SOCIAL JUSTICE SECTOR REVIEW REPORT

CRITICAL REFLECTIONS ON THE SOCIAL JUSTICE SECTOR IN THE POST-APARTHEID ERA

LETTER FROM THE REFERENCE GROUP

A Review of the social justice sector has never been undertaken in the history of South Africa. This is not a coincidence – they say we only count what matters. It is our belief that the contribution of the sector is highly undervalued in our context. For this reason, this is an important historical record that sets out to trace the developments in the sector in the post-apartheid period. Despite the significant contributions made by the sector to the realisation of our constitutional values, the sector is rarely recognised for its contributions. The role of the sector was again very evident during the Covid-19 pandemic and subsequent lockdown as we actively responded to the focused on violations of human rights and social justice needs of many South Africans – especially marginalised communities.

We are a diverse collective of activists who, besides working in the social justice sector, share a personal commitment to the realisation of social justice in South Africa and in the world. While we are all organisational leaders, we did not represent these organisations in the Review.

The Review was an imperfect process complicated by the Covid-19 lockdown conditions. Now, with the benefit of hindsight, we can see the many things we could have done differently or better. We invite you to treat this as the living document we had intended it to be: a starting point for strategy debate and discussion.

It is clear that our vision for a socially just South Africa is an ambitious one, that could never be realised by a single organisation or activist. Our primary motivation was therefore to produce a Review that assists the sector to reflect on our progress, shortcomings and hopefully inform our strategies going forward.
When we started off we had a vision for convening a sector assembly at the completion of the Review but Covid-19 scuppered those plans for now. But we do still plan such a convening in the first part of 2021, conditions permitting.

This assembly, which will include leaders of social justice organisations, will be held to jointly analyse the findings of the Review and together craft a vision on a strategy that could better serve the many communities with whom

we work to realise a socially just society. The pandemic has again impressed upon us the urgency for better coordination of strategies between us.

The list of recommendations made in this report is not meant to be exhaustive and are intended as a starting point. Our goal is for us to collectively craft recommendations and see if there is a minimum platform that in the end could cohere us as a sector.

We would like to thank the RAITH Foundation for the vision and support in making this review possible. Despite its many imperfections, we believe this to be an important and historic Review – the first of its kind that could potentially serve as a baseline to track our progress and impact in years to come.

The views in this report do not reflect our personal views, nor those of the RAITH Foundation. Our role was to craft an approach and to offer thought leadership to the researchers, but the report is ultimately an independent and ethical work of the researchers. We encourage people to read, engage and spread the report widely as well as take part in the various webinars that will take a deep dive into the contents of the report.

CONTENTS

LIST OF ACRONYMS

ANC – African National Congress
BCM – Black Consciousness Movement
PILG – Public Interest Law Gathering
CBO – Community-Based Organisation
CSO – Civil Society Organisation
CODESA – Convention for a Democratic South Africa
CALS – Centre for Applied Legal Studies
CF – Joint Fund to Promote and Advance Constitutionalism in South Africa
CI – Children's Institute
COSATU – Congress of South African Trade Unions
FHR – Foundation for Human Rights
FMF – Fees Must Fall
GEAR – Growth, Employment and Reconstruction policy
ECD – Early Childhood Development Centres
GBV – Gender-Based Violence
GBVF-NSP – Gender-Based Violence and Femicide National Strategic Plan
IDASA – Institute for a Democratic Alternative
IDT – Independent Development Trust
LSO – Labour Service Organisations
NDP – National Development Plan
NEDLAC – National Economic Development and Labour Council
NGO – Non-Governmental Organisation
NLDTF – National Lottery Distribution Trust Fund
NPO – Not-for-Profit Organisation
PAC – Pan Africanist Congress of Azania
PARI – Public Affairs Research Institute
PP – Public Protector
RDP – Reconstruction and Development Programme
RG – Reference Group
SACC – South African Council of Churches
SANGOCO – South African NGO Coalition
SAHRC – South African Human Rights Commission
SERI – Socio-Economic Rights Institute of South Africa
SPII – Studies in Poverty and Inequality Institute
TAC – Treatment Action Campaign
UDF – United Democratic Front
UJ – University of Johannesburg
WITS – University of the Witwatersrand

GLOSSARY OF TERMS USED

Intersectionality – a theoretical framework popularised by Kimberlé Williams Crenshaw, that recognises intersections of overlapping systems of privilege and oppression, and includes dimensions of gender, sexual identity, race, class, ableism, indigenism amongst others.

Decoloniality – critical theory based on a disruption of the codified colonial matrix of power and Eurocentrism. Using a critical lens to deconstruct the continued patterns of exclusion and racial exclusions from normative hierarchies of economic, social and cultural institutions and signifiers, including educational institutions and the construction of government.

Professionalisation of NGOs (also used as NGO-isation) – a concept that refers to the formalisation of NGOs and their ways of working. While, according to the Oxford Dictionary, it means 'the action or process of giving an occupation, activity, or group professional qualities, typically by increasing training or raising required qualifications', its application in the sector is not uncontroversial and reflects an uneasy attitude towards the adoption of what is perceived to be an increasingly corporatist culture in the Social Justice Sector since the early 1990s in South Africa. This was characterised by the move away from socialised cooperative relations in favour of a formalisation of the workplace, hierarchical employment structures, and a culture of institutional normative arrangement that privileged formal Western skills and knowledge, language, and power constructs. The corporatisation of NGOs is particularly evident in the human resources and financial management systems. While these are administrative management systems, these are not value-neutral, and often reinforce hierarchal, intransparent approaches to organisational management, resulting in organisational cultures not reflective of the very social justice values the sector claims to be fighting for.

