government during their continuing partnership and quest to fight the scourge of Aids (SACC, 2003c).

Analysis of content of interactions between the SACC and the state

In its first commitment to fighting Aids, the SACC stated that it would ‘together with other organizations who are involved in lobbying the government, work to ensure the availability of free anti-retroviral drugs for people living with HIV/Aids...’ (SACC, 2001a). This statement from the SACC National Executive Council is extremely significant for two reasons. Firstly, it stated from the outset that it would work with other civil society organizations that were lobbying government for it to change its policies. This meant that it would be aligning itself with organizations and individuals like TAC and the Archbishop of Cape Town, Njongonkulu Ndungane, who had been a thorn in government’s side regarding the latter’s policies on HIV/Aids. This automatically placed the SACC and government on opposing sides. Secondly, the SACC stated that it would campaign for the provision of ARV’s to all People living with Aids (PLWA’s). Once again the Council was aligning itself with those pressurising government to provide Aids drugs. Thus the SACC was positioning itself in the role of watchdog, ready to challenge government when it felt that those in power were abandoning the plight of the poor and needy.

This intention was confirmed in Molefe Tsele’s speech in which he argued that the role of the church is “being in solidarity with those who are vulnerable, who are excluded as a result of their social situation—the poor, refugees, the homeless, the unemployed etc.” (Tsele, 2001). According to the SACC general-secretary, “the ANC is no longer simply a liberation movement. It is a ruling party, one which sometimes pursues policies and actions with which we cannot associate ourselves with an easy conscience...” The SACC has promised that it would not meekly stand by and support government regardless of its policies and that it would not be ‘appeased by handouts’ as its mandate came from the people and not the ANC (Tsele, 2001). Judging from the President’s reply it was clear that he regarded this statement as a challenge and attack on government. According to Mbeki (2001)

The reality however is that as we achieved our common political victory over the system of apartheid, the religious faiths in our country that had, in some instances,

been engaged in struggle for our liberation for over a century, had some difficulty in determining what their role would be in the aftermath of this victory.

Mbeki also accused churches and religious leaders of abandoning the struggle against the social injustices created by apartheid. His criticism stems from the fact that the General Secretary had urged religious movements in South Africa to be aware of government's faults and shortcomings. During apartheid some churches were fervent allies of the liberation movements as they were united in their common goal to overthrow the apartheid government. However, since the country has been liberated, it is no longer necessary for the religious movement to turn a blind eye to the faults of its former allies. As an influential member of South African civil society the SACC has acknowledged that it has a duty to hold government accountable. The SACC has urged government not to lose sight of the goals set after liberation, namely to rebuild the country and to remove the legacy of apartheid. Therefore it has voiced its criticism when government has implemented policies (both economic and social) that were "anti-poor" and that benefited a minority. According to Tsele (2001) "the poor are constantly failed by those who should know better".

The SACC aligned itself with TAC when the latter took government to court and though those within the Council regretted that it had to support such extreme action, it could see no other alternative. In his speech Molefe Tsele recognized the tension that actions such as these would cause between the government and the SACC. The Council did not want to be seen as anti-government when it was being critical of the state but at the same time it did not want to be regarded as pro-government when assisting and supporting those in power when they were implementing policies that the SACC favoured (Tsele, 2001). The court action was taken because government was not paying heed to the demands from civil society to provide life-saving drugs. In the end, it was up to the court to force them to do so.

The march and handing over of a memorandum was significant for two reasons. Firstly, the SACC criticism has not only been verbal and behind closed doors. The SACC and its allies have engaged in confrontationist action and civil defiance of the state and its

authority, a move that is reminiscent of the anti-apartheid struggle. Secondly, this march made it clear that government policies would be challenged when they are not in the interests of the marginalised.

Table 1.1: Chronology of the interactions between the SACC and the state

Date	Form of Response	Who/What level?
1. March 2001	First official SACC response. Regional Consultation with WCC and FOCCISA	Members from all Southern African Christian Councils who are part of FOCCISA
2. 14 – 17 August 2001	SACC National Conference	SACC National Executive Committee
3. 31 October 2001	Address by Molefe Tsele to the Diakonia Council of Churches	General-Secretary of the SACC – Molefe Tsele
4. 26 October – 1 November 2001	Weekly Column on ANC website, Letter from the president: Religious leaders who immerse themselves in struggle	President Mbeki
5. 21 November 2001	Statement calling for prevention of MTCT	SACC National Statement
6. 27 November 2001	High Court case against government	TAC took government to court
7. 5 March 2002	Pledge at interfaith workshop to consolidate partnership between church and state	Minister of Health – Manto Tshabalala-Msimang
8. 16 April 2002	SACC statement challenging government to abandon questioning of link between HIV and Aids	Head of SACC Communications unit – Joe Mdlela
9. 2 May 2002	Memorandum to Presidential Task team on Aids (included march)	SACC representative : General-Secretary Molefe Tsele
10. 7 May 2002	SACC statement: CWS say HIV/Aids stigma is ‘un-Christian’	Head of SACC Communications unit – Joe Mdlela
11. 12 May 2002	SACC destigmatisation conference	Address by Deputy-President Jacob Zuma
12. 3 October 2002	SACC statement on HIV/Aids	National Executive Committee
13. 13 February	SACC calls for government to	SACC General-Secretary

2003	sign NEDLAC document	Molefe Tsele
14. 14 February 2003	March to parliament with other members of civil society	Endorsed by General-Secretary Molefe Tsele
15. 19 February 2003	Media statement by government on the Nedlac HIV/Aids Task Team	Director-General of the Department of Labour – Rams Ramashia
16. 9 June 2003	Submission to the Portfolio Committee on Social Development	SACC Parliamentary Committee
17. 7 August 2003	National Aids Conference. Government Statement	Minister of Health – Manto Tshabalala-Msimang
18. 13 August 2003	Churches commit to facilitating HIV/Aids treatment	SACC General-Secretary Molefe Tsele

SOURCES: www.sacc.org.za, www.gov.co.za (see references)

Analysis of chronology

The above chronology is important as it maps the interaction between government and the SACC on the issues surrounding HIV/Aids. It is clear that there has been a considerable amount of communication between government and the Council. However, the responses have not come from the president himself. Instead, it was left to others to state government's official position on the pandemic. What is even more noteworthy is that between 2001 and 2003 the SACC had only received two responses from the Minister of Health (who is arguably the most important person with regard to this issue) and one measly response from the Chairperson of the Aids Council. This is surely indicative of the government's inadequate response to the Aids crisis.

When the SACC joined the debate on HIV/Aids it was at a particularly late stage of the epidemic. By 2001 a large number of South Africans were already infected and some were already experiencing the destruction of family life caused by Aids. The apparent reluctance of the SACC to deal with the issue prior to 2001 showed the SACC ambivalence about its role vis a vis the state. The 30 October 2001 speech by the General Secretary, Molefe Tsele, was significant because it brought matters to a head. Though this speech broadly outlined the mission of the SACC, it also challenged government by clearly indicating that the SACC would not be content with being a puppet of the state.

In addition the government's slow response to many of the country's crucial problems was criticized. By the end of that week, President Thabo Mbeki, in his weekly column referred to Dr Tsele's statements. This was to be one of the few issues where government wasted no time in formulating a reply.

This was not the case when the SACC released its November 27th statement calling for PMTCT. With this statement the SACC joined a number of other civil society organizations that were pressuring government to provide ARV's. However, government seemed to pay no attention to these repeated calls and had to be forced by a court order to provide ARV treatment to pregnant women. The next interaction between government and the SACC (at an interfaith workshop) was an apparent attempt by government to foster a better relationship with FBO's. Deputy President Jacob Zuma made a pledge, on behalf of government, to work on its relationship with churches in the country. It also appeared to be an attempt to pacify FBO's, who were becoming increasingly vocal.

Yet, this did not silence the SACC's criticisms of the state. A statement released barely a month after the interfaith workshop, received absolutely no reply from government. This resulted in collaboration between the SACC, TAC and other civil society organizations in a march and the handing over of a memorandum requesting greater cooperation between government and civil society. Once again this action did not evoke much response on the part of the state.

When the SACC released its 7 May 2002 statement on destigmatisation, it followed this up with a conference on 12 May which was attended by Deputy President and chairman of the HIV/Aids Task Team, Jacob Zuma. The conference was held less than a week after the SACC statement in which it called on government and the rest of society to promote destigmatisation of PLWA's (SACC, 2002c).

Another important challenge coming from the SACC was for government to sign the NEDLAC document. The significance of this document stems from the fact that it was one of the first collaborations between all involved in order to find the best way to stem

the tide of HIV/Aids and to deal with its effects on the South African population. According to the NEDLAC framework agreement “the HIV/Aids epidemic is a challenge that faces all of society and demands a comprehensive, coordinated and united response to be defeated” (NEDLAC agreement, 2003). However, government was dragging its feet with regard to signing the agreement. In March 2003 the NEDLAC committee was informed by government that it could not agree to the framework until it had appraised the situation by investigating whether it possessed the capacity to implement the plans suggested by the framework (Health Portfolio Committee, 2003). TAC accused government of deliberately delaying the deal (*World Socialist Web Site*, 2 August 2003). The SACC joined the rest of civil society in calling on government to sign this document. In this instance a reply from government was drafted very hastily. Evidence suggests that the speed at which government replies to challenges and calls for action are determined by the content and who criticism is being directed at. In both instances where there has been a speedy reply from government, critique was being directed at President Thabo Mbeki. When President Mbeki was reported as saying that an agreement had not been reached between the parties at the NEDLAC negotiations, COSATU accused him of not being truthful. In response to this claim a statement was released five days later by the director general of the department of labour, advocate Rams Ramashia, in an attempt to clear Mbeki’s name. Ramashia, in return, launched a contemptuous critique at COSATU for challenging Mbeki’s authority. It appears that more effort went into attempts at protecting Mbeki’s reputation than was directed at the all important issue of reaching a consensus about the NEDLAC agreement.

There have been two particular instances where replies from government appeared without delay. These were in the cases where the president had been criticized. When Molefe Tsele questioned the commitment of the president in running the country, Thabo Mbeki himself replied by questioning the allegiance of the churches in South Africa to the nation building project (though he did not explicitly mention the SACC, it would appear that he was referring to Molefe Tsele’s statement). As has been discussed above, Mbeki did not take too kindly to being challenged on the NEDLAC agreement. It appears that government is losing sight of the importance of tackling HIV/Aids head on.

It has continually snubbed numerous calls from civil society to amend its policies to tackle the challenge but seems more intent on defending its image. The irony is that this image, as well as that of the country, would benefit greatly (both nationally and internationally) from a thorough and concerted plan of action regarding HIV/Aids

SACBC response to government

I will be following the same format when analyzing the role of the SACBC namely

- 1) Content and analysis of the interactions between the SACBC and the state
- 2) Provide a chronology of the interactions between the SACBC and the state.

Contents of interactions between the SACBC and the state

The SACBC is the “single largest provider – other than the government - of Aids prevention and care programmes through Southern Africa” since the start of the epidemic (SACBC, 2002a). This is largely because it possesses the resources and capacity to provide assistance to those in need. Though the provision of care has always been foremost on the Catholic Church’s list it was only in 1999 that it really started dealing with the issue of HIV/Aids prevention. At the 1999 plenary session of the SACBC it was decided that an HIV/Aids office would be set up which would deal with issues concerning HIV and the role of the Catholic Church in addressing them (SACBC, 1999c). The SACBC Aids office currently supports more than 85 projects in four out of the five Southern African countries that are the worst affected by the epidemic (Stoppard, 2001). In its plenary session in 2001 the SACBC reiterated its commitment to fighting this disease (SACBC, 2001a).

However, this involvement has been overshadowed by the condom debate and the SACBC’s refusal to endorse the use of condoms in the fight against Aids. On 12 February 1999 the SACBC released a press statement on condom week which stated

...condoms are not always reliable and, if a person persists in sexual promiscuity, he or she will be at great risk of contracting HIV/Aids even when using a condom. Furthermore, if an attitude of accepting that sex is now safe prevails, then the

condom message can increase rather than decrease the incidence of Aids (SACBC, 1999a).⁵

In an attack on government's Aids prevention policies, Bishop Michael Coleman accused the South African government of actively "promoting a hedonistic society" by encouraging the use of condoms (Nessman, 2001). Government retaliated by calling the stance of the SACBC "sad and misguided". The Department of health has been quoted as saying that "It is sad that one of the few methods of preventing the transmission of HIV and thus saving the lives of millions of our people has been characterized as "immoral"" (Independent Online, 21 July 2001). Whereas the rest of civil society agrees with government on the condom issue, the SACBC has been at odds with it. It is not only its relationship with government that has been affected by this but also its relationship with the rest of civil society.

The SACBC's stance on condoms has brought it into disagreement with the SACC.⁶ According to the SACC "Catholicism was failing to take the realities of the world into consideration". The SACC, on the other hand, accepts the use of condoms as an important weapon in the prevention of HIV/Aids and argued that its use should therefore not be condemned (Mdlela, 2003). It is seen by many as the biggest weapon in the fight

⁵ This caused outrage, not just in South Africa but in the international community as well. A news article by the UN Integrated Regional Information Network reported that government was 'saddened' by the Catholic Church's refusal to budge on the condom issue. This has been an extremely contentious issue between the Roman Catholic Church and other organizations involved in the fight against Aids. Despite numerous calls for the bishops to reconsider their beliefs on condom use, they have refused to compromise their view that condoms interfere with conception and therefore the gift of life and that they are for this reason against Catholic policy (IRIN, 2001).

⁶ In response to the criticism that they were receiving because of the condom issue, the SACBC released a press statement on 23 February 2002 that challenged those who have questioned the contribution of the Catholic Church to curbing the spread of HIV/Aids. It stated that the National Health Department has acknowledged the importance of the Catholic Church as their various parishes and community work has allowed them to have close contact with the most vulnerable in society. The statement reiterates the stance of the Catholic Church that condoms do not work and that instead their approach to the HIV challenge has been centered on education and prevention through abstinence. This statement is essentially a challenge to sentiments that the Catholic Church's condom stance might have done more to hurt the cause due to its unrealistic expectations. According to the statement the Catholic Church has concentrated its efforts on the forgotten and marginalized in society who suffer most from government's delay in providing ARV's and other medical assistance (SACBC, 2002a). However, it does not take into consideration that this is the very group in society that have had to resort to sex in order to survive and for whom sex has become a political weapon and bargaining tool.

against Aids and it is often argued that the bishop's view is not a realistic one as it does not take into consideration the real challenges that people are faced with and that prevent them from abstaining from sexual relations whether coerced or voluntary.