Neoliberalism – Refers to the post-1980 move away from the post-World War Two Keynesian consensus. It emphasises the deregulation of the state and the shift from public to private interventions under the concept of a free market. Instead of state intervention to regulate society, neoliberalism advocates a trickle-down effect. Deregulation of the state allowed for growing globalisation and financialisation of the global economy.

Social movements – According to Ballard et al (2005), 'social movements are politically and/or socially directed collectives, often

involving multiple organisations and networks, focused on changing one or more elements of the social, political and economic system within which they are located'. These movements are engaged in political or cultural actions on the basis of shared collective identities, with a focus on specific political or social issues, in order to advance, resist or undo a specific social change objective.

Beneficiaries – This is a highly controversial term, often used interchangeably with 'target groups'. It is a contested concept for its paternalistic erasure of people's agency and human dignity. However, its use and application persists in describing the subjects of interventions, despite these objections.

Social Justice – While not uncontested, the concept of social justice is grounded in the assumption that all human beings have inherent dignity and that, to function in accordance with this, society should strive for a fair and equitable distribution of wealth and social and economic opportunities. For the purposes of this Review, we have defined the Social Justice Sector as a sub-sector of the broader civil society, distinguished by their work in targeting the structural drivers of poverty, inequality and discrimination through lobbying and advocacy for social, political and economic justice.

EXECUTIVE SUMMARY

1. Background to the Review

This study was initiated and resourced by the RAITH Foundation[1] in the third quarter of 2019[2]. The aim of the study was to provide a review of the Social Justice Sector in South Africa from 1994 to 2020, as the democratic South Africa celebrated its first 25 years of existence. A Reference Group was established, comprising of leaders in the Social Justice Sector, some of whom were RAITH grantees, while others were not. The purpose of this group was to provide thought leadership to the Review by guiding the work undertaken by the three consultants who undertook the work of the Review. The group also engaged with the findings and recommendations of the report. Their role in shaping this study is critically important, both from a participatory and methodological point of view, but also as a pathway for future actions arising from the report. The actual work of the review was undertaken by a panel of independent consultants.

With the Coronavirus (COVID-19) outbreak and its more immediate impact in South Africa from March 2020, much of the initial planning was affected. While the aims and objectives of the Review remain constant, it has evolved, and now includes sections that try to understand how the sector can act with the greatest relevance in the face of the global Coronavirus pandemic.

1.1 Aims

The aim of the Review is to stimulate discussion and debate values, and to record current movements within the sector. A further aim was to identify victories within the Social Justice Sector and capture effective strategies and tactics that have been used as the world, and instruments of change, themselves change.
This document looks to undertake a 25-year post-apartheid sector review that can serve:

a) As a historical sector record;
b) As a strategic resource to the sector at large; and
c) To influence sector thinking and strategy going forward

A Reference Group was established, comprising of leaders in the Social Justice Sector, and the purpose of this group was to provide thought leadership by guiding different sections of the process, such as identifying key questions and thematic areas, as well as identifying key informants for the interviews. The group also engaged with the findings and recommendations of the report. Fatima Shabodien, RAITH Foundation Strategy Director, provided overall project management for the Review.

1.2 Accommodating COVID-19

The Review unfolded almost alongside the Coronavirus (COVID-19) outbreak's more immediate impact being felt in South Africa from March 2020. As a result, much of the

1. The RAITH Foundation is a local South African Foundation. RAITH has been providing support to social justice organisations since 2010, is privately funded, not politically affiliated, and does not raise funds from the public. RAITH is concerned that systemic injustice and unfairness prevail in South Africa, and seeks effective and lasting solutions that address this at its roots.

2. RAITH has reached its own ten-year milestone supporting the work of social justice organisations, and wanted to gain a better sense of developments and trends in the sector. Instead of commissioning a consultant-undertaken review for itself, as is the norm in these contexts, RAITH instead considered ways in which such a review could serve as a resource to the sector.

initial planning was disrupted and, as already described, while the aims and objectives of the Review remain constant, it evolved to include sections that try to understand how the sector can act with greatest relevance in the face of the current global Coronavirus pandemic, as well as in possible future pandemics.

1.3 Review limitations

The Reference Group members were selected through RAITH partners and networks and, as far as possible, this bias was corrected in the interviews, which had an inclusive selection of people both from social movements and organised labour. Due to COVID-19's impact, interviews took place over video conferencing platforms. This shaped the responses given by interviewees, with Reference Group members noting that some of the dynamic conversation flows they have previously observed through in-person interviews, were lost. Another limitation of the Review is that, due to the disruption that COVID-19 and the subsequent lockdown brought to people's lives, some social justice actors were not capable of taking part in full-length interviews, as requested.

2. Methodology

The Review employed a variety of methods and approaches to ensure that responses were as collaborative and diverse as possible. The qualitative approach was instrumental in allowing participants to explore and give meaning to their own perceptions and experiences. Given the nature of the Review, it was both dialogical and dialectical.

In addition, an online survey was conducted using SurveyMonkey, which provided some quantitative measures. The survey functioned as a form of triangulation and a way to confirm the qualitative findings.

The Reference Group comprised of a diverse selection of thirteen Social Justice Sector leaders, representing a diversity of demographic, experience, and thematic areas. Although the Reference Group members are all leaders of key social justice organisations, they did not represent their organisational interest, and served on the Reference Group in their individual capacities.