Despite the furore caused by the bishop's refusal to endorse condoms, this has not been the extent of their involvement. They have pledged their support for organizations that are involved in finding adequate ways to deal with HIV/Aids and for initiatives and programmes that fight for the rights of PLWA's. The SACBC's horizontal relationship with the rest of civil society has been characterized by a major paradox. On the one hand the SACBC is willing to work with other civil society organizations yet at the same time it remains at loggerheads with these very allies. The SACBC expressed its willingness to engage in joint action on September 22 1999 when it supported TAC and its actions particularly the latter's pressuring of those in power to provide for the needs of the victims of HIV and their families (SACBC, 1999b). According to the statement

...to the extent that the Treatment Action Campaign is working to ensure that People with Aids have access to quality treatment that can be afforded; that new infections are prevented or at least minimized by change of behaviour and that the state makes quality and affordable healthcare available to all, the Southern African Bishops' Conference fully supports the campaign (SACBC, 1999b).

On 11 April 2002, the bishops joined the rest of civil society in calling on government to make available the treatment that would prevent MTCT and would save the lives of innocent children who would otherwise be born with this disease and be orphaned because of it (SACBC, 2002b). The SACBC also released a joint statement with TAC, the Anglican Church and COSATU in which it voiced its commitment to the Aids epidemic by joining forces in order to seek real and valid solutions. This statement articulates their joint decision to set up a working group that would liaise with representatives of the South African National Aids Council (SANAC) in order to guide policies on Aids. In addition they urged government to declare Aids a National Emergency and for it to increase the health budget and take the impact of Aids into consideration when making policies (TAC, 2002).

On 20 March 2003 the SACBC released a statement that endorsed a march planned by TAC. According to the statement the SACBC notes

...with dismay and frustration the way in which the Ministry of Health continues to deal with the HIV/AIDS pandemic. Too much time and effort is being wasted on ongoing debates around HIV/AIDS. South Africa with one of the highest AIDS prevalence rates in the world and situated in the corridor of the worst infected and affected region cannot continue to watch thousands of people dying daily. We urge to the government to work speedily on implementing a treatment plan, an investment in a better health care delivery for all (SACBC, 2003c).

Despite its support for TAC's campaign of civil disobedience it also recommitted its support for government's planned roll out of ARV's and challenged it to save the lives of many South Africans who are already sick and dying and whose only hope of survival is access to ARV's (SACBC, 2003c). However, at the time of writing the Catholic Church had decided to take matters into its own hands by pledging to provide ARV's. It released a 2 July 2004 statement that it was to introduce the provision of ARV's to Catholic facilities. In February 2004 it started the rollout of its programme of providing 22 of its 140 facilities with HIV/Aids drugs (SACBC, 2004).

Analysis of content of responses between the SACBC and the state

There has not been much direct interaction between the government and the SACBC. This is mainly due the fact that the Catholic Church has largely been concerned with concentrating its efforts on the provision of care for those who are sick because of Aids. The Catholic Church is second only to the state in providing HIV/Aids care. With regard to prevention plans, the Catholic Church has maintained that the only way to stop the spread of the pandemic is through the promotion of abstinence instead of condoms. Because of this stance it has repeatedly been at loggerheads with government as well as different members of civil society including the SACC, of which it is a member. Despite a lot of pressure to change its condom stance it has remained resolute on this issue. Though TAC, COSATU and the Anglican Church have not agreed with the SACBC on

condoms, this has not prevented them from engaging in joint actions with the Catholic Church. This is evident from the release of the joint statement between these four parties on HIV/Aids. However, it is interesting to note that such interaction and cooperation has not been a theme of the SACBC's relationship with the SACC. Though the SACBC is a full member of the Council, it has chosen instead to act on its own in certain circumstances for example its 2004 statement that it was preparing to make ARV's available in its capacity as the Catholic Church. This action was also an important and critical response to government's delay in providing these Aids drugs and implies a weakness on the part of government to provide for its citizens.

The South African government has been particularly vehement in its response to the SACC while the same cannot be said of its reactions to the SACBC. Though it criticized the Conference's stance on condoms and called its position misguided, it has not unleashed the same amount of criticism as it has on the SACC. In his statement on Bishop Tutu's birthday (in which he replied to Molefe Tsele speech) Thabo Mbeki spoke about the role of churches as a whole but it appears that he was referring to the SACC in particular. The Bishop Michael Coleman's statement that the government was 'promoting a hedonistic society' did not receive the same amount of attention or warrant as quick a response. A possible explanation for this is that the Catholic Church, though it was involved in the liberation struggle, did not have the same relationship with the ANC as was the case with the SACC. Thus the Catholic Church does not find itself in the same predicament as the SACC where it has to re-evaluate its role with government.

Table 1.2 Chronology of the interactions between the SACBC and the state

Date	Form of Response	Who/what level
1. 1999	Plenary Session: Decision to set up Aids office	Southern African Bishops
2. 12 February 1999	Press statement on the use of condoms	SACBC Media Office
3. 22 September 1999	Statement expressing support for the Treatment Action Campaign	Secretary-General of SACBC: Fr. Richard Menatsi
4. 2001	Plenary Session:	Southern African Bishops

	Reiterated commitment to fighting Aids	
5. 31 July 2001	Government pops condom bubble: Attack on government prevention policies	Bishop Michael Coleman
6. 31 July 2001	Department of Health response to condom issue	South African Department of Health
7. 21 September 2001	Joint statement with TAC, Church of the Province of South Africa (CPSA) and COSATU	Zackie Achmat, Willie Madisha, Njongonkulu Ndungane, Richard Menatsi
8. 11 April 2002	Statement calling on government to make ARV treatment available to prevent MTCT	SACBC Aids Office
9. 20 March 2003	Statement endorsing TAC march	Anthony Ambrose/Alison Munro
10. 2 July 2004	Antiretroviral therapy in South African Catholic facilities	Father Mathibela Sebothoma

Sources: www.sacbc.org.za, www.gov.co.za

Analysis of chronology

Despite the inadequate responses received by the SACC from government, it was undoubtedly better than that received by the SACBC. The above chronology shows just how hard it has been for the Catholic Church to receive an adequate response from government. On the one occasion that government did reply to the SACBC's repeated calls; it came in the form of a statement from the Health Department and did not even warrant a direct response from the minister of health or even the chairperson of the Aids council. The relationship (or lack thereof) between government and the SACBC requires a lot of work and commitment particularly on the part of government who has completely turned a blind eye to the resources and potential of the SACBC. This behaviour by government could turn out to be very costly in the long term.

The Catholic Aids office was established in 1999 and with it a coordinated HIV/Aids plan was introduced by the Catholic Bishops Conference. In February 1999 the Bishops

released a statement on the use of condoms. This has led to much debate and uproar as it has been seen as an irresponsible move on the part of the Catholic Church. The decision by the Catholic Church to ban the use of condoms was not welcomed in government circles, which has largely based its prevention strategy on the distribution of condoms and the promotion of the use of condoms by South Africa's sexually active population. Though the Catholic Church had already expressed its stance on condoms in 1999, it was only until two years later in 2001 that the South African government reacted to this position. It joined a number of other groups in calling on the bishops to rethink their stance but this has not swayed the Catholic Church which continues to promote abstinence as the only way to be safe from HIV infection.

In 1999 the SACBC also aligned itself with the aims of the TAC when it endorsed the organization's actions and campaigns. TAC was only formed in 1999 and was initially not conceived as much of a threat against government. This could be the reason why this statement by the bishops to support TAC had gone unanswered and seemingly unnoticed by government. In 2001 the SACBC again joined TAC when it released a joint statement with the Church of the Province of South Africa (CPSU/Anglican Church) and COSATU. The statement called on government to speed up campaigns that would assist those living with Aids. In another show of support for TAC and its objectives, the SACBC released a 20 March 2003 media statement endorsing the planned civil disobedience campaign of TAC. Both these statements went unanswered by government. On 2 July 2004, the SACBC announced its decision to provide ARV's free of charge to HIV positive people. This was an indictment of government's delay in providing drugs that would improve as well as save many lives. The interaction between the SACBC and government leaves much to be desired. On the part of government there has only been a response on the condom issue. It has not replied to other calls and challenges made by the Catholic Church. This is perhaps an indication of the lack a relationship between government and the SACBC. It appears that more importance is awarded by government to the statements and actions of the SACC.

Tone of SACC and SACBC interactions

The SACC has found itself in a difficult situation with the state because of its former relationship with the ANC and the UDF and has therefore tried to couch its statements in a tone that does not seem anti-government. Despite the fact that the initial statements and decisions of the SACC are characterized by an attempt to maintain the middle ground, it gradually became more aggressive in its pronouncements on the state's Aids policies. When government did not react to demands from civil society and the broader public, the SACC became more insistent and forceful in its demands and refused to be pacified by government.

In instances where it has responded directly to the SACC (as in the case of Thabo Mbeki's statements about the church) government has had a decidedly vitriolic and harsh undertone. Because of the reluctance of the SACC to show all out support for government and its actions, it has accused the Council of being deserters of the liberation project. As a result, the SACC's allegiance to the nation-building project has been questioned and this has caused a rift between government and the Council. Those in power have not taken kindly to being questioned and this was apparent in their responses to criticism. Government's tones and responses range from one extreme to the other. In some instances it has taken a very conciliatory tone and attempted to appease the SACC by attending consultations organised by the Council and pledging its support. However, Mbeki's government has also taken an extremely aggressive and defensive tone when being questioned by civil society organisations.

The relationship (between government and the SACC) in 2004 still seemed to be on relatively rocky ground if one considers the recent speech made by President Mbeki at the triennial conference of the SACC on 12 July 2004. President Mbeki congratulated the SACC on the work that they had done during the struggle but at the same time chastised it for its involvement in civil society. According to Mbeki '...it has become fashionable among some in our society, including some who claim to have contributed to the democratic victory, to position themselves as what are called watchdogs or advocacy groups' (Mbeki, 2004). He suggested that the role of the Council 'should on the contrary,

in the main satisfy itself with the task of observing, analyzing and assessing the actions of those who continue to act as agents of changes, instead of being content merely to criticize or approve what others are striving to achieve' (Mbeki, 2004). Given that the SACC has spent the last four years immersing itself in civil society and chastising government about its policies and particularly its policies on HIV/Aids, this statement by the president is very significant. It shows what the government expects of the church and appears as an admonishment of the actions that they have recently been involved in.

Like the SACC and other civil society actors, the SACBC has been very critical of government particularly with regard to its policies on ARV's. The SACBC launched a scathing attack on government's handling of HIV/Aids. It accused government of promoting a 'hedonistic society' without morals and values. The Bishops also criticized government's prevention policies. Government could only muster a mild rebuke to this accusation by calling the SACBC's policies sad and misguided. In its 20 March 2003 statement endorsing TAC's march, the SACBC expressed annoyance and exasperation with government for wasting time and effort on debates that are doing nothing to find a solution to the problem. The state has not followed the same course of action that it has with the SACC. It has repeatedly attempted to get the Council to toe the line and ally itself with the ruling power. Though it has criticised the SACBC's stance it has not done so with as much fervour as when it was attacking the SACC.

Analysis of the effect of the SACC and SACBC's alliances on its relationships with government

The above tone suggests a degree of insecurity and suspicion on the part of government. Many former allies in the liberation movement have expressed their dissatisfaction and disagreement with the policies implemented by the state. Not only has the SACC suggested that it would not allow its policies to be dictated by government but COSATU showed that it is no longer willing to toe a party line that does not benefit its constituents. As a member of the government's tripartite alliance together with the South African

Communist Party, COSATU has often been faced with the option to toe the line or leave the alliance whose fragile existence has been threatened on numerous occasions. COSATU has found new allies and the trade union has increasingly become much more vocal in its criticism of government.

These actions have presented a challenge to Thabo Mbeki's African Renaissance project as civil disobedience could have negative implications for South Africa's status as the leading country in Africa. How is Mbeki to be taken seriously by other countries if his own citizens are taking him to court and engaging in civil disobedience in protest against his policies? Mbeki has acknowledged the importance of a vibrant independent civil society "...this (civil society) is perfectly legitimate and may very well be a necessary task in ensuring that the democratic victory does not lose its way and betray the hopes of millions who fought for the liberty we all enjoy" (Mbeki, 2004). However, it seems that he wants both a civil society that advocates for the rights of the people but at the same time one that does not threaten his government with civil disobedience. It is for this reason that his appeal to the SACC to "play its part among the forces in our country that have defined themselves as actors for the progressive reconstruction and development of our country" is so important as it suggests that the SACC become an ally of government. Given that it is losing support from long time allies, COSATU and the SACP, this is not surprising.

The SACBC has chosen to ally itself with those fighting the HIV/Aids cause within civil society. It is an ardent supporter of TAC's civil disobedience campaign. However, its alliances have not significantly impacted on its relationship with government. Given the fact that they do not have much of a reciprocal relationship except for the odd statement, this does not impact very heavily on the SACBC-state association. What is significant for government, though, is the fact that civil society is increasingly working together to make the state more accountable. This could lead to a certain amount of paranoia and insecurity in government circles as it might feel that its authority is being challenged.

Conclusion

The SACC continues to command a large sphere of influence. In addition, it has allied itself with actors, like TAC, and this has garnered the Council a lot of respect and a large following. COSATU enjoys a similar profile as most South Africans who are affected by HIV/Aids are workers who belong to trade unions. With one of the most vocal and influential individuals (Archbishop Ndungane) leading the way in the fight against Aids, the Anglican Church, which is a member of the SACC, is a vital and important asset given its vocal denunciation of government's inadequate Aids policies. Together, these groups make a formidable team and scored major victories when the South African courts ruled in their favour. Nonetheless, both the influence of the SACBC and the SACC has to a large part been determined by their alliances with other civil society organizations. Judging by the information above, real action by government has only happened when civil society joined together in civil disobedience campaigns and legal action. Despite the attendance at the marches and the number of people who have supported the demands that were made, even civil disobedience has not made a significant enough impact on government to review its Aids policies. There is still a long way to go before South Africa has an adequate structure in place to deal with the scourge of Aids.

Groups like TAC, COSATU, the SACC and the SACBC have revived the idea of popular participation and activism that allow for ordinary people to have a say in policy and decision making. Civil society alliances have brought the ordinary face of HIV/Aids to the public's attention.

The SACC and SACBC have both, for the most part, been vocal and challenging of government's policies. A major obstacle for the churches has been their reluctance to discuss certain issues regarding sexuality and the moral arguments that accompany it. They have since been able to put this aside as Aids is a problem that affects all and the church turning a blind eye to the epidemic would have worsened the situation. The church has thus far performed well in challenging government and making demands that would benefit millions of people. During the first few years of democracy, both could to

some extent have been blamed for being too close to the state and given the history of this country this is perhaps understandable and was in some ways unavoidable. What is important for this issue, however, is that this has not remained the case. Both the SACBC and SACC have managed to maintain their neutrality and have avoided being co-opted by government. Though they have not been as outspoken as TAC, who has been willing to take legal action against the state, they have shown support for this type of action. I have shown that the SACC and the SACBC have criticized government when necessary and have pledged support and cooperation on other occasions. With regard to the issue of HIV/Aids both have managed to maintain a relationship of critical solidarity with the state. The speech given by general-secretary, Molefe Tsele, was extremely significant of the position that the SACC perceives itself as playing in society. Though it states that it does not want to be regarded as anti-government, it also very clearly states that Thabo Mbeki and his government are not beyond critique.

Chapter 3

The SACC and SACBC response to South Africa's debt situation

Introduction

It is necessary to briefly explain the basic definitions and debates surrounding South Africa's debt. When the ANC assumed power in 1994 it inherited many of the previous government's problems including its debts. The Mandela government had to take on the responsibility of repaying both foreign and domestic debts. However, it must be noted that this chapter will only be concerned with issues relating to the public foreign debts owed by the state and does not include private foreign debts of financial institutions within the country. Rudin (1999: 7) estimates that in 1993 South Africa's foreign debt totalled R160.105 billion. For a country that has the major task of development and reversing the ills created by apartheid this is a large amount. However, the Jubilee Debt Campaign argues that the debt should not be repaid as it was incurred by an illegitimate regime for illegitimate reasons.

The Jubilee Debt Campaign was formed in the United Kingdom in 1996 and its aims are to convince the developed world that debts owed by the developing nations are odious and illegitimate and should therefore be cancelled as debt servicing costs billions which could have been used on health and other forms of social spending. According to Adams (cited in Rudin, 1999: 4) odious debt occurs when

...a despotic power incurs debt(s) not for the needs or in the interest of the State, but to strengthen its despotic regime, to repress the population that fights against it ... or to colonise it(s territories) with members of the dominant nationality, etc., these debts are odious to the indigenous population...

In South Africa it can hardly be disputed that the loans received by the apartheid government were primarily intended to keep the majority of South Africans subjugated and inferior and are therefore illegitimate. Adams (cited in Rudin, 1999: 5) uses cites another definition by Alexander Sack which argues that

Odious debts, incurred and used for ends which, to the knowledge of the creditors, are contrary to the interests of the nation do not fulfill one of the conditions that determine the legality of the debts of the State... The creditors have committed a hostile act with regard to the people; they can't therefore expect a nation freed from a despotic power to assume the 'odious' debts, which are the personal debts of that power.

Thus the illegitimacy of the apartheid regime renders all loans and assistance that it received as illegitimate.(Rudin 1999: 9). According to research by Madörin and Wellmer (2000: 10-11) creditors who issued loans to apartheid South Africa were aware of the situation and were able to pressurize the South African government to reform. Their failure to do so makes them culpable as they were benefiting from apartheid. Thus they were instrumental in contributing to the apartheid regime's continued existence. In 1998 Jubilee South Africa was formed in order to 'call for the cancellation of both the Apartheid debt and the Apartheid and destabilisation-induced heavy debts of neighbouring South African countries: and to support the international cancellation of all Third World debt' (Jubilee 2000 SA: 2001).

The purpose of this chapter is to investigate the involvement of the SACC and SACBC in the Jubilee campaign and to determine to what extent their contribution to the debt campaign informs their civil society characteristics. Unlike Chapter 2, I will not separate the actions and involvements of the SACC and the SACBC as all actions and decisions (involving civil society) with regard to South Africa's debt have taken place under the national umbrella body of Jubilee 2000 South Africa. The SACC and SACBC (both founding members of Jubilee South Africa) were the two most important and biggest groups in the Jubilee initiative. However, some tension developed within the coalition which led to the Council and the Bishops Conference becoming less active in Jubilee decision-making in 2004. Though this does not imply that they have distanced themselves from the movement and its principles, this sensitive issue has had a number of implications with regard to the ability of the Jubilee campaign and civil society as a whole, to deal with the debt situation. However, this will be discussed later in the chapter.

First it is important to look at the actions of Jubilee 2000 South Africa (which changed to Jubilee South Africa in 2001) since its inception in 1998 as a campaign to end debt owed by developing countries, through to its evolution into a coalition of civil society organisations in South Africa whose primary aim it is to hold accountable those who have benefited from the illegitimate apartheid regime. It has thus changed its mission from one that merely addresses the cancellation of debt owed by Heavily Indebted Poor Countries (HIPC's) to include the call for the cancellation of odious debt. The campaign has been largely concerned with reparations which it argues is owed by those who benefited from apartheid, to compensate its victims.

Content of interactions between Jubilee and the state

When government introduced the Growth, Employment and Redistribution plan (GEAR) it committed itself to debt repayment (this despite the fact that it was spending less on poverty alleviation and social services due to debt servicing). Its argument was that it wanted to encourage trust in the South African economy in order to invite investment (*Sowetan*, 24 June 1998). According to Gill Marcus (*Sowetan*, 24 June 1998) “we cannot expect to borrow if we do not honour existing debt commitments. If we were to write off the debt, we would either not be able to borrow, or only do so at ever more exorbitant rates of interest”. Jubilee’s position however was that the writing off of debt should not influence future investments or loans to South Africa because debt is odious and therefore illegitimate and unenforceable. The Founding Declaration of the Jubilee 2000 South Africa Campaign argued that “the struggle against apartheid continues until all apartheid’s debts have been cancelled within Southern Africa” (SACC, 1998a). Thus, until South Africa is freed from its debt burden and is able to use its resources to improve the lives of its citizens, it is still suffering under the yoke of apartheid. According to the statement made by Jubilee “apartheid is now forcing its victims to pay twice over for their suffering” (SACC, 1998a).

Though Jubilee South Africa supports the international call for debt cancellation of all African countries as well as its other Southern counterparts, its main challenge has been to eradicate all debt incurred by South Africa, during apartheid, as well as the broader

Southern African region which was affected by apartheid South Africa's destabilisation policies. Together with its international partners, Jubilee South Africa was involved in the international campaign to collect 100 000 signatures by the end of 1999 for the Jubilee 2000 petition for debt cancellation. In addition Jubilee South Africa has also taken the initiative in organising a Jubilee South-South summit on 20 November 1999, attended by Asian and South American countries. The summit was intended to address debt cancellation from the perspective of developing countries directly affected by debt servicing (Jubilee 2000, 2001).

Despite all the activity surrounding the Jubilee campaign, there was still little response from the South African government. An article published by the *Mail and Guardian* on 1 October 1999 argued that the success of Africa's renewal rests on its ability to force the West to cancel illegitimate debt. According to the article "If Mbeki and the ANC cannot or will not declare their full support for Jubilee 2000, then they must not utter another word to the public about the virtues of the "African Renaissance"..." (*Mail and Guardian*, 1 October 1999). This a very serious challenge to government as the African Renaissance project is the brainchild of President Thabo Mbeki, who has promoted his plan as the answer to Africa's revival.

Government's main argument has been that its support for the Jubilee campaign would deter future investment in the country and hamper the ability of the South African government to acquire loans. The Jubilee 2000 publication, *Apartheid Debt: Questions and answers* (published on 10 September 1999) challenged this argument as unfounded because despite South Africa's good credit rating (due to stringent policies introduced by GEAR) and the fact that the country's economic environment has been made more favourable, investment has not been what it should be. Instead of experiencing an increase in growth, investment in South Africa has declined from 9.2% in 1976 to 0.9% in 1996 (Rudin, 2000: 20). However, the South African government's actions continue to be controlled by the international economy as it courts the West in order to encourage investment in this country. This strategy is challenged and criticized by Jubilee and it has prompted them to conclude

if our government's fears (regarding investment) are well-founded, if it is the faceless financial markets, the selfish profit-seekers from abroad who ultimately tell our government what to do, then the struggle for national liberation has still to be won (Rudin, 2000: 21).

Another argument made by government is that South Africa's foreign debt only makes up about 5% of the country's total debt and that it would lose its credit worthiness if it did not honour existing loans. In addition they have argued that most of these loans were made only after the ANC government came into power (*Mail and Guardian*, 8 December 2000). Yet, government seems to be missing a very important point. Jubilee is not encouraging it to renege on debt payments. Instead the coalition is trying to convince creditors to cancel the debts. Furthermore, many of the post 1994 loans were incurred in order to equip the new government to deal with the results of apartheid. Despite this, government refused to comment on debt cancellation and remained firm in its decision not to engage itself in Jubilee South Africa's debt campaign.

In 2000 the then National Secretary of Jubilee SA, Neville Gabriel, addressed the Okinawa conference of G8 world leaders in an attempt to lobby the industrialized countries for debt cancellation. He cited the cancellation of debt as part of "a much broader campaign for global economic justice and social transformation" (Gabriel, 2000: 40). He also argued for debt cancellation on the grounds that it is historically, politically, legally, morally and economically illegitimate. Gabriel criticized the industrialized nations' demands for payments from impoverished Southern countries who have already repaid their debt many times over and who are dominated by unequal and unfair trade relations that only serve to widen the already large gap between the North and South (Gabriel, 2000: 40). This was not the only call emanating from South Africa for the cancellation of debt. The SACC, on 21 July 2000, urged the G8 to pay heed to Jubilee's calls so that the few resources that the South does manage to hold on to can be used for social development and the rebuilding of poor and marginalised communities (SACC, 2000a). However, their demands fell on deaf ears. Even calls (to review debt repayments) by President Thabo Mbeki and President Olusegun Obasanjo seemed to go unheeded. It is ironic that barely two years later these two African leaders were touting

their “African” plan for renewal in the form of NEPAD which some have argued is little more than a “sell out” of Africa to the West. The relationship proposed in this document between Africa and the West would be no more than a repeat of their former exploitative relationships and does not support calls for debt cancellation but instead proposes ways for Africa to repay its debt (Bond, 2002).

The outcome, of the G8 summit in Okinawa, was far from favourable. The leading countries in the world had promised to address the debt owed by the HIPC’s. Consequently, the World Bank and IMF introduced the HIPC initiative in 1996. Although this initiative claims to help poor countries, the opposite is true. Instead of the debt burden being removed by cancelling the remaining debt owed, these countries have to implement policies (similar to Structural Adjustment Policies) that are intended to ensure that they are able to meet their debt repayments. The only debt that is written off is the unserviceable debt which the poor countries would in any case never be able to pay (Bond, 2001: 27). Though promises of debt relief were reiterated at the Cologne summit of G7 leaders in 1999 they have yet to be honoured. The summit was presented with a petition containing more than 17 million signatures in support of debt cancellation. This prompted the world leaders to finally address the debt issue and resulted in a commitment that debt would be reduced and ultimately cancelled. However, by the time that the G7 met in Okinawa in 2000, only about 1.2% of the debt had been cancelled (Toussaint, 2000). According to a 24 July 2000 statement by Jubilee South Africa

The G7 have attempted to rehash old pledges that have failed, effectively imposing further conditions on the promises of limited debt cancellation that have yet to be delivered a year after they were made in Cologne. None of the countries promised debt cancellation under the G7’s “Enhanced HIPC Initiative” has received it. Yet, the G7 misleadingly notes that “progress (has been) made” (Jubilee SA, 2000).

The reluctance of the developed nations to re-evaluate the debt burden of the HIPC’s (for which South Africa does not qualify), does not bode well for South Africa’s apartheid debt problem. South Africa is by far better off than many other developing countries and in a better position to repay its debt. Yet, Jubilee maintains that South Africa’s debt is illegitimate and should for that reason not be paid. In addition, if one considers that the

majority of South Africans live in absolute poverty it is misleading to think that South Africa is actually in a position where it can afford to service foreign debt.

Despite the SACC and the SACBC being two of the primary members of the Jubilee 2000 South Africa coalition, the events that took place in 2002 would soon show a growing divide in the Jubilee campaign. In July 2002 Jubilee South Africa chairman, M.P. Giyose, took part in the G8 summit proceedings in Canada together with the Jubilee National Secretary, Neville Gabriel. This was the same summit at which Thabo Mbeki was to present his plan for the renewal of Africa in the form of the New Partnership for Africa's Development (NEPAD). NEPAD has been hailed by Mbeki as the answer to Africa's problems despite the fact that some of its key recommendations for Africa's renewal include privatisation policies which would not benefit the poor. In addition the NEPAD document does not promote the cancellation of debt. This has resulted in civil society actors taking to the streets in protest against it. According to Bond (2002) NEPAD is not what it claims to be namely "a new framework of interaction with the rest of the world...based on the agenda set by African peoples through their own initiatives and of their own volition, to shape their own destiny" but is instead a framework developed without the input of the people and "owes nothing to Africa's social struggles". If it were indeed true that NEPAD was designed by the African people, the ones that would be most affected by it, then it would not be so tolerant of issues like debt repayments and privatisation. It would be more conscious of the effects that the proposed policies and initiatives within the NEPAD plan would have on the most vulnerable within African society.

It is for this reason that civil society activists have protested NEPAD's implementation. The lack of consensus on NEPAD signalled the beginning of a growing rift within Jubilee. The SACC was initially in agreement with other civil society organisations with regard to NEPAD. Though the Council was not completely opposed to the idea behind the NEPAD initiative, it questioned the way the document was drafted and how it proposed to address the problems experienced by African countries. Molefe Tsele (2002), during a presentation to the Ministerial Roundtable of the UN International

Conference on Financing for Development, called NEPAD “premature” and argued that it cannot work in its present form as it is “a partnership with African leaders without African People”. The SACBC levelled similar criticism at NEPAD calling it “seriously lacking because there has been no consultation with Africa’s citizenry, without whose active participation there can be no real partnership and no real development” (SACBC, 2002). However, a media release by the SACC on 3 April 2002 indicated a shift in the Council’s position on NEPAD. It stated that “The SACC fully endorses NEPAD as a new commitment by the African leaders to put the continent on an accelerated path of development”. Though they expressed reservations about the project these did not extend as much to the content as to the fact that it lacks people driven initiatives (SACC, 2002). This position has led to a considerable amount of confusion and disagreement amongst some of the SACC’s civil society partners. If the SACC was to continue being a member of Jubilee, its position on NEPAD was a threat to its continued relationship with the Jubilee campaigners. Jubilee South Africa questioned the SACC’s continued support for the debt campaign and argued that NEPAD contradicts the aims of the jubilee initiative. In an interview with Molefe Tsele (29 October 2004) he argued that the SACC is not required to consult with its partners when deciding the Council’s official positions and statements. The SACC came to its decision after holding numerous workshops and consultations with government. As a result of these consultations the SACC made the official decision to endorse NEPAD. In the general secretary’s view, this position should have no bearing or influence on the Council’s partnership with Jubilee as the SACC remains committed to debt cancellation (Tsele, 2004). The implications of the resulting tense relationship between the SACC and Jubilee leadership will be discussed later in this chapter. For now it is important to look at the events that finally convinced the South African government to take an official stance on debt and become involved in attempts to find a resolution to this debate.