2.1 Objectives of the Reference Group

The objectives of the Reference Group were to:

- Provide input on the identified stakeholders, the methodology, and the work plan for the Review;
- Assist in framing the Review questions;
- Act as a sounding board to the consultant collective and to discuss ideas and strategies that advance the more complex aspects of the Review;
- Provide expert knowledge of the Social Justice Sector, in addition to providing advice regarding sector expectations and related risks and opportunities that may inform delivery of the work plan;
- Provide comment on draft documents;
- Conceptualise and lead the Assembly[3]; and
- Be the public representatives/ambassadors for the Review process.

3. he Social Justice Assembly is intended to be a space for strategic engagement and planning by the sector, and was originally planned for September 2020. Given the COVID-19 pandemic, it was decided to postpone the Assembly to 2021, when conditions for in-person meetings would, hopefully, be safer.

2.2 Participant selection and data collection

The Reference Group and research team collectively undertook sector mapping, identifying key individuals and organisations across different thematic focus areas within the Social Justice Sector. Within this selection, however, was the recognition of intersectionality across various sub-divisions.

This process produced a list of 75 key informants, which was further synthesised to ensure a fair representation of race, gender, organisational form (NGOs and movements), and thematic focus areas.

Data was collected through virtual interviews and written responses to questionnaires sent to respondents. Interviewees gave their informed consent to having sessions recorded, transcribed and quoted in the Review.

The following eight thematic areas emerged:

a. Coherence of the sector
b. Historical waves of development
c. Strategies employed by the sector
d. Key impacts and victories
e. Transformation in the sector
f. Funding and funding challenges
g. Implications of COVID-19
h. Future of the sector

3. Key findings

3.1 Coherence of the sector

It is clear from both the literature and our engagement with respondents that the notion of a Social Justice Sector is itself a highly contested construct with no shared understanding.

One view argues that donors, NGO leaders, and academics have imposed this concept. One of the major critiques of the concept is that it assumes that struggle and campaigns can be 'sectionalised', while other respondents argued that there is indeed a Social Justice Sector, being a sub-sector of the broader civil society, distinguished by their work on targeting the structural drivers of poverty, inequality and discrimination through lobbying and advocacy for social, political and economic justice. For the purposes of this study, we have defined Social justice sector as those organisations working towards the the objective of realising a vison for a socially just society through their work. The notion of 'social' is understood to be inclusive of a political and economic justice, and a more recent development, for climate justice. For the purposes of this study, we have defined the social justice sector as those organisations working towards the the objective of realising a vison for a socially just society through their work. The notion of 'social' is therefore understood to be inclusive of a political and economic and climate justice as well, as these areas are not easily divisible.
According to this perspective, the sector is not defined by organisational form, and includes the full spectrum of social movements, NGOs, trade unions, local community-based organisations, and more.

3.2 Historical Waves of Development

By using an approach adapted from an analysis by Patrick Bond, the Review identified six

distinct waves that characterise the Social Justice Sector between 1994 and 2020.

These are:
1. Defeat of apartheid – 1990 to 1994
2. Demobilisation and legal redrafting of South Africa
3. Rise of populism and an executive-heavy state
4. Cross-class anti-corruption front and support
5. Anti-neoliberal struggles, and growing mistrust between state and the Sector
6. COVID-19 era

3.3 Strategies employed by the sector

According to respondents, the most commonly used tools and strategies were:
- Research
- Community mobilisation (training and awareness-raising)
- Advocacy
- Strategic litigation
- Mass protests and strikes

In general, most respondents believed that all the strategies are important, and that the choice of strategy was dependent on the work that was being done and the issue being addressed, as well as the context in which the strategy was being employed. Organisations may utilise multiple strategies at different moments, but most focus on one dominant strategy. There are concerns that research and litigation rely on and are led by academics, lawyers, and other experts, and that the mobilisation and agency of communities are often ignored in these processes.

3.4 Key impacts and victories

While it is not possible to conclude exactly where South Africa would have been at this point without an active Social Justice Sector, there is a broad recognition of crucial role the Social Justice Sector has played in holding political parties, the different arms of the state – and to a lesser extent – corporate entities, accountable. And in doing so, the sector has pulled South Africa back from the precipice with regards to corruption and state capture. This was made possible through the sector employing a wide range of strategies.

Our analysis also shows that the main strategies employed by social justice organisations have not been static and have shifted over time. The initial post-apartheid moment understandably entailed a concentrated focus on policy and law formulation.

Litigation has remained a constant and is still used today to great effect, but there are a growing and visible shift by Public Interest Litigation organisations towards what has been labeled “people’s lawyering” where the objective of litigation is to build and empower social movements/community-based movements alongside the litigation process. This stands in sharp contrast to the historical litigation approach which often left the communities alienated from their own court processes.

It is impossible to draw conclusions about the comparative effectiveness of specific strategies given the many other variables at play. But, there are clear impactful social justice campaign victories (ARVs, #feesmustfall, #totalshutdown, #zumamustfall, etc) which involved a combination of strategies across time. These interventions consisted of evidence-based advocacy through research, public profiling work (with a growing presence on social media platforms), strategic litigation, movement building and active partnership

with the state in finding wokable solutions. A striking common feature was rolling protest action over a sustained period of time, led by black, often working-class, women. It was not insignificant that those who carried the burden of the socio-economic fallout in homes, communities, and workplaces led these struggles; and in no small measure accounted for the sucess of these campaigns.

Despite often critiquing governments' "silo" approach, the sector is itself guilty of a highly siloed approach to struggles. It remains one of the key weaknesses of the sector: the absence of common platforms that effectively bridge struggles across different thematic areas.

In general, there appears to be growing policy engagement fatigue, as many respondents reporting their experience of public consultation processes as tick box exercises.