On 12 November 2002 Jubilee, together with the Khulumani⁷ support group, instituted legal action against 21 American, British, German and Swiss multinational corporations.

⁷ Khulumani was established in 1995 during the TRC hearings as an umbrella body functioning under the Centre for the study of Violence and Reconciliation. It became an independent movement in 1999 and took

According to a statement issued by Jubilee South Africa these “corporations aided and abetted a crime against humanity whose persistent social damage requires urgent repair” (Jubilee SA, 2002). The statement went on to say that the defendants in the case

...made massive profits while the suffering of the victims of apartheid intensified. The banks and businesses have consistently ignored our attempts to engage in discussion about their role in supporting broad social programmes for the reconstruction of development of affected communities and in compensating specific individuals for the damage that the corporations made possible (Jubilee SA, 2002).

The SACC supported this action and approved of the choice of Michael Hausfeld to represent the claimants. Except for the occasional statement that it would continue servicing its debt in order to attract foreign investment, government had been very careful in distancing itself from the Jubilee campaign. In an interview with the *Business Day* Newspaper Justice Minister Penuell Maduna (*Business Day*, 25 November 2002) stated that government would remain neutral by “neither supporting nor rejecting the lawsuits”. According to Maduna, government aimed to attract investment from these countries (the defendants in the litigation suit) in order to provide benefits for all within South Africa instead of resorting to court action in order to get benefits for only a few individuals. However, Jubilee chairperson, M.P. Giyose argued that government’s statement did not hold water as there had hardly been any foreign investments in South Africa since a democratic government was elected in 1994 (*Business Day*, 25 November 2002). In a 27 November 2002 press statement Jubilee stated

In all our discussions with South African government ministries it is clear that the position of the South African government is neither to oppose nor to actively support the reparations lawsuits, since citizens have an undeniable right to legal recourse. The rule of international human rights law must be upheld (SACBC, 2002).

By 2003 there was a decisive change in the South African government’s response to Jubilee South Africa’s court action. Though President Mbeki reiterated that “the South African Government is not and will not be party to such litigation” it was clear that he did not welcome Jubilee’s actions (Mbeki, 2003). In his address to parliament, during the

up the role of providing a voice for the victims of apartheid. Since the end of the TRC proceedings it has been involved with the Jubilee campaign to negotiate reparations for apartheid victims

tabling of the Truth and Reconciliation Commission report, he presented government's position as the following

...we (government) consider it completely unacceptable that matters that are central to the future of our country should be adjudicated in foreign courts which bear no responsibility for the well-being of our country and the observance of the perspective contained in our constitution of the promotion of national reconciliation. While Government recognises the right of citizens to institute legal action, its own approach is informed by the desire to involve all South Africans, including corporate citizens, in a co-operative and voluntary partnership to reconstruct and develop South African society (Mbeki, 2003).

Despite government's initial "indifference" to Jubilee South Africa's reparations campaign it finally gave up its "silence" in July 2003. Though the South African government reiterated its fears that foreign investment in the country would be hampered by legal action and changed its position from indifference to active opposition to the legal actions lodged in the United States. Penuell Maduna, handed a nine page affidavit to a US court in which the South African government appealed to the courts to dismiss the legal claims of the jubilee campaigners (*IOL*, 26 July 2003). Maduna reportedly admitted to a 'deal' that had been reached between government and the defendants in the court cases. The businesses (named in the litigation suit) agreed to invest in South Africa if the South African government agreed to support it in its aims to get the courts to dismiss the legal actions brought against it (*IOL*, 29 June 2003). According to Maduna (*IOL*, 29 June 2003) "They (businesses) said they are willing to work with us to convince American courts that as South Africans we can find workable and less destructive solutions. They are prepared to make that commitment of contributions to reparations". Thus government decided to work towards a mediated settlement that it claims would benefit both the victims and those businesses involved in the claim.

This change in government response was announced during the August Civil Society conference on reparations, organised by the SACC. The conference was intended to stimulate interaction between Jubilee, government and the business community. In his address to the conference, Maduna suggested that the claimants, together with government and the accused companies should attempt to find a solution that would

benefit all. Government's decision appeared to be a very strategic move as it was an attempt to accommodate both parties since it would stand to gain more from a negotiated settlement (*Business Day*, 28 August 2003). However, this attempt at mediation was hampered when the business sector chose not to attend the civil society conference. In addition, government continued to support the view that legal action would slow down South Africa's economic development. It has not been able to convince both business and the claimants in the reparations lawsuits to reach a compromise that would not harm trade relations between South Africa and its international counterparts. Despite the court cases not getting off to a good start claimants continued to regard government with suspicion and vowed that they would use every possible legal route to appeal any dismissal of the claims (*Business Day*, 28 August 2003).

Table 2.1 Chronology of Jubilee actions and state responses

Date	Content	Who/what level
1. 24 June 1998	'Writing off debt has consequences'	Deputy minister of Finance: Gill Marcus – The Sowetan
2. 5 November 1998	Jubilee 2000 South Africa: Founding Declaration	SACC statement
3. 21 March 1999	Southern African Jubilee Debt Summit. Gauteng Declaration: Freedom from Debt=Freedom from domination	Jubilee 2000 South Africa
4. 10 September 1999	Publication of Apartheid Debt: Questions and answers	Jubilee 2000 South Africa/AIDC
5. 17 September 1999	International campaign to collect 100 000 signatures by end of 1999 for petition to cancel debt	International Jubilee 2000 coalition
6. 1 October 1999	'Support debt relief or drop the renaissance'	Mail and Guardian
7. 21 July 2000	SACC statement	Molefe Tsele: SACC General Secretary
8. July 2000	Cancel the odious, illegitimate debt	Neville Gabriel – Jubilee SA National Secretary
9. 24 July 2000	Statement by Jubilee 2000	Neville Gabriel – Jubilee

	SA on the G7 announcement	SA National Secretary
10. 17 June 2002	International legal claim	Individual victims of apartheid
11. 12 November	Media statement: Major apartheid reparations suit filed in US court	Jubilee SA and Khulumani Support Group
12. 25 November 2002	'State distances itself from apartheid lawsuit'	Business Day
13. 27 November 2002	Jubilee SA responds to reported comments by Cabinet Ministers	Jubilee SA/SACBC Justice and Peace Department
14. 15 April 2003	Statement on the Tabling of the TRC report	President Thabo Mbeki
15. 26 July 2003	'Government opposes reparations claims'	Independent Online
16. 27-28 August 2003	Civil society conference on reparations	SACC
17. 28 August 2003	'Maduna to mediate in apartheid lawsuits'	Business Day
18. 31 August 2003	'Mbeki in bid to avert reparations litigation'	Independent Online
19. 1 September 2003	'State steps up its fight against reparation'	Business Day
21. 10 November 2003	'Shaky start for apartheid US lawsuits'	Business Day

Sources: www.sacc.org.za, www.sacbc.org.za, www.aidc.co.za, numerous newspaper articles

Analysis of chronology

The chronology is significant as it shows the number and frequency of interaction between government and the Jubilee coalition. As is evident from the above, government had initially distanced itself from the debt campaign. Despite countless appeals from both the media and civil society for government to become involved in claims for reparations, these fell on deaf ears. Government had made it clear that it was not in favour of Jubilee's actions but at the same time it vowed not to become embroiled in this sensitive issue as discussions about debt and reparations have encouraged countless controversial debates. It is interesting to note that when government was finally forced to join in negotiations, President Mbeki continued to delegate responsibility to the rest of his

staff and it was left to Justice Minister Penuell Maduna to negotiate a compromise with the campaigners.

This response from government has been criticized as wholly inadequate. Government initially displayed the same lack of engagement when Jubilee South Africa was started as an affiliate of the International Jubilee debt campaign. Its mandate was to address the problem of debt cancellation as well as reparations claims made by the victims of apartheid. Prior to the formation of the South African component of Jubilee there was already some indication of government's opinion regarding debt.

In an article by then Deputy Minister of Finance, Gill Marcus, she outlined government's position and indicated that the state was not in favour of debt cancellation. According to a statement released by Jubilee "The Ministry of Finance declared its opposition to Jubilee from the outset and launched a media campaign to undermine Jubilee at the time of its launch. But, in these early days, government was by and large relatively unconcerned about Jubilee" (Dor, 2003). Government's position at this time was characterised by inconsistencies and contradictions. In 2000 Thabo Mbeki addressed the opening of the South Summit in Havana as the president of the Non-aligned Movement. In his speech he promised to address the alleviation of the debt burden and its eventual cancellation (Mbeki, 2000).

The promise made by Mbeki is contradicted by government's subsequent refusal to endorse the Jubilee campaign for the cancellation of debt. Between 1999 and 2002 government refrained from responding to calls from civil society for the cancellation of apartheid debt. Apart from Mbeki's appeals to the world leaders at the 2000 Okinawa summit of G8 leaders to adequately address debt and other issues that affect developing countries, there has not been much engagement on this matter between his government and the Jubilee movement within the country. According to Patrick Bond (2001: 140)

It is arguable that Mbeki's approach to ... debt relief has done incalculable damage, mainly by virtue of his failure to endorse the Jubilee 2000 South Africa campaign against "odious debt" including apartheid debt

However, by 2003 the government was “forced” to address debt when Jubilee South Africa brought its claims before a foreign court. Government has since then voiced its disapproval and objections to the campaigns of Jubilee and instead of support for this movement has been opposed to it. These actions have prompted a large amount of criticism levelled at government by civil society which has accused the state of being on the side of big business at the expense of the poor in South Africa. Real action and involvement from government only occurred when it regarded its sovereignty as being under attack because of the lawsuits brought before US courts. Prior to Jubilee’s decision to file the lawsuits against the major overseas corporations that benefited from apartheid, government was content to take a backseat and remain detached from the matter. However, when it found itself in a situation where its fate rested on a decision made by a foreign court, government was compelled to intervene. Despite subsequent attempts by the South African government to prevent legal action Jubilee has been adamant that this is their last resort and that they would not give in to government pressure.

An interesting aspect is the low profile kept by President Mbeki. In view of the importance of this matter and government’s continued appeals to Jubilee about the effects that its actions would have on South Africa’s economic viability, Mbeki’s lack of involvement is cause for concern. It is significant that Mbeki has not been more involved. In addition there have been few official statements from government with regard to Jubilee and little or no consultation between government and civil society. The fact that the holder of the country’s highest public office has not deemed it necessary to be more involved with an issue that addresses the majority of it’s citizens, is perhaps indicative of where South Africa is currently heading.

Tone of interactions between government and Jubilee SA

South Africa has recently celebrated ten years of democracy but the majority of its citizens are still faced with large numbers of inequality and poverty with most barely feeling the advantages that are said to be trickling down because of GEAR. This has created a large amount of disillusionment with government and its abilities to address the

needs of those affected by apartheid and who are now being affected by the cuts in social spending due to debt servicing thus “paying twice over for apartheid” (SACC, 1998). Jubilee’s criticisms of government have been very aggressive and forceful. The campaign has repeatedly challenged government and has not minced words when attacking government’s debt repayment policies and its cosying up to big business and international finance. Government, on the other hand, has fiercely defended its position. Maduna blamed the claimants of displaying a lack of faith in government’s abilities to provide for its citizens and has been reported as saying that those who have laid the legal claim “hope that by waving a magic wand they can do things (that the government can’t)” (*Independent Online*, 29 June 2003). This is a clear attack on the Jubilee movement. Government has also accused Jubilee of threatening the sovereignty of the South African government by appealing to foreign courts. The South African government argues that this is a South African dilemma which has to be addressed by courts within this country. Jubilee’s unsympathetic retort was that South Africa does not possess the legal mechanisms for such litigation as the country has no laws under which a case such as this could be heard. Thus Jubilee had no choice but to take their case elsewhere (Giyose, interview, 3 October 2004). It was inevitable that the underlying problems surrounding this issue would erupt. Jubilee actions contradict the economic policies of the South African government. Whereas the government is intent on fostering a relationship that would guarantee foreign direct investment which in turn is meant to create jobs and alleviate poverty, the Jubilee movement is ‘antagonising’ these very companies which government is courting.

Government, on the other hand, should to be more wary when making claims about threats to its sovereignty. Firstly, the affidavit submitted by the South African government was drafted as a result of consultations between Penuell Maduna and Colin Powell in which the latter suggested the submission of an affidavit (Bond, 2003). According to M.P Giyose this is ironic as the South African government, in this instance, had no problem acquiescing to a request made by the government of another country. This could certainly be regarded as a challenge to South Africa’s sovereignty as their actions were prompted by another sovereign power. M.P Giyose dismissed government’s

claims by arguing that the very same government that is protesting about its sovereignty are the same people who demanded that the rest of the world intervene in South Africa and disregard its sovereignty when the National Party government was enforcing apartheid. At the time they argued that they were mandated by the people of South Africa and that their actions were in the best interests of the country. The Jubilee movement is making the same argument namely that they are speaking and acting in the interest of the majority of South Africans who are still suffering apartheid's consequences (Giyose, interview, 3 October 2004). This suggests the very serious implication that government is guilty of hypocrisy and that in this instance it is not acting in the best interests of its citizens.