Another glaring gap in the sector is the lack of focus on the economic model and crisis. While there are a few specialist organisations focused on economic matters and budget analysis, by and large, social justice organisations rarely, or often only peripherally, engage in the question of economics and economic approaches. This is despite the recognition of the growing economic crisis and the devastating consequences for the poor. All social justice organisations, whether they are dealing with workers', womens', or environmental struggles, cannot afford to ignore encomic questions.

In the South African context, the Social Justice Sector has not had many positive experiences of coalition building. The fault lines of gender, race, and class often surfaces and lead to the weakening or complete implosions of of coalitions over time.
It will be important to find mechanisms for the formal sector (NGOs in particular) to find ways in which their work more explicitly supports grassroots struggles and campaigns and, in so doing, bring social justice NGOs closer to the daily social movements and community struggles. The fact that very few formal NGOs have responded to on-going widespread service delivery protests as a manifestation of social justice struggles is an indicator of this disconnect. The COVID-19 pandemic and its negative effects on poor communties have revived the need for a coalition that focuses on the Basic Income Grant (BIG) and other forms of social security. It will be important to find mechanisms for doing so that that can be sustained by common struggles and campaigns.

3.5 Transformation in the sector

Transformation of the sector is still principally defined in terms of the gender and race of organisational leaders. We found that most organisations have undertaken little reflection on what constitutes a dynamic transformative process. Leadership determines institutional culture, and the dominance of white men, and later white women, in leadership positions has influenced core attributes of the sector, as well as the culture of organisations.

Respondents felt the time is ripe to have candid conversations about the values that the Social Justice Sector should hold itself truly accountable to. The challenge to the sector is to define why transformation matters to the goals of social justice – beyond the optics of organisational leadership. Representation is an important redress, but it is pivotal to have an honest conversation about prevailing class interests and heteropatriarchal culture, and how this constrains radical transformation within the sector. Deep or radical transformation would entail transforming not only representatively, but more significantly the values in the sector. The aim would be to realise a value system in the sector that matches with the vision for a socially just world.

3.6 Funding and funding challenges

At an aggregate level, funding to the sector has never been accurately tracked. Therefore, it is impossible make definitive conclusions about the state and trajectory of resourcing to the sector.

Respondents were critical about the lack of donor transparency, accountability and coordination, which largely contradicts donor demands for the same within the sector. Donors often change their strategies for funding with no consultation, nor advance warning. More specifically, the Social Justice Sector often adapts its mission and agenda for its own survival. In addition, there are multiple institutional biases that play out in relation to who receives funding, which include race, gender and geographical location.

There is a general perception of funding biases in favour of established “blue chip NGOs” and a bias against funding CBOs and social movements. It seems apparent that most CSI money goes to funding welfare, arts and culture, and education, but not social justice issues. COVID-19 has brought an unprecedented crisis to the sector, which might make funding even more difficult to access. It is important for a further and more in-depth study to be undertaken to gauge a better sense of funding flows to the sector.

3.7 Implications of COVID-19

COVID-19 has fundamentally changed the world of work and, despite the huge challenges faced by some organisations, efforts are being made to find creative ways to continue social justice work. This time has also further exposed the gross inequalities in our society, and respondents acknowledged that this opportunity for reflection is needed to recommit to the poor, to engage in mass political education, to coordinate responses to social injustice, and to address how we can build a consolidated and coordinated voice for the Social Justice Sector. Respondents also noted that the calls for a Universal Basic Income Grant have been renewed, considering the government’s COVID-19 relief grants and support structures.

CONCLUSION

This Review is a timeous reflection on the state of the Social Justice Sector, coming after the first 25 years of democracy. In addition to that, we are tasked with forging a way forward from the impact of the first wave of the COVID-19 pandemic. If this Review helps to support social justice actors and activists to better understand how we can reassess and error correct where we may have gone astray, then it will have had some success.

SECTION 1: INTRODUCTION

1.1 Background and purpose of the Review

This study was initiated and resourced by the RAITH Foundation[4] in the third quarter of 2019[5]. The aim was to provide a review of the Social Justice Sector in South Africa from 1994 to 2020, as the democratic South Africa celebrated its first 25 years of existence. A Reference Group was established, comprising of leaders in the Social Justice Sector, some of whom were RAITH grantees, while others were not. The purpose of this group was to provide thought leadership to the Review by guiding different sections of the process, such as identifying key questions and thematic areas, as well as identifying key informants for the interviews. The group also engaged with the findings and recommendations of the report. Their role in shaping this study is critically important, both from a participatory and methodological point of view, but also as a pathway for future actions arising from the report. Fatima Shabodien, RAITH Foundation Strategy Director, provided overall project management for the Review.

With the Coronavirus (COVID-19) outbreak, and its more immediate impact being felt in South Africa from March 2020, much of the initial planning for the study was affected. While the aims and objectives of the Review remain constant, it has evolved, and now includes sections that try to understand how the sector can act with the greatest relevance in the face of the global Coronavirus pandemic.

The aim of this document is to undertake a ***25-year post-apartheid sector review*** that can serve:

a) As a historical sector record;
b) As a strategic resource to the sector at large; and
c) To influence sector thinking and strategy going forward

1.2 Context of the Review

The 2013 Public Affairs Research Institute (PARI) paper on 'Understanding the Social Justice Sector in South Africa' concluded that, despite the many important and positive changes, 'South Africa resembles less and less the society imagined in the Constitution, a non-racial democracy where all citizens have more or less equal access to goods and services'.

Despite the challenges faced by the Social Justice Sector, South African civil society is still globally recognised as a vibrant and powerful expression of citizen activism. Recently, the powerful combination of social justice activism and a dynamic media sector effectively arrested the state capture project and brought us to the beginning of a possible turning point in our democracy. Community interventions in COVID-19 humanitarian relief measures were also hugely dependant on social justice activists across the country.

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4. The RAITH Foundation is a local South African Foundation. RAITH has been providing support to social justice organisations since 2010, is privately funded, not politically affiliated, and does not raise funds from the public. RAITH is concerned that systemic injustice and unfairness prevail in South Africa and seeks effective and lasting solutions that address this at its roots.

5. RAITH has reached its own ten-year milestone supporting the work of social justice organisations, and wanted to gain a better sense of developments and trends in the sector. Instead of commissioning a consultant-undertaken review for itself, as is the norm in these contexts, RAITH instead considered ways in which such a review could serve as a resource to the sector.

According to the most recent statistics from the Department of Social Development (2016), there were just over 153,000 registered not-for-profit organisations (NPOs), and as many as 50,000 unregistered NPOs in South Africa. It is not clear what percentage of these can strictly be defined as social justice organisations, but it can be assumed that the majority of these are probably service-type non-governmental organisations (NGOs).
We know that the sector faces a range of serious challenges. To date, sector engagement with these challenges has been dominated by a focus on resource constraints in the context of the dwindling development funding for South African NGOs. A growing number of organisations are struggling to secure the required resources to function optimally. While this undoubtedly constitutes a central dimension of the crisis, the reality is that the challenges facing South Africa are complex and multiple. These include, amongst others, a lack of coordinated sectoral strategy, funding constraints, governance weaknesses, precarious relationship to state and ruling party, leadership and transformational shortcomings, social movement-NGO relationships, a growing crisis of credibility of NGOS and, linked to this, value contradictions (as exposed through the recent sexual harassment crisis within the sector). The absence of such a strategic analysis and vision serves to undermine the collective impact of the sector in realising a shared vision for a socially just South Africa.

The absence of a single coordinating body within the sector is frequently lamented. It is crucial, however, to understand how and why diverse bodies have historically failed when trying to build a new, inclusive and relevant body for future impact, specifically in the Social Justice Sector.

While many studies have revealed focused insights into the sector at various moments, no one has yet undertaken a comprehensive post-apartheid Social Justice Sector review. Such a review would need to look back to map the key sectoral milestones and developments since democracy, and provide an important historical account of the sector in a post-apartheid context. More importantly, it could also inform future sector strategies to maximise impact towards realising the penultimate goals of ***a fair distribution of benefits and burdens in society.***

1.3 The Reference Group

The Reference Group comprises of a diverse selection of thirteen Social Justice Sector leaders representing a diversity of sector experiences[6].

The members of the Reference Group were selected with the objective of securing a good breadth of experience and expertise to guide the Review. While many of the Reference Group members currently work as Civil Society Organisation (CSO) leaders, they did not serve in the Reference Group in a representative capacity of those institutions. Given that the Reference Group was initiated by the RAITH Foundation – primarily from within its grantee pool – the organisational, funding and geographic biases of the group is recognised from its inception. For this reason, active strategies were introduced to mitigate these biases. We believe that the range and spectrum of the selected key informant interviewees, who specifically excluded members of the Reference Group, controlled this bias as far as possible.

The Reference Group held a series of meetings between November 2019 and October 2020 at key milestone moments of the Review. At these Reference Group sessions,

6. They are: Emily Craven, Koketso Moetsi, Mandisa Shandu, Mbongiseni Buthelezi, Nolundi Luwaya, Nomzamo Zondo, Phumi Mthethwa, Seehaam Samaai, Shanaaz Mathews, Stefaans Brummer, Tshepo Madlingozi, Umunyana Rugege, and Wandisa Phama.

consultants' work was presented to the group, who provided further guidance. The work of the Reference Group and the Consultants was supported by the RAITH Strategy Director, Fatima Shabodien.

1.4 The consultants[7]

RAITH selected three independent consultants to undertake the Review. All three have many years of experience as researchers and activists in a variety of spaces and different time periods.

Isobel Frye is the Director of Studies in Poverty and Inequality Institute (SPII), a not-for-profit research institution in Johannesburg. After working as a commercial litigator, she headed the national advocacy unit of the Black Sash. Thereafter, Frye worked for NALEDI, the labour service research institute, focusing on poverty, inequality and socio-economic rights. She was appointed as a Commissioner of the National Minimum Wage Commission in 2019, and is a well-known advocate for a Universal Basic Income Grant (UBIG).

Mondli Hlatshwayo is a Senior Researcher in the Centre for Education Rights and Transformation at the University of Johannesburg. He has previously worked as an educator and researcher for Khanya College, a Johannesburg-based NGO. His areas of research include precarious work, migrant workers, unions and technological changes, workers' education, trade unions and social movements.

Yasmin Jessie Turton is currently a lecturer at the University of Johannesburg. She has worked in various capacities in the Civil Society Sector over a period of 30 years. Her areas of specialisation are research, monitoring and evaluation, and organisational development. She has done work in sectors such as gender-based violence (GBV), refugees and migrants, and social movements.

1.5 Limitations of the Review

Within the Reference Group, there was bias due to the limited number of people with active membership within social movements or organised labour. Reference Group members were selected based on their Social Justice Sector identification and thematic experience. As far as possible this bias was corrected in the interviews, which had an inclusive selection of people from both social movements and organised labour.

The Review unfolded almost alongside the first wave of COVID-19 being felt in South Africa. From mid-March 2020, freedom of movement was severely limited, first by voluntary isolation, then through an absolute national lockdown for three weeks, and thereafter in accordance with gradual relaxation of certain restrictions. Even under Level One COVID-19 lockdown regulations, formal restrictions have been replaced with generic recommendations to maintain social distancing as much as possible.