The tone of nearly all the South African government's replies has been appeasing toward the industrialized nations. The agreement between government and business in favour of mediation seems to be accompanied by a veiled threat made by business; either make the lawsuits disappear or deal with the consequences. Civil society, however, has not been completely averse to finding an amicable solution. Many within the Jubilee movement are only in favour of legal action as a means to an end and not an end in and of itself. Jubilee resorted to legal action after years of campaigning fell on deaf ears and the leaders of the world continued to make empty promises. According to a statement by Jubilee South Africa, the legal route was taken after Jubilee became increasingly exasperated and frustrated as very little was being done to ease the burden on the poor while at the same time millions of people in the developing regions were dying daily due to disease and poverty (SACBC, 2000). The tone of Jubilee's statements suggests that they had long since lost patience with government and its reluctance to support the Jubilee initiatives. Their statements make no secret about the fact that they are in total opposition to government's handling of reparations for apartheid's victims. In spite of the fact that government had finally expressed willingness to engage in dialogue, Jubilee has not given up its legal campaign. It had been fighting for years to get government and business to become involved in order to find a solution that would benefit all stakeholders. It is evident from Jubilee's position that it has no faith in government's stance.

Analysis of the SACC and SACBC's alliance with Jubilee South Africa and subsequently government

Since 2003 there has been a large amount of disagreement regarding the lawsuits and it has not come only from government but also within the ranks of Jubilee and has led to the apparent withdrawal of the ecumenical movement in South Africa (as mentioned earlier, the biggest groups within Jubilee) from the decision making process within Jubilee. Molefe Tsele has voiced support for government's aims to stop litigation from proceeding. He has accused the litigation process as having become too 'lawyer-driven' and in his view, the issue should be handled in South Africa with the participation of government and business (Tsele, interview, 29 October 2004). According to Jubilee South Africa it was never against mediation and it was not averse to engaging with government on this issue. Since its inception it had submitted all relevant reports to government and had carried on with this until government stated its objections to the lawsuits and began actively opposing the litigation (Giyose, interview, 3 October 2004).

Two major issues, regarding the SACC and SACBC's relationship with Jubilee, will be discussed in this section. First it should be stated that both organizations share the view that mediation is the best possible route to finding a solution. The SACBC is in agreement with the SACC on the need for churches to engage with political leaders in order to find suitable ways to implement the NEPAD plan. This endorsement of NEPAD by the two religious bodies was not welcomed by Jubilee supporters⁸ and was one of the major reasons for the divide within Jubilee's ranks. This was exacerbated by the fact that the decision was made without any prior consultation with Jubilee South Africa. In response to this M.P. Giyose urged Molefe Tsele to withdraw his statement supporting NEPAD. Giyose also suggested that Tsele not allow the SACC to be drawn into a situation where it seems to be bound to a particular political ideology (Giyose, interview, 3 October 2004). There had been a very firm response by the majority of civil society organisations within South Africa against the acceptance and implementation of the

⁸ In this instance the SACBC and SACC were in agreement about government's role. The SACC's endorsement of NEPAD was also accepted by the SACBC.

NEPAD document. The SACC, however, hosted a 2003 conference together with the World Council of Churches and the All Africa Council of Churches and one of the aims of this conference was to understand the motivations behind NEPAD and how it aims to “save” Africa. Ironically Dr. Tsele believes that Jubilee themselves have become associated with a particular political ideology. According to the SACC general secretary, Jubilee has positioned itself as ‘the counter movement of the ANC and of Mbeki in particular’. In his opinion, this is ‘good for the vibrancy of our democracy but it should not overshadow attempts to deal with the issue at hand, namely debt reparations’ (Tsele, interview, 29 October 2004). Thus, according to the SACC, the role of social movements should be to campaign for the rights of citizens and to hold government accountable for its actions but civil society should also be able and willing to engage with government in order to find suitable solutions to issues affecting the country. Despite the fact that the SACC was still a member of Jubilee at this time, the NEPAD issue was not welcomed by those within Jubilee and only served to add to the already increasing tension between the Executive of Jubilee and the SACC leadership.

This also suggested the development of a closer relationship between the Council and government. The SACC invited President Thabo Mbeki to explain his renewal plan but this invitation was not extended to other civil society actors, a move that would have made a large amount of progress in facilitating dialogue between government and civil society. The SACC should guard against alienating the rest of civil society. An invitation to other civil society actors could have been much more effective particularly given the fact that this issue is of considerable importance to Jubilee’s campaign.

The second major issue between the SACC and Jubilee arose when government suggested that it was in favour of mediation and asked that Jubilee withdraw the court action. Government has been left with no choice but to involve itself in the Jubilee campaign. The way that it had gone about it however is cause for concern. First, it handed an affidavit to US courts instead of consulting with Jubilee. Thereafter, it stated that it had managed to enter into a “deal” with business in favour of negotiations and mediation. In both these actions it seemed to be acting in its own interests and that of

business instead of engaging Jubilee from the outset in order to determine their claims. Thus it is hardly surprising that mediation has not taken place. However, the SACC has been a big campaigner for mediation between government, Jubilee and business. The ecumenical movement feels that Jubilee should engage government in discussions as more could be gained from talks than would be the case in a court battle. The other alternative is that the defendants in the court case would either succeed in getting the case dismissed by the judge or it would settle out of court. Neither situation would be beneficial for either the victims or government. According to the SACC, it recognises the importance of civil society in mobilising itself in order to engage in dialogue with government. The Council does not regard the court cases as being wrong in principle but argues that it has not been adequately balanced with the need to find a holistic solution to the problems in South Africa (Makue, interview, 28 September 2004).

While this is a relevant argument made by the SACC, the actions of its General Secretary have not been beneficial to mediation attempts. Molefe Tsele has criticized Jubilee in the media by suggesting that they have lost sight of the reasons for the litigation process. This tense situation has resulted in many leading figures within the SACC and SACBC withdrawing themselves from any further talks and negotiations taking place within Jubilee⁹. (Giyose, interview, 3 October 2004). Though they have not supported continued court action, they continue to believe in the principles of Jubilee and have not completely distanced themselves from the concept of reparations. The SACC's view is that civil society should not simply critique government from afar but it should also be willing to engage in discussions in order to reach compromises that would benefit all.

Conclusion

The situation that the SACC finds itself in does not bode well for its ability to remain neutral and not align itself with government. While the larger part of civil society continues to oppose NEPAD and at the same time fight for reparations, the SACC has managed to find itself in between a rock and a hard place with regard to this subject. On

⁹ Yet, it is very important to note that this does not apply to those SACC members at local and provincial levels who are still very involved in the Jubilee campaign (Giyose, interview, 3 October 2004).

the one hand, it has tried to work with government but on the other hand it should not alienate civil society. While the SACC is not against the idea of reparations, it seems that it has too easily accepted government's explanations. If one looks at government's actions with regard to the HIV/Aids issue it is easy to be cautious and apprehensive as it has repeatedly shown its reluctance to accept constructive criticism and to take heed of civil society's demands. The Council should also be wary of government's attempts to find a mediated solution to the debt and reparations claims. Mbeki and his government were perfectly content to take a backseat and not involve themselves with the reparations claims. It only expressed its willingness to engage in negotiations when it felt threatened. Thus the decision by government to intervene could be regarded as a decision made in the interest of South Africa's economic policies, possibly at the expense of those it claims to be helping.

On the other hand, the SACC's attempts to place itself in between government and civil society is a good strategy. By attempting to position itself in the centre of the debate it would have been able to liaise with both government and Jubilee. Yet, its relationship with the latter appears to have soured considerably and this has been exacerbated by Dr Tsele's criticism about the way that the court cases have proceeded. Though it claims that as civil society it is still a voice for the people, the SACC's tense relationship with Jubilee and its willingness to engage in consultation with government at the expense of other civil society actors, says otherwise. In the interests of its role within civil society the SACC should attempt to define its position with greater clarity. Though the council has its own mandate and is not obliged to consult with other groups on its official stance it could be more beneficial, in future, to allow for a certain level of consultation in order not to alienate its civil society partners. The SACC's current approach to the debt campaign is very similar to its approach to NEPAD. It believes that the debt campaign should be under wider political control and that it should not be dealt with by a select group in the form of Jubilee. According to Molefe Tsele, the Council believes that by engaging the South African government instead of isolating and alienating it from discussions, more progress will be made. In his view, the lawsuits were only instituted as a last resort after government's reluctance to engage with Jubilee. Now that government

has expressed its commitment to finding a resolution that would benefit all, everyone concerned should be involved in this process as Jubilee's aims should not be to benefit a few but the majority of South Africans, all of whom have suffered under apartheid and deserve compensation (Tsele, interview, 29 October 2004). However, this has come at a price. The SACC and SACBC have become alienated from their Jubilee allies and a large amount of time and energy is spent on this dispute at the expense of the real issue at hand. In this instance, the SACC has not been as effective with regard to maintaining the middle ground.

Chapter 4

The SACC and SACBC response to government's handling of the Zimbabwe crisis

Introduction

The current situation in Zimbabwe is characterised by a breakdown of democracy and the rule of law. When Robert Mugabe became the prime minister of Zimbabwe in 1980, he impressed the world with his appeasing attitude towards Zimbabwe's former colonisers. In his 1980 election manifesto Mugabe promised that Zanu would take a conciliatory position

Zanu wishes to give the fullest assurance to the white community, the Asian and coloured (mixed-race) communities that a Zanu government can never in principle or in social or government practice discriminate against them. Racism, whether by whites or blacks, is anathema to the humanitarian philosophy of Zanu. It is as primitive a dogma as tribalism or regionalism. Zimbabwe cannot just be a country of blacks. It is and should remain our country, all of us together (cited in Meredith, 2002: 9-10).

In the first two decades following independence, Zimbabwe was regarded as the darling of Sub-Saharan Africa. Aid was rolling in from all over the world and it seemed that Zimbabwe would live up to expectations as a post colonial success story. However, this period was marred with controversy and claims that Mugabe was responsible for the massacre of thousands of Ndebele people because he was intent on eradicating all opposition to his rule. He allegedly began his campaign by waging war against his biggest political rival, the Zimbabwe African People's Union led by Joshua Nkomo. After many deaths and months of sustained pressure, Nkomo agreed to join forces with Zanu PF (Meredith, 2002: 73). However, by the 1990's Mugabe's government was faced with two major new challenges. The first was in the form of the war veterans who were involved in the fight for freedom and liberation. Despite promises that they would be rewarded for the role that they played; they were largely ignored by Mugabe's government. The War Veteran's Fund was set up to provide pensions to former

liberation soldiers but these pensions did not materialise (Meredith, 2002: 134). This situation got out of hand in 1997 with the war veterans, rightfully, demanding that they be heard. The second issue was the large amount of unresolved tension that existed between the government and white farmers despite the government's earlier promises of reconciliation. Mugabe's rhetoric was also becoming more and more racist. However, he found a way to deal with both these issues in a move that would secure his future as ruler of Zimbabwe and rid him of any future opposition.

He gave war veterans free reign over Zimbabwe and allowed them to take the land back by force. Zimbabwe has been on a downward spiral for a number of years and the situation is worsened by Mugabe's use of terror and intimidation to quell any resistance or criticism of his regime. Despite evidence that this situation has been going on for a number of years, it was not until 2000, with the start of the land invasions, that the rest of the world started taking notice. Robert Mugabe has run Zimbabwe into the ground and nobody has been able to do anything about it thus far. He has become even more determined to stay in power regardless of the cost to his country as well as the rest of the region. Mugabe seems set to join the legion of African dictators like Bokassa, Amin and Mobutu who were responsible for the suffering of millions of Africans.

Though many leaders in both the developed and developing world have denounced and criticized Mugabe's policies and actions one man is regarded as having the greatest capacity to deal with the issue. Thabo Mbeki's policies regarding Zimbabwe have come under international, regional and also national criticism and scrutiny. He has been criticised for not putting enough pressure on Robert Mugabe. In some instances Mbeki has even been accused of propping up the Mugabe regime by providing it with essential resources like oil and electricity supplies. Zimbabwe is wholly dependent on these resources and more importantly so is the existence of the Mugabe government. The merits and demerits of President Mbeki's foreign policy with regard to Zimbabwe has been frequently questioned and analysed. What is apparent however is the fact that whatever Mbeki's current policy, it seems to have done very little to help those in Zimbabwe who are the most affected by the instability in the country.

In response South African civil society organisations have increasingly shown their willingness to engage with Zimbabweans in order to help them find a reasonable solution to the turmoil in Zimbabwe. President Mugabe's mounting paranoia has led to the implementation of measures that effectively curbs freedom of speech, expression and the right to demonstration and he has also sought to curb the influence of civil society. The situation is further characterised by the torture of opposition party members, restrictive legislation, curtailing of the freedom of the press, attacks on human rights defenders and food shortages (Amnesty International, Report 2003).

This final chapter will look at the role played by the SACC and SACBC in efforts to mobilise both the South African government to do more concerning the situation in Zimbabwe as well as their efforts to engage in dialogue with their Zimbabwean counterparts in order to find an agreeable solution. There are a number of reasons why the SACC and SACBC should get involved and are capable of making a difference in Zimbabwe. One of the most important ones is the fact that Zimbabwe is currently reminiscent of apartheid South Africa. Because of its involvement in the South African liberation struggle, the SACC has invaluable experience in mobilising oppressed people to stand up to such a regime. Firstly, they can lobby Thabo Mbeki's government into taking a more decisive and assertive stance with regard to Zimbabwe. Secondly, they can provide much needed guidance and support to their counterparts in Zimbabwe (most notably the Zimbabwe Council of Churches and the Zimbabwe component of the Catholic Bishop's Conference).

SACC response to government

In the next sections I will provide the following:

- 1.1 A content and analysis the content of responses between the SACC and the state
- 1.2 A chronology of the interactions between the SACC and the state.

Content of responses between the SACC and the state

In May 2000 an ecumenical task team, represented by the South African Council of Churches, the All Africa Council of Churches, the World Council of Churches and ICCO Netherlands¹⁰, was sent to Zimbabwe to determine the true extent of the looming crisis. The delegation found a large amount of incriminating evidence against the ruling party. According to the popular viewpoint in Zimbabwe “much of the violence was generated by ZANU-PF...” (WCC-Zimbabwe report, 2000). Alarming reports concerning land distribution were also found. According to the report “of the farms transferred in the resettlement program, some 270 were put in the hands of government and ruling party officials or ceded to members of parliament rather than to landless peasants” (WCC-Zimbabwe report, 2000). In spite of evidence that the corrupt practices of Robert Mugabe’s government are largely responsible for the chaos, the SADC heads of state have chosen to support the Zimbabwe regime. An example of this support for Zimbabwe was demonstrated by President Mbeki when he acted on behalf of Zimbabwe in an attempt to secure aid from Britain to address the land question (Mbeki, 2000). At the time, these and other attempts to provide assistance to Zimbabwe appeared to be very noble intentions on the part of Mbeki to help solve the situation and help Zimbabwe out of its misery. However, Mugabe has repeatedly reneged on promises and agreements and it had become clear that the land question was not the most important issue. Instead Robert Mugabe’s real agenda was concerned with prolonging his stay in power regardless of the effects that this would have on his country. He has, on numerous occasions, humiliated Mbeki by disregarding his efforts and ignoring agreements brokered by Mbeki on behalf of Zimbabwe. During a trip to Zimbabwe after its 2000 elections President Mbeki attempted to convince President Mugabe to change his policies and to return law and order to the embattled country. Despite making repeated promises, however, Mugabe again went back on his word and left Mbeki shamed and embarrassed (Johnson, 2001).