These restrictions were keenly felt in two ways as the Review unfolded. The first and most pervasive was the impact on face-to-face meetings between the consultants and the Reference Group. While every effort was made to replace in-person meetings with formal virtual meetings using web-based conferencing platforms, the vibrancy and spontaneous cascading of conceptual flows that took place in the early meetings was certainly reduced. Meetings were also determined in advance, due to the need to contain, and maintain, engagements with meeting members far more when meeting virtually.

7. All three consultants, like the Reference Group members, are working in their personal capacities.

The second way the Review was affected by COVID-19 was in respondent interviews. A surprisingly high number of people who were approached for interviews said that the impact of COVID-19 was so extreme in their lives that they did not feel capable of engaging in a full-length interview, as was requested. The interviews that did take place were conducted using a virtual platform. All the consultants shared that these interviews were more formal and less spontaneous than their previous experience. While, on the one hand, virtual engagements have allowed strangers into our homes, there is nevertheless a sense that we withdraw, and replace spatial inclusion with personal distancing.

SECTION 2: REVIEW METHODOLOGY

2.1 Approach

The qualitative approach was mainly used in this study and allowed the participants to explore and give meaning to their own perceptions and experiences. Given the nature of the study, it was both dialogical and dialectical – in the sense that different meanings can be assigned to what people know and experience, and how they interpret these, depending on their context.

In addition, an online survey was conducted using SurveyMonkey, which provided some quantitative measures. The survey functioned as a form of triangulation and a way to confirm the qualitative findings. The survey was circulated through networks of the Reference Group. It was also distributed by SANGONET. The results of the survey are included in the qualitative analysis of the interviews. It must be noted, however, that due to the very low response rate of the survey, these findings are by no means representative[8].

2.2 Role of the Reference Group

A Reference Group was initiated by the RAITH Foundation for the purpose of providing thought leadership during the process of the Review. Reference Group meetings provided a unique space for open dialogue, discussion and debate about the various deliverables that were presented.

2.2.1 Composition of the Reference Group

The Reference Group comprised of a diverse selection of thirteen Social Justice Sector leaders, representing a diversity of demographic, experience, and thematic areas. Although the members of the Reference Group come from different organisations, they have been appointed in their individual capacities.

2.2.2 Objectives of the Reference Group

The objectives of the Reference Group were as follows:

- Provide input on the identified stakeholders, the methodology, and the work plan for the Review;
- Assist in framing the Review questions;
- Act as a sounding board to the consultant collective and to discuss ideas and strategies that advance the more complex aspects of the review;
- Provide expert knowledge of the Social Justice Sector, in addition to providing advice regarding sector expectations and related risks and opportunities that may inform delivery of the work plan;
- Provide comment on draft documents;
- Conceptualise and lead the Assembly; and
- Be the public representatives/ambassadors for the Review process.

The role of the Reference Group in shaping this study is critically important, both from a participatory and methodological point of view, but also as a pathway for future actions arising from the report. The names of all the Reference Group members accompany this report.

An initial meeting was held at the annual RAITH partner meeting on 7-8 October 2019. The study was discussed, and the members of the Reference Group presented. Thereafter, five

8. Only ten completed surveys were received.

meetings were held between the Reference Group and the research team to discuss the data collection process, identify key themes and key interviewees for the Review, as well as presenting a literature review, draft findings and the final report.

2.3 Recruitment and selection of participants

The Reference Group and research team collectively undertook sector mapping, identifying key individuals and organisations across different thematic focus areas within the Social Justice Sector. Within this selection, however, was the recognition of intersectionality across various sub-divisions.

This process produced a list of 75 key informants, which was further synthesised to ensure a fair representation of race, gender, organisational form (NGOs and movements), and thematic focus areas. Some sectors had more representation, while others had less. This happened coincidentally rather than by design, and was based on who the Reference Group and the research team knew in the sector. Once individuals were added to these sectors, each researcher was allocated certain sectors to work with.

2.4 Data collection

A questionnaire/interview schedule was used to collect the data. These questions were collectively identified and discussed by the Reference Group and the review team.
Each researcher contacted the individuals identified on their lists, by phone and via email. Where there were no contact details available, further attempts were made using Facebook Messenger to try and locate proposed interviewees.
Letters explaining the purpose of the study and requesting an interview were sent to potential Review participants. Once they agreed to participate in the study, a letter of informed consent had to be signed and returned to the researchers before the interview was conducted. A total of 50 people agreed to be interviewed.
Due to COVID-19, interviews were conducted remotely using different platforms, such as WhatsApp, Zoom and Skype. All interviews were recorded, with the permissions granted by the respondents. These were transcribed and became the record used to collate findings.

2.5 Data analysis

Data was analysed using a thematic analysis, which was useful as it helped to summarise the key features emerging across the different interviews. It also highlighted the similarities and differences within the findings. The eight thematic areas identified were:

a) Coherence of the Sector
b) Historical waves of development
c) Strategies employed by the Sector
d) Key impacts and victories
e) Transformation in the Sector
f) Funding and funding challenges
g) Implications of COVID-19
h) Future of the Sector

2.6 Ethics

A letter of informed consent was sent to all those who agreed to participate in the study. The letter requested that interviews be audio-recorded, and that the respondents give permission to be named and quoted in the report, any published papers, as well as in

conference presentations. There was no objection from any of the respondents.
Although we received consent from all of the participants to use their names in this report when quoting them, this matter was debated in the Reference Group. We debated the pros and cons of naming versus anonymising respondents. After extensive deliberation, it was agreed that before findings were finalised, the report would be sent to respondents to confirm if they were comfortable with the way in which they were referenced, or if they'd prefer anonymity.

2.7 Social Justice Assembly

An important outcome of the study was the vision of convening a National Social Justice Assembly – a place where strategy conversation can be had, and to consider the Review's findings. The assembly was originally planned for September 2020, where the final report was to be discussed and, it was hoped, critical engagement about the state and future of the sector stimulated. But COVID-19 made this impossible, and while the report will still be released to the public in the last quarter of 2020, the plan remains to convene this assembly in 2021, once conditions to meet in-person are assumed to be safe. This will be assessed as the COVID-19 pandemic unfolds.

SECTION 3: KEY FINDINGS AND ANALYSIS

3.1 Coherence of the Sector

We coud find no shared understanding on the concept of the Social Justice Sector, however, for the purposes of this study, social justice organisations are defined to include all organisational forms of NGOs, community-based organisations (CBOs), social movements, trade unions, and other formations that are involved in advocacy, litigation, protests, and other means of struggle for the attainment of social justice.
The authors of the recent Kagiso Trust Report (Kagiso Trust 2020) have produced a typological study of civil society organisations in South Africa, with a focus on those working in development. Rather than create a new typology, this Review draws on the work of the Kagiso Report.

The Kagiso Report groups CSOs into three broad categories, namely, those concerned with service delivery; those that prioritise advocacy; and those that play a watchdog role (Kagiso Trust 2020). These are clearly defined based on *function*, i.e. what the organisation does, which we find to be a useful starting point. Drawing on that report, we argue that in addition to function, a crucial definitional criterion of social justice organisations is *the objective of realising a vison for a socially just society* through their work. By this definition, a trade union such as Solidariteit would not be defined as a social justice organisation, given that their objective is to secure minority rights – a de facto yearning to return to apartheid protectionism for whites rather than a transformation to a socially just society.

In the South African context, social justice is anchored to a large extent by the Constitution. Inyathelo (2012: 11) quotes Jay Naidoo, a lifelong activist, trade unionist, former cabinet minister and entrepreneur, who says that 'social justice is not about a tired activist-versus-establishment paradigm. It is the life blood of our democracy'.
Interviewees were broadly grouped into two camps regarding the term 'Social Justice Sector' and its coherence. One view argues that donors, NGO leaders, and academics have imposed this concept, with one of the major critiques of the concept being to assume that struggle and campaigns can be 'sectionalised' or segmented into tidy compartments.

Joel Modiri, an academic and activist, said in an interview that 'the civil society and NGO sector, which now call themselves the Social Justice Sector, is basically the brainchild of and developed out of the political traditions of political actors and bodies that the BCM [Black Consciousness Movement] and the PAC [Pan Africanist Congress] were highly opposed to'.

Modiri's analysis sets out a decolonial critique of the sector, which sees the direct action of white liberal forces fashioning an adherence to Western norms, values and culture in the creation of the sector. Despite arguing that there is no coherent Social Justice Sector, this group's findings did acknowledge the possibility of nurturing a Social Justice Sector by building a common platform focused on a minimum set of key campaigns and tasks that can help inculcate coherence in the sector – in the medium- and long-terms.

On the other hand, others argued that there is indeed a Social Justice Sector, a sub-sector of the broader civil society, distinguished by their work on targeting the structural drivers of poverty, inequality and discrimination through lobbying and advocacy for social, political and economic justice. It was important to note that despite a rise in climate justice activism, only brief mention was made of it, with one participant noting that "social justice is climate justice" (Vishwas Satgar, interview 3 June 2020). The notion of

'social' is therefore understood to be inclusive of a political and economic focus as well, as these areas are not easily divisible. From the above it also clearly includes a climate focus. According to this perspective, the sector is not defined by organisational form, and includes the full spectrum of social movements, NGOs, trade unions, local community-based organisations, and more.

In order not to get weighed down by definitional criteria, organisations should maintain the right to define themselves as they deem fit. Self-identification does grant organisations that are involved in lobbying and advocacy the space to define and identify themselves.

Regarding the coherence of organisations struggling for social and economic justice, again two views were expressed. The first view was that – unlike the struggle against apartheid, which saw a coherent vision behind which the Social Justice Sector was united – fragmentation, division, and lack of a minimum programme to unite the sector are what characterise the state of the sector in post-apartheid South Africa. In particular, the relationship between NGOs and social movements tended to be characterised by conflict, usually fuelled by underlying issues of class, race, and gender at its heart.

There was also a strong view that saw the sector as being coherent, in the sense that it has been able to unite certain organisations and individuals behind some social and economic rights enshrined in the Constitution, such as access to health care and HIV treatment, education, and social grants.

3.2 Historical Waves of Development

Building on an approach adapted from an analysis by interviewee Patrick Bond, the Review can identify distinct waves that characterise the Social Justice Sector between 1994 and 2020. We trace five defining epochs, that stretch from the early 1990s, adding a sixth wave that we broadly describe as the COVID-19 era.

1. Defeat of apartheid 1990 to 1994
2. Demobilisation and legal redrafting of South Africa
3. Rise of populism and executive heavy state
4. Cross class anti- corruption front and support
5. Anti-neoliberal struggles and mistrust between state and Social Justice Sector
6. COVID-19 era

3.2.1 Pre-1990s

While this Review is focused on the post-apartheid era, in order to historically locate our analysis, there is value in briefly looking at the evolution of activism that preceded the 1990s.

In 1983, the United Democratic Front (UDF) was launched in the sprawling Cape Flats township of Mitchells Plain in Cape Town, initially to oppose the formation of a racially segregated Parliament, and to coordinate struggles against apartheid. On 3 September 1984, the Tricameral Parliament[9] was officially opened in Cape Town.