¹⁰ ICCO is an organisation whose aim it is to actively work towards the eradication of poverty and injustice across the world. ICCO is rooted in the Dutch Protestant-Christian tradition and is a regular partner of the SACC.

Though the 2000 election (which saw Zanu-PF firmly ensconced in another term in office) was characterised by large-scale intimidation the South African government released a statement that “welcomed the conduct of democratic elections in Zimbabwe”. It further went on to say “the president (Mbeki) is confident that the ruling party and all other parties, will now utilise the mandate received from the people of Zimbabwe to find lasting solutions to the pressing socio-economic needs of their people” (Department of Foreign Affairs, 2000). This response was reiterated by the SADC heads of state who “expressed satisfaction that the elections were held in a transparent, peaceful, free and fair environment, in accordance with our shared democratic principles and values” (Office of the Presidency, 2000). There were numerous reports by election observers which stated the lack of conditions for free and fair elections. As a result, President Mbeki’s foreign policy came under a large amount of scrutiny when he endorsed the Zimbabwe elections. The ecumenical team to Zimbabwe which included the SACC also expressed its misgivings about the conditions surrounding the elections in Zimbabwe. According to the team report ‘the delegation decided to designate WCC observers during the election period “international ecumenical peace observers”. It did so to give an indication that it believed the pre-election period was too full of flaws to provide for fully free and fair elections’ (WCC-Zimbabwe report, 2000).

South Africa continued to endorse the actions of the Zimbabwe government. Nkosazana Dlamini-Zuma, South African Minister of Foreign affairs (*Sunday Times*, 18 February 2001) resisted calls for South Africa to speak out against the developments in the neighbouring country by saying that South Africa would not bow down to pressure regarding Zimbabwe

If you are asking are we going to be combative, we are not. But we will do it in a way that builds bridges rather than spoils for war. We will not treat the Zimbabwe government as if it was an illegitimate government. It was elected in democratic elections that were free and fair. Don’t try and push us into a combative role (*Sunday Times*, 18 February 2001)

She is not the only South African minister to give her backing to the Zimbabwe government. South Africa’s Minister of Labour, Membathisi Mdladlana, has visited Zimbabwe to foster a “closer working relationship”. For those in the country who have

to suffer under and endure the tyranny of Mugabe's reign of terror, this does not suggest much reason to hope that South Africa can do anything about their situation (Department of Labour, 2003).

Even the use of sanctions is not considered an option. Sanctions have always been regarded as a way to convince a transgressor to reform its policies and actions. However, when the European Union decided to impose sanctions on Zimbabwe, the South African Government released a statement in which it condemned this action and argued that 'the people of Zimbabwe need to speak through the ballot box' (Department of Foreign Affairs, 2002). Given the problems, which arose during the 2000 elections, the South African government was placing far too much faith in an election process that is extremely susceptible to intimidation tactics and that lacks the necessary conditions for free and fair voting to take place.

President Mbeki, however, has not been oblivious to the fact that Zimbabwe is in serious trouble. An article on the Afrol news network on 5 December 2001, reported that Mbeki appeared to be changing his policy of quiet diplomacy in favour of a more direct approach. According to the report (*Afrol News Network*, 5 December 2001)

Mbeki stressed the need for free and fair elections in the Zimbabwean presidential elections scheduled for March next year (2002); said that the Southern Africa Development Community (SADC) needed to intervene urgently and finally said its neighbour "misguided economic programme" in the past two decades was responsible for the contemporary crisis.

The president also acknowledged the role (albeit briefly) that the rest of civil society can play in helping to resolve the crisis in Zimbabwe. On 13 August 2001 President Mbeki met with a World Council of Churches delegation and representatives from the SACC to discuss the possible role of the ecumenical movement in the resolution of conflicts in the SADC region. This was an important move by the president because the SACC enjoys a good relationship with the Zimbabwe Council of Churches and can in this way work towards a solution that would include the voices of the Zimbabwean people (WCC Press Release, 2001).

President Mbeki's position on Zimbabwe, however, is becoming increasingly reminiscent of his stance on HIV/Aids because of the large amount of confusion and disagreement that it is causing. South African companies, Sasol and Eskom, have been supplying the Mugabe regime with millions of rand worth of oil and electricity on credit. The provisions of these resources are of utmost necessity for Mugabe and his cronies to remain in power. It seems that all it would take to remove Zanu-PF from government is to stop the provision of these resources and to allow sanctions to be imposed. The South African government, however, has argued that sanctions would do more harm than good to the average Zimbabwean citizen (Department of Foreign Affairs, 2002A) but the alternative to this is continued exposure to intimidation and violence and a looming famine that will claim thousands of lives. In view of this it is all the more ironic that the South African government decided to endorse the 2002 election, calling it the will of the people. The government released a statement on 13 March 2002 "welcoming the fact that the actual elections and subsequent processes (in Zimbabwe) have proceeded without any significant conflict among the participants". According to the statement the South African government would continue to "facilitate dialogue between the two main parties" (Government communications, 2002). Once more there were conflicting reports regarding the elections. The Afrol news network of 13 March 2002 reported that

All observing sources except the South Africans agree there was lack of transparency, political violence and intimidation and the authorities had manipulated capacity and opening hours in Harare, hindering thousands of opposition supporters from voting (*Afrol News Network*, 13 March 2002).

The SACC chose to take a somewhat ambivalent stance on this issue. While it recognised the impediments to a free and fair election that existed in Zimbabwe, it distanced itself from a pronouncement that the elections were not free and fair. In an SACC media release the Council's official position was that

The conditions which were deliberately created by the incumbent government in Zimbabwe, including the harassment and jailing of political opponents, the abuse of presidential powers to amend laws, and the government's collusion with the police to harass the Opposition, served as an impediment to the creation of free and fair elections...However, it would be incorrect, in our view, to suggest that the outcome of the elections were illegitimate. We think they reflect a legitimate will of the Zimbabwean voters who turned out in large numbers to express their say through the ballot box (SACC, 2002b)

The SACC pledged to work together with the ZCC, its sister body in Zimbabwe, in order to find solutions to the problem that would be in the best interests of the Zimbabwean population as a whole (despite the outcome of the elections and the conditions that created it).

In a similar pledge to continue attempts to address the situation in Zimbabwe, a *Sunday Times* interview with Mbeki on 8 October 2002 reported that the president was committed to facilitate in finding solutions to the problems in Zimbabwe by mediating talks between all the concerned parties including the commercial farmers (*Sunday Times*, 8 October 2002). In spite of these assurances, by 2003 Mbeki was once again under the spotlight for not dealing adequately with the Zimbabwe issue. In his State of the Nation address on 14 February 2003 (The Presidency, 2003) he barely mentioned Zimbabwe (which is of much greater concern to South Africa) and chose instead to focus attention on the crisis in Iraq. A further uproar was caused by the fact that Mbeki and Nigerian President, Olusegun Obasanjo (members of the Commonwealth Troika), were in favour of lifting Zimbabwe's suspension from the Commonwealth against the wishes of Australian Prime Minister, John Howard, the third member of the Commonwealth Troika (*Focus 29*, March 2003). This has resulted in the view that the Commonwealth is divided along racial lines with Mbeki and Obasanjo representing the "black African view" and their Australian counterpart, John Howard representing the "white Western view". Mbeki seems to have adopted Mugabe's use of racial rhetoric to defend his support for Zimbabwe. The South African president has accused the "white world" of trying to impose its mind set on the African people and ganging up on Africa (Mbeki, 2002). In his weekly column on the ANC website, Mbeki undertook to fight against the "upside down view of Africa" (Mbeki, 2003).

The South African government's current approach to Zimbabwe is one which seeks to bring all parties together to broker an agreement. Mbeki has tried this tactic before but previous negotiation efforts did not include the MDC. Since the beginning of 2004, the South African government and Mbeki in particular have experienced renewed criticism with regard to their foreign policy towards Zimbabwe. After winning the 2004 elections

and a second term, Thabo Mbeki promised that he would refocus his attention on Zimbabwe (*The Zimbabwe Independent*, 23 April 2004). Yet, a June deadline set by Mbeki after his 2004 election has passed by with no concrete progress being made. The SACC too has become more vehement in its calls for more aggressive action from government. The Council directed an urgent plea to President Mbeki to send a delegation to Zimbabwe to press for talks between Zanu and the MDC. According to its statement, released on 24 February 2004 “the news that President Mugabe has ruled out the possibility of talks taking place is not only worrying, but seems to be a grave set back, and a loss of opportunity, to normalise the boiling political and economic climate in Zimbabwe” (SACC, 2004).

The SACC expressed support for negotiations and advocated for the use of a forum for dialogue in which the views of both the MDC and Zanu PF could be represented. According to the General Secretary of the SACC, Molefe Tsele ‘The forum, which will be quite similar to the South African CODESA... talks, has been proposed by the Zimbabwe Council of Churches ..., which has asked us for our support’ (*IRIN News*, 14 July 2004). It appears that the SACC is willing to back the same form of intervention but from a different perspective. The SACC has said that it does not underestimate the role of the South African government and its attempts at brokering a peace deal but it should not be left up to the government only to find a solution and “regional and continental organisations must be seen to be doing something” (*Mail and Guardian*, 1 March 2004). The first attempt by the SACC to host talks between Zanu and the MDC recently ended in disappointment when Zanu PF snubbed an invitation to attend a consultation where the upcoming elections in Zimbabwe were to be discussed (*The Zimbabwe Independent*, 8 October 2004).

Table 3.1 Chronology of the interactions between the SACC and the state

Date	Contents	Who/what level
1. 21-29 May 2000	Report of the ecumenical team visit to Zimbabwe	WCC,SACC,AACC,ICCO

2. 27 June 2000	South African statement on Zimbabwe elections declaring them free and fair	South African Department of Foreign Affairs
3. 7 August 2000	Statement by SADC heads of state	Office of South African Presidency
4. 18 February 2001	We won't condemn Zimbabwe, says Dlamini-Zuma	Sunday Times
5. 13 August 2001	Thabo Mbeki asks churches to promote conflict resolution in Southern Africa	WCC Press Release
6. 18 February 2002	Statement on the imposition of targeted sanctions on Zimbabwe	South African Department of Foreign Affairs
7. 13 March 2002	Statement of the South Africa government on the elections in Zimbabwe	South African Department of Foreign Affairs
8. 8-14 March 2002	ANC Today, Letter from the President: Two blacks and one white	Thabo Mbeki
9. 3 April 2002	SACC media release on Zimbabwe	SACC
10. 8-14 December 2003	ANC Today, Letter from the President: We will resist the upside down view of Africa	Thabo Mbeki
11. 24 February 2004	SACC asks President Mbeki to spark Zimbabwe talks	SACC
12. 1 March 2004	Church leaders form Zimbabwe task team	Mail and Guardian
13. 14 July 2004	South African churches urge political parties to talk	IRIN News

Analysis of chronology

There have been a large number of official announcements and statements on Zimbabwe from both the SACC and the South African government. However, they have not been directed at each other and as a result the amount of interaction has been inadequate and one could even argue, non-existent. If there had been more reciprocal dealings between

government and the SACC (as well as the rest of civil society) a solution on how to deal with Zimbabwe could have been reached much sooner. Instead government decided that it needed to concentrate on maintaining a fragile agreement with Zimbabwe. This had, however, failed and instead a situation now exists in which South African civil society and government are operating entirely separately from one another instead of engaging in a mutually beneficial relationship which would be much more effective.

The problems in Zimbabwe are not a recent phenomenon and have in fact been brewing since the early 1990's. However, it was not until 1998 that the world became aware of the various human rights abuses and lawlessness that characterizes Zimbabwe today. Thabo Mbeki's government was in favour of a less aggressive approach to the situation and introduced a policy of "quiet diplomacy" to address the crisis in Zimbabwe. By the time Zimbabwe was preparing for its 2000 elections there were increasing reports that the basic elements for a free and fair election to take place in Zimbabwe did not exist. The SACC participated in a study together with the World Council of Churches and the All Africa Council of Churches to determine the pre-election climate in the country. Though the task team described the conditions as unfavourable for free and fair voting, the SACC declined from making any statements or pronouncements following the election. The South African government, on the other hand, chose to endorse the outcome of the voting. During this time the SACC remained silent on Zimbabwe's state of affairs. It was only after the 2002 election that the SACC released a statement expressing its opinion on the matter. Even then it took a cautious approach stating that although there were obstacles to free and fair elections, it cannot dispute that the outcome was not the will of the Zimbabwean people (SACC, 2002b).

Throughout this time the SACC has never criticized government's stance and has instead chosen to support government's policy of quiet diplomacy. The Council eventually, conceded to the failure of government's policy but suggested that all blame should not be attributed to government and that the rest of the civil community should instead work together to find a suitable solution that would solve the situation. There has not been much interaction between the SACC and government on Zimbabwe. In August 2001

President Mbeki addressed the churches and asked for their assistance in promoting conflict resolution but he has not followed up on this request. Government should keep in mind that churches possess a number of resources that could play a major role in finding a solution to the crisis. In addition, if the South African government utilises its resources by working with the civil society movement in this country, it would have wider access to those within Zimbabwe and would not only have to deal with this issue at the state level. By liaising with the SACC Thabo Mbeki's government could mobilise wider grassroots support inside the country and have more success in its dealings with Robert Mugabe and Zanu PF. This has, however, not taken place and there is currently a situation where the two groups are pursuing separate plans for dialogue to take place instead of pooling together all their resources.

SACBC response to government

In the next sections I will provide the following:

- 1.1 A content and analysis of the interactions between the SACC and the state
- 1.2 A chronology of the interactions between the SACC and the state.

Content and analysis content of interactions between the SACBC and the state

On the 8th of April 2000 the SACBC issued a press statement condemning the lawlessness and violence in Zimbabwe and announced its lack of confidence in the government of Zimbabwe

We note with great regret that the political leadership of Zimbabwe has not only failed to intervene to restore order, but actually seems to be encouraging the lawlessness. President Mugabe appears to have adopted an attitude of indifference to the future stability and prosperity of the country and people that he was elected to serve (SACBC, 2000a).

Unlike the initial silence by the SACC on this issue, the SACBC wasted no time in publicly denouncing Robert Mugabe's government and the 2000 Zimbabwe election. The Bishops also took this opportunity to challenge the South African government's programme of land redistribution and held up the Zimbabwe case as an example of what

problems could occur if the issue of land in South Africa is not adequately addressed. The statement furthermore urges Zimbabwe's neighbouring countries (the South African government in particular) to take responsibility in trying to resolve this predicament (SACBC, 2000a).

After its April 2000 statement was released, the Catholic Church became uncharacteristically quiet on the topic of Zimbabwe. Though it was clear that they were major critics of the state of affairs in the country and wanted a return to law and order, the SACBC refrained from making any further comments on the situation. This prompted an appeal made in the Catholic publication, *The Southern Cross*, for the SACBC to break its silence and engage in more aggressive action in calling on the Zimbabwean government to institute reforms. The *Southern Cross* editorial called on "Christians ... to stand with the oppressed and hungry. The Church in South Africa must be united in its solidarity with the victims of Mugabe's unjust regime" (*The Southern Cross Editorial*, November 2002). This was an apparent challenge to the SACBC to become more involved and engaged in the plight of its Zimbabwean neighbours. The Catholic Church's stance on Zimbabwe has, however, not been that simple. According to Cardinal Wilfrid Napier, president of the SACBC, the Conference is not in favour of the situation in Zimbabwe and is definitely opposed to the ongoing crisis. However, there has been a lack of uniformity between the Bishops in Zimbabwe and their South African counterparts on how to address the situation (*The Southern Cross Editorial*, November 2002). While bishops from both the ZCBC and the SACBC have made statements in their individual capacity, the SACBC decided to abstain from commenting until they were given the mandate, to intervene, by their Zimbabwean counterparts. The ZCBC request for assistance came on 7 November 2002 when Bulawayo Archbishop Pius Ncube addressed a group of South African Church leaders when he gave the Archbishop Denis Hurley lecture in Durban. After giving an overview of the atrocities and major human rights abuses that were taking place in Zimbabwe, he appealed to those present "to lobby wherever possible to apply pressure on Mugabe and his followers to change" (Ncube, 2002).

In an attempt to clarify their stance, Church leaders from both Zimbabwe and South Africa joined together in a consultation to discuss the role of the church as a peace maker in the region. The delegates resolved to meet with church structures in their countries, which includes the SACC, the ZCC, the Evangelical Fellowship of Zimbabwe, the Evangelical Alliance of South Africa, and the Catholic Bishops Conference in both Zimbabwe and South Africa. At the end of the two day conference, on 30 and 31 October 2002, one of the resolutions agreed upon was the decision for church leaders to meet with President Mbeki and convince him of the vital role that should be played by the South African government in ending the crisis in Zimbabwe. The delegates also promised to remain “committed to the transformations of society ... and as the critical conscience of society” (Kubatana Trust, 2002).

Following this consultation, there was urgency in the SACBC’s efforts to convince the South African government of the importance of its intervention in Zimbabwe. According to a statement released by the SACBC on 6 February 2003

...the Zimbabwean crisis requires urgent and direct intervention by the South African government, in the same way that the government has played a leading role in the resolution of other political conflicts on the African continent. There are deeply disturbing signs that Zimbabwe is on the brink of total breakdown into civil war with massive food and fuel shortages, and increasing levels of organised state terror. However, the South African government has consistently snubbed calls on it to play a more active role in exposing the abuses that now characterise Zimbabwe’s political life and to take actions to avert a further catastrophe in our neighbouring country. (SACBC, 2003a).

The SACBC, in its statement, demanded that the South African government use its resources and authority to find a resolution (SACBC, 2003a). Once again, there appeared to be a difference of opinion and a lack of clarity on the official position of the ZCBC on how to deal with Mugabe. While Archbishop Ncube was urging South Africa to become more aggressive and challenge Mugabe’s rule, a report was released by the ZCBC following the SACBC’s 6 February statement in which the Zimbabweans expressed their concern about the SACBC’s comments. According to the Zimbabwe Independent some members of the ZCBC felt that “confronting President Mugabe could cause trouble and possible retribution” (*Zimbabwe Independent*, 28 March 2003). The fear expressed by

the ZCBC is indicative of how bad the situation has become. In reply to this the ZCBC secretary-general Godwin Nyatsanza reportedly said that the SACBC had liaised with the ZCBC before it released its statement. According to Neville Gabriel, from the SACBC's Justice and Peace Department, said that "...no bishops' conference would comment on the situation in another bishops' conference...However, the situation in Zimbabwe is a very big issue in South Africa and ... the SACBC had to comment on it in relation to our own government...In addition we (the SACBC) have been receiving many requests for solidarity from groups and individuals in Zimbabwe" (*Zimbabwe Independent*, 28 March 2003). The question of how to approach Robert Mugabe has become a very tense issue. What has become clear is that the SACBC is not in favour of the "quiet diplomacy" employed by the South African government. Its statements have consistently challenged the South African government to take a more aggressive stance in favour of "quiet diplomacy" as the latter is not working. This hesitancy by Mbeki has prompted the president of the SACBC, Cardinal Napier, to question why sanctions are not considered and applied "intelligently" if it is clear that no other method has worked (*News24*, 12 July 2004). President Mbeki has said before that sanctions were not an option because it would only worsen the situation in Zimbabwe (Department of foreign affairs, 2002A). The problem is that since Mbeki's quiet diplomacy does not seem to bear any fruits, perhaps it is time that he considers another route. Napier has argued that the situation in Zimbabwe is already so bad that sanctions would hardly make a difference and might instead have the desired effect by pressurising President Mugabe (*News24*, 12 July 2004).

In an attempt to bring to light the real situation in Zimbabwe, The Solidarity Peace Trust conducted a study on Zimbabwe's National Youth Service in September 2003. The Peace Trust is an NGO formed by church leaders in Southern Africa and its aim is to promote the rights of those who have suffered human rights abuses in Zimbabwe (Solidarity Peace Trust, 2003: 2). The study found concrete evidence to support the claim that youth militia camps were being used by Zanu PF to indoctrinate the youth of Zimbabwe so that the government could use them as a weapon in their fight to stave off the opposition and remain in power. According to the church leaders involved in the study (Solidarity Peace Trust, 2003: 5)

The national youth service masquerades as a youth training scheme that imparts useful skills and patriotic values... The reality is a paramilitary training programme for Zimbabwe's youth with the clear aim of inculcating blatantly antidemocratic, racist and xenophobic attitudes... The report details the use of the militias by those who control them to carry forward the Zanu PF political agenda in everything from manipulating election results to controlling the food distribution process to the party's advantage

The report further argues that Robert Mugabe and his Zanu PF government are fast eroding Zimbabwe's legacy as well as its future. It accuses the government of "sacrificing the moral, spiritual and physical well-being of a whole generation of Zimbabweans for the short term political advantage of those in power, with incalculable long-term effects upon the very fabric of the nation" (Solidarity Peace Trust, 2003: 5). The findings of the Trust have been supported by Archbishop Pius Ncube. The *Independent Catholic News* (8 March 2004) reported another appeal made by Ncube that the South African government urgently "abandon quiet diplomacy". He urged the "international community to assist (Zimbabweans) to force these people...There is no other way of dealing with such a dictator. There must be pressure from a whole lot of sides. We can't solve this problem alone" (*Independent Catholic News*, 8 March 2004).

On 11 August 2004, the Catholic Church released another statement in which it urged "the international community to take stronger action on Zimbabwe and Sudan". According to the Bishops "with more than three million people displaced as a result of the crisis in Zimbabwe, a generation of exiles and refugees has been created. This situation cannot be allowed to continue" (SACBC, 2004). Despite repeated calls by the SACBC most of its appeals have not been answered by the South African government. There has been no interaction between the SACBC and government on ways to work together to find solutions to Zimbabwe's problems. The reason for this could be the SACBC's criticism of government's "quiet diplomacy". The bishops have made no secret about the fact that they are in favour of a more aggressive stance that might reap more rewards. This has not helped the relationships between government and the SACBC. The effects of this tension will be discussed later in the chapter.

Table 3.2 Chronology of the interactions between the SACBC and the state

Date	Content	Who/what level
1. 8 April 2000	Press Statement on crisis in Zimbabwe	SACBC
2. November 2002	Southern Cross Editorial	SACBC – Cardinal Wilfred Napier
3. 7 November 2002	The Archbishop Denis Hurley Lecture	ZCBC – Archbishop Pius Ncube
4. 31 October-2November 2002	Roman Catholic Church Leaders consultation	Bishops from ZCBC and SACBC
5. 6 February 2003	Establish inquiry into “Green Bomber” or expel Zimbabwe, Catholic Church tell South African government	SACBC – Archbishop Buti Tlagale
6. 28 March 2003	Catholics clash over Zim crisis	The Zimbabwe Independent
7. September 2003	National Youth Service Training: Shaping youths in a truly Zimbabwean manner	The Solidarity Peace Trust
8. 8 March 2004	Pius Ncube calls for support from South African Churches	Independent Catholic News
9. 12 July 2004	Bishop backs Zim sanctions	News 24
10. 11 August 2004	Catholic Bishops urge the international community to take stronger action on Zimbabwe and Sudan	SACBC statement

Analysis of chronology

As is evident from the above chronology of the SACBC’s statements and actions with regard to the Zimbabwe situation, there has not been an extended engagement between the South African government and the SACBC. It appears that government has not responded to any demands or appeals made by the SACBC. Instead the two sides have acted completely independently from one another in trying to find solutions to Zimbabwe’s crisis and a way to deal with Robert Mugabe’s dictatorial reign. The

SACBC has repeatedly voiced its opinions through press releases and statements in which it has criticized Mbeki's 'quiet diplomacy'. However, the Bishops' appeals and demands have gone unnoticed. Mbeki's defence of his policy has been that he does not want to alienate Zimbabwe and that it is a country which needs African solutions instead of sanctions, which has generally been the proposed Western solution. Mbeki, in turn, has on countless occasions vehemently defended his policies instead of taking heed of the suggestions and arguments made by civil society.

The SACBC experienced a period of relative quiet during 2001 and 2002. The Bishops have attributed their silence to elements within the ZCBC that have hindered the South Africans from making any statements. The Catholic Church has always spoken with one voice and the lack of unity on how to deal with Mugabe had led to a rather disconcerting quiet. However, this issue has since been resolved and the SACBC has once again begun challenging the slow pace at which negotiations are taking place.

Thus, judging from the evidence, there has been a major lack of interaction particularly from the side of government. The SACBC has made numerous appeals and calls to government to review its Zimbabwean foreign policy which is obviously seriously flawed. These demands have fallen on deaf ears and this presents South Africa with a real problem. The crisis could have been dealt with and there could have been more progress if the South African government had utilised the wealth of resources that South African civil society possesses. Because of its links with other civil society organisations, nationally, regionally and internationally the church can be a valuable asset with regard to negotiation, mediation and arbitration as it is able to voice the popular sentiment.

Analysis of SACC and SACBC alliances

Appeals to the South African government, about its handling of the Zimbabwean crisis, have come from many other civil society groups. There has even been recent tension

between government and COSATU, its partner in the tripartite alliance because of COSATU's promise that it would protest against the Zimbabwe government despite Thabo Mbeki's quiet diplomacy. According to Zwelinzima Vavi's article in the *Mail and Guardian* (5 November 2004)

A diplomatic breakthrough can only happen when Mugabe is forced to change by a mass movement from below, by the Zimbabwean people, assisted by a campaign of international solidarity action, to compel him to restore human rights, repeal repressive laws and allow free and fair elections. This is exactly how we defeated the tyranny of Smith and apartheid... COSATU will not flinch from its international duty to organise activity in solidarity with its comrades in the ZCTU and the people of Zimbabwe.

COSATU made it clear that it was no longer going to remain quiet in support of Mbeki's quiet diplomacy while its comrades and the people of Zimbabwe continued to suffer.

The SACC has mainly concentrated on its alliances with its ecumenical partners, the WCC, AACC and the ZCC. It is currently assisting the ZCC in the latter's attempts to extract an agreement from both the MDC and Zanu that it would participate in a forum to debate Zimbabwe's future. The ZCC has proposed a forum which would be like the CODESA talks in South Africa and has requested the assistance of the SACC in the implementation of this plan. The SACC has decided to back this plan as it has finally admitted that "quiet diplomacy and other interventions are ineffective and that the encouraging of dialogue between the parties is the most effective way" (*IRIN News*, 14 July 2004).

The SACBC, in turn, has had a similar relationship with its Zimbabwean partner. Though the SACBC has clearly outlined its position with regard to Zimbabwe, it has respected the mandate given to it by the ZCBC and has consulted with Zimbabwe Catholic Bishops when it has made comments and statements denouncing the Zimbabwe dilemma. Like the SACC the SACBC has not, until recently, broadened its relationship with other civil society organisations in terms of Zimbabwe.

The SACC and SACBC recently collaborated with other civil society organisations on a two-day conference on 'Minimum Standards for Elections in Zimbabwe'. It organised

the conference together with the Centre for Policy Studies (CPS), the Institute for Democratic Alternatives in South Africa (Idasa) and the Institute for Justice and Reconciliation (IJR). The main aim of the conference was to “determine how the South African community can assist Zimbabwe in building a solid consensus on minimum election standards” (*Zim Online*, 6 October 2004). This indicates the willingness of civil society to work together in finding a way to address the plight of ordinary Zimbabweans under the authoritarian rule of Zanu PF.

Tone of SACC and SACBC interactions

There appears to be a marked difference between the tone of the statements which were released by the SACC and SACBC. Both groups have continuously spoken out about the conflict and instability in Zimbabwe. When the SACC participated in an observer task team organised by the WCC, the team concluded that the elements for a free and fair election did not exist and that the process was hindered by the Mugabe government (WCC-Zimbabwe report, 2000). Despite the findings of the WCC task team on the situation in Zimbabwe in 2000 (a situation which had not improved by 2002) the SACC media release after the 2002 elections made very tentative remarks. Though they agreed that the “...conditions which were deliberately created by the incumbent government on Zimbabwe...served as an impediment to the creation of free and fair elections” the Council refrained from making any judgments by suggesting that the “the outcome of the elections were legitimate” (SACC, 2002). The SACC was initially very cautious when making comments about Zimbabwe and this is evident from the tone of their statements which were anything but aggressive or challenging.

By 2004 the situation had reached major crisis proportions but the SACC had still not outrightly criticized the Mbeki government’s “quiet diplomacy”. Instead it suggested that the “efforts by President Thabo Mbeki to come up with a peace plan could not be underestimated” (*Mail and Guardian*, 1 March 2004). The Council of Churches has consistently been very diplomatic about its stance on Zimbabwe. In July 2004, the SACC reportedly acknowledged that they backed quiet diplomacy in favour of sanctions despite quiet diplomacy’s lack of success (*Zim online*, 16 July 2004). An interesting position is

that held by SACC youth forum general secretary, Keatlegile Ramatong who claims that the church “lacks the spine” to adequately and effectively address the situation. He believes that the church is not utilising its power to influence the decisions made in the political arena (*Zim online*, 16 July 2004). Whether he was talking about the ZCC or the SACC, the same holds true for both organisations. They have not utilised their energy sufficiently towards dealing with the crisis. The SACC has shied away from directly challenging President Mbeki’s failed quiet diplomacy.

The SACBC, on the other hand, has challenged Mbeki and his Zimbabwean foreign policy head-on. Starting with its first statement on Zimbabwe in 2000, the Bishops continued to unreservedly criticize Robert Mugabe’s government as well as Thabo Mbeki’s handling of the situation. Their silence between 2001 and 2002 aside, the SACBC has been one of Zimbabwe’s fiercest critics. Their criticism has not only been limited to the Zimbabwe government but they have also targeted Mbeki’s failed approach. After suggesting that Zimbabwe is “on the brink of total breakdown into civil war” the Conference condemned the South African government for not playing a more active role. It concluded its statement by demanding that “the South African government urgently use its influence to facilitate a just and peacefully negotiated settlement of the Zimbabwean crisis” (SACBC, 2003a). The SACBC has also blasted Mbeki’s decision not to implement sanctions. Cardinal Wilfried Napier, President of the SACBC, made a jibe at those who were against sanctions suggesting that “they were the ones who stood to lose if sanctions were imposed” (*News24*, 12 July 2004).

The SACBC has not hesitated to demand that Mbeki change his tactics and that he takes more aggressive action in order to convince Mugabe to stop leading Zimbabwe on a downward spiral. The Conference has also been extremely critical in their announcements regarding the South African government. The same cannot be said for the SACC who have opted for a more diplomatic approach intended to be critical of government but not to become isolated from it. On the one hand, the SACC’s approach can be seen as one that allows the Council to cosy up to government. This approach, however, does have its advantages. The SACC has not alienated government and thus

could engage with it more effectively and with less animosity in the long run. Government has shown itself to be very sensitive to critique and the SACBC's aggressive stance could sour relations between Mbeki and the Conference in future. At the same time, it is necessary to have a group that will not tip toe around government and that would demand that it is held accountable for its failures, a task that the SACBC has not shied away from.

Conclusion

This chapter has tried to determine the extent to which both the SACC and the SACBC have lobbied the government to play a bigger role with regard to resolving the Zimbabwe crisis. The matter has led to much debate and has required a large amount of sensitivity as the lives of millions of Zimbabwean people are affected by the situation. Given Zimbabwe's lack of regard for South Africa's policy of quiet diplomacy, many have questioned why Mbeki is not taking a stronger stance. He has often defended his approach by arguing that Africa needs to be dealt with in an African way and that the West should stop trying to impose their own values onto countries in Africa. However, critique against his approach has also come from quarters closer to home. The ecumenical movement in the country has repeatedly called for Mbeki to be more aggressive. As it befits members of civil society, they have been very vocal about a policy that disregards the rights of Zimbabwean people. Not only does Mbeki's handling of the Zimbabwe issue have consequences for the people of that country, but it is also proving to have far reaching consequences for South Africa with regard to economic and social instability. South Africans are themselves faced with many social problems ranging from poverty to disease while the Mbeki government provides important resources to a dictatorial regime that is intent on remaining in power.

Though they have gone about their critique of the government in different ways, both the SACC and SACBC have used their important positions within South African civil society to lobby the government to take heed of their demands. One could argue that the SACBC has been a more vocal and fierce opponent of the government's strategy while the SACC has been more subtle in its approach. However, both organisations have been able to join

with other civil society organisations like Idasa, the CPS and the IJR in an attempt to find an alternative solution to Zimbabwe's problems. COSATU has also recently voiced its discontent with government's approach. This suggests that there could be a much stronger and more determined onslaught emanating from civil society. Both the SACC and SACBC would do well to join forces with other civil society organisations like COSATU if they intend to force government to meet their demands. This could be an extremely successful coalition as it would provide a voice for the most important elements in this equation, namely the voices of the people of both Zimbabwe and South Africa.

Chapter 5

Conclusion

The aim of this thesis was to determine whether the South African Council of Churches has proven itself to be a vibrant member of civil society. Chapter two dealt with South Africa's most important crisis to date namely the scourge of HIV/Aids. The South African government's handling of this issue and subsequent policies addressing HIV/Aids have been extremely controversial and have therefore been questioned and challenged not only locally but also within the international community. Government's questioning of the link between HIV and Aids as well as its slow implementation of effective policies related to the disease has not endeared it to civil society organisations within the country. Chapter two attempted to establish whether the SACC, as a member of civil society, took government to task over its weak handling of the Aids situation. Though not as aggressive as TAC, the Council was, however, intent on joining the fight against Aids. As government's HIV/Aids policies became increasingly controversial, the SACC, in turn, increased its critique of the state by joining forces with other members of civil society.

Both the SACC and the SACBC committed themselves to fighting HIV/Aids but the Bishops' stance on certain issues relating to the prevention of the disease brought them in conflict with government as well as other members of civil society. This has been the only difference between the SACBC and the SACC with regard to their stance on Aids and for the most part both have been vocal critics of government's Aids policies. The biggest and most important consequence to emerge from the government's stance on Aids is the commitment and willingness of civil society to join forces and to engage in joint action in order to pressurise the state. Evidence suggests that the SACC had initially been very concerned with maintaining the middle ground. However, government's continuous blunders left the SACC with no choice but to actively oppose its policies and seek to force those in power to implement adequate measures to deal with this epidemic.

Chapter three looked at South Africa's debt, which has been described by anti-debt campaigners as odious and therefore illegitimate. Because the debt was incurred by the apartheid government in order to subjugate black South Africans, debt campaigners argue that it should not be repaid by the current South African government. South African campaigners joined the worldwide Jubilee campaign that argues for the eradication of debt in Third World nations but they decided that their emphasis would be on the cancellation of apartheid debt. The SACC and SACBC had until recently made up the biggest contingent within Jubilee South Africa. The relationship has since soured due to the SACC and SACBC's withdrawal from the legal proceedings instituted against foreign companies who benefited from apartheid. The two religious bodies have decided to support a call from government for all involved to engage in discussions in order to find an adequate solution through mediation. Yet, the rest of the Jubilee movement regarded this as a betrayal and have vowed to continue the lawsuits. According to those within the SACC the legal action was only a way to convince government to change its stance regarding debt and it was ultimately a means to an end namely to convince government to engage in dialogue. The official view from the SACC was that Jubilee should therefore have halted the legal proceedings as soon as government had acknowledged its campaign and agreed to negotiations.

This issue caused a large amount of tension within Jubilee and both the decision making structures of the SACC and SACBC subsequently withdrew from the Jubilee movement despite a large amount of continued involvement of their members at local and community levels. According to the SACC they have not abandoned the debt campaign and continue to be in favour of its basic principles. However, the Council argued that government should not be excluded from these discussions when it has expressed its willingness and commitment to finding a solution that would benefit all. Some may argue that government only agreed to become involved when it appeared that there was no other alternative. This is the view of many within Jubilee and it is understandable that they distrust government and its motives. In addition the SACC has been regarded as having been co-opted by government and as a result their impartiality was believed to be impaired. However, the SACC's choice to support government's call for mediation is

indicative of its policy of critical solidarity. It had critiqued the state when necessary but when the latter had shown its willingness to engage in dialogue in order to resolve the situation, both the SACC and SACBC professed support for this initiative.

Chapter four discussed the Zimbabwe crisis, which is mired in much controversy not least because of the South African government's disastrous action (some would argue a complete lack of action) towards the government in the neighbouring country. Not only has the Zimbabwe government been accused of numerous human rights abuses but some have argued that South Africa allowed this to happen by continuing to provide valuable resources, essential in prolonging the rule of Zanu PF. The situation in Zimbabwe has also led to an influx of refugees into South Africa adding to the already heavy poverty burden. Thus the SACC has recently been very critical of the way that the Mbeki government has been handling the crisis in Zimbabwe. Though the Council initially endorsed Thabo Mbeki's policy of "quiet diplomacy", it has since changed its position and has increasingly challenged government to intervene in Zimbabwe. The SACBC, on the other hand, have always been critical of "quiet diplomacy" and have been in favour of a more aggressive policy that would force the situation to a head. The Bishops have been unfailingly critical of government's position and have condemned the state's lack of adequate intervention.

Both organisations have since taken matters into their own hands by joining together with other civil society members in an attempt to foster mediation between the affected parties in Zimbabwe. Though there has been very little success due to a lack of commitment on the part of Zanu PF, this has been a huge step in the right direction. These members of civil society are attempting to fill a vacuum, created by Thabo Mbeki's continued insistence on a policy that has proven to be a major failure. By mobilising South African civil society and acknowledging the role that it could play much more progress could have been made. The South African president failed to acknowledge the importance of civil society in this respect. This was best illustrated by the recent failed mission of COSATU and the government's subsequent reprimanding of the trade union (Vavi, 2004). Both the SACC and SACBC have been instrumental in stimulating debate around

government's handling of the Zimbabwe crisis and Thabo Mbeki's "quiet diplomacy". The Council certainly altered its criticism or support when the need arose. Though it has been careful, in some instances, to not be too critical of government it has voiced its dissatisfaction and criticism appropriately.

In order to further measure the level of civil society involvement of the SACC and the SACBC I looked at two definitions (which are discussed in chapter 1) in order to determine whether they apply to these two groups. Thereafter I attempted to situate both on a scale from one to ten with one being total confrontation and opposition to government and ten representing a cosy alliance with the state. The first definition is from Gellner (1995: 32) who sees civil society as

...that set of diverse non-governmental institutions, which is strong enough to counterbalance the state, and, whilst not preventing the state from fulfilling its role of keeper of the peace and arbitrator between major interests, can nevertheless prevent the state from dominating and atomizing the rest of society

The SACC has continued to be a very influential member of South African society because of its historical role. In addition it has access to the large mass of South Africans at the grassroots level. Despite possessing a large amount of influence, the SACC might be lacking with regard to the possession of adequate resources to counterbalance the state. However, by engaging and forming alliances with other members of civil society the Council of Churches can continue to play a significant role in South African civil society. The same is true for the SACBC which receives its direction and support from the Vatican and as a result possesses a large number of resources which are important if it wants to carry out its mandate as a civil society character. The Catholic Church speaks with one voice and this has in many instances either hampered or strengthened its position. Though some of its policies have brought the SACBC in conflict with many of its allies including the SACC, this has not stopped it from continuing to challenge government on policies that do not have the best interests of the marginalised at heart. Civil society has been strengthened by groups like TAC. Some might argue that TAC is anti-government and exists primarily to oppose the government. This is however, not true. TAC, like many other civil society actors, including the SACC and SACBC has

done its best to foster a working relationship with government in order to find workable solutions. What set TAC's approach apart from that of the SACC and SACBC was its willingness to institute legal proceedings against government when it continued to drag its feet in the implementation of policies to relieve the burden of HIV/Aids. Despite their initial weariness both the SACC and the SACBC supported legal action against government when the need arose. On their own, neither organisation has the strength or resources to counterbalance the state. However, as a unified force, South African civil society possesses a large amount of power and capabilities which are crucial in order to hold the state accountable.

Secondly, 'civil society and its institutions, which include political parties and voluntary associations, allow for the existence of popular participation and activism which is important for democracy to succeed' (Gill, 2000: 7). Both the SACBC and the SACC have had to review their role and mission in the 'new' South Africa and this led to a short period between 1994 and 1998 in which both religious bodies were redefining their positions. The consequence of this period of introspection was that both the SACC and the SACBC began to immerse themselves within South African civil society. Despite forming a part of the SACC, the SACBC also acted within their own capacity as the Catholic Church and released statements and press releases condemning government actions when necessary. In some instances (for example the Zimbabwe dilemma) it even directly challenged government policies and called for sanctions when government was opposed to it. It has taken slightly longer for the SACC to acclimatize itself with regard to critiquing government. Its initial reaction to government policies on controversial issues was very apprehensive and cautious. However, as these policies proved to be ineffectual, the SACC came out in support of civil society actors that have taken government to task. Both the SACC and SACBC also became more involved with other civil society actors like COSATU and TAC and more recently Idasa and the CPS, among others. The resultant civil society coalitions that were formed have allowed civil society in South Africa to grow and become an important and vital check on government. It has also allowed for the people of South Africa to make their voices heard and to indirectly become involved in the decision making of this country.

Despite the fact that they might not fit into a completely Western definition of civil society, faith based organisations have been crucial in Third World countries which are engaged in the democratising process. The SACC acknowledged the fact that despite the end of apartheid, it remained an important mouthpiece for the people. A large part of the success that this country has experienced as a democracy can be attributed to the vibrant and strong civil society network that exists in South Africa. The SACC, in particular, has defined its new position as that of a middle man. Together with the rest of civil society the SACC's current role is to build a bridge between government and the masses. The Council has experienced a few hurdles with regard to its ability to remain neutral but it is slowly but surely coming to terms with its civil society character. The conclusion that this thesis has reached is that the SACC has managed to live up to its pledge of critical solidarity with government and occupies a five on an alliance scale of one to ten (mentioned in the introduction) while the SACBC has often been more aggressive and critical and for that reason would occupy six on the scale which means that neither organisations is in alliance with government or outrightly opposed to it but instead occupies the middle ground. In some instances, it could be argued that the Bishops Conference was more objective and critical (with regard to government policies) than the Council of Churches. The SACBC, however, remains part of the SACC and its membership within the SACC will in future allow it to maintain and foster the critical component of the Council of Churches especially since the SACC has often veered towards government. Though their position has often altered depending on the issue at hand, the Council has been inclined to give government the benefit of the doubt. This position has in turn brought the SACC in conflict with other members of civil society. However, the Church in South Africa will continue to have a major role to play within civil society as long as it resists attempts by government to engage it in a relationship that does not leave the Council any space to remain a critical component of civil society.

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