9. The Tricameral Parliament became the official parliamentary system of South Africa in 1984. It was seen as a response by the apartheid National Party to local and international pressures to end apartheid, by attempting to showcase racial reform that gave a limited political voice and representation to the country's Coloured and Indian population groups, while continuing the complete exclusion of the majority Black

One of the crucial responses of mass and community organisations was to intensify anti-apartheid protests.

In 1984, The Vaal Civic Association led an uprising that spread to many parts of the country, and workers, students, young people, women, and church groups became involved in mass actions. The apartheid regime responded by declaring a State of Emergency in 1985[10]. All those who were fighting for justice viewed apartheid as a common enemy that had to be defeated. At the time, NGOs played a crucial supporting role to the struggles waged by students, youth formations, trade unions, church formations, and civic organisations (Seekings 2000; Suttner 2004).

The late 1980s and the early 1990s saw the release of political prisoners, as well as the Defiance Campaign, which was led by the UDF and other Congress-aligned organisations. At this time the Soviet Bloc, which had supported the ANC, was dissolved and socialism, as a political and philosophical idea, was widely questioned. Negotiations commenced between the ANC and the apartheid regime, leading to the eventual unbanning of liberation movements and the release of most political prisoners in 1990.

3.2.2 First wave: Defeat of apartheid – 1990–1994

For many activists, the years 1990 to 1994 were crucial to South Africa's transformation. While this period falls outside of the narrow confines of this review, the first wave of dismantling apartheid began, in truth, much earlier. The decision to demobilise the UDF began to take hold in this period, and thousands of weary activists saw that they were handing over the baton of resistance to representatives who would use hard-won state power to craft the new South Africa that people had fought for, for so long, at immeasurable personal and national cost. In retrospect, this first easing of vigilance allowed for much of what was to come in the years following. People were exhausted; families and dreams had been sacrificed to defeat the state brutality of apartheid. Young people had put their education on hold. Liberation movements agreed that the UDF would be dismantled as political parties became unbanned, and banned leaders returned from exile, or were released from prison and detention.

In the 1990s, during the transition to democracy, social justice organisations like NGOs and civics shifted their focus from resistance to policymaking. For example, ideas which became part of the Reconstruction and Development Programme (RDP) emerged from the National Union of Metal Workers of South Africa's (NUMSA) reconstruction accord. The Education Policy Units located at some universities, planned education policies for a democratic South Africa. This was informed by the understanding that the ANC was a de facto government-in-waiting and was in desperate need of formulating practical policies for governing the country (CASE & IDRC 1995: 1).

The early 1990s also saw the formation of the South African National Civic Organisation (SANCO). According to Seekings (1997), SANCO was active in the local government

population, ultimately reinforcing white minority rule.

10. The State of Emergency Act of 1997, is a South African Act of legislation that governs the use of a declared state of emergency by the President of South Africa. During a state of emergency, the President has the power to make emergency regulations 'necessary or expedient' to restore peace and order and end the emergency. These measures include providing new sweeping powers to the security police, including detention without trial. [this describes a post-apartheid Act. Wondering if the footnote should not rather describe the apartheid era enforcement of such, which enabled the South African Police (SAP) as well as the South African Defence Force (SADF) to violently repress any resistance against the apartheid state (SAHO).]

negotiations in 1992 and 1993, but weakened after that. While some saw it as an attempt by the ruling alliance to extend control to a local level and replace the demobilised community organisations of the pre-1994 era, SANCO struggled to negotiate issues of local leadership amongst competing challenges from councillors elected to local government. Around 1997, at the time of Seekings writing, there was discontent about the perceived top-down leadership and the failure to renew leadership effectively. To address its own funding crises, SANCO established relations with certain corporate entities through its investment holdings, which led to internal controversy (Seekings 1997). However, SANCO had never been a coordinating body for civil society in its broad diversity.

In 1994, for the first time in South Africa's history, a government was democratically elected by its citizens. Armed with the Reconstruction and Development Programme (RDP) developed by the ANC and mass movements, which included NGOs, trade unions, and civic organisations, the ANC government was required to redress the social and economic imbalances created by colonialism and apartheid (ANC 1994). The RDP was introduced as an integrated and coherent socio-economic policy framework, which was intended to *'mobilise all our people and our country's resources towards the final eradication of apartheid and the building of a democratic, non-racial and non-sexist future'* (ANC 1994: 4-5). Given the legacy of apartheid, the purposes of the RDP were to address the basic needs of the people, develop human resources, build the economy, and democratise the state and society.

The Social Justice Sector lost experienced personnel to government and the private sector, which had previously been involved in building institutions that challenged apartheid (Smith 2001). With the benefit of hindsight, perhaps a second layer of younger leadership should have been developed, anticipating this exodus of skills, but in real time it happened very suddenly. At the time, comrades in the state were still primarily seen as being comrades, not as state actors.

Constitutional negotiations led to the adoption of the Interim Constitution on 27 April 1994, and the Final Constitution on 4 February 1997. The process of drafting South Africa's constitution set the high-water mark in terms of participation, inspired by the historic Freedom Charter. It was internationally acclaimed for the transformative possibility in the inclusion of justiciable socio-economic rights. What is guaranteed in the Constitution and what is not remains fundamentally contested amongst people.
Reconciliation also seemed to sweep many matters of power and privilege under the carpet. At this time, many organisations were headed by white men, and the trust of long-standing connections, especially between these individuals and resourced funders, became entrenched. Black workers were usually field workers, but very rarely were black people employed in any leadership or strategic positions.

Recognising the important role played by civil society during the struggles against apartheid, the minister responsible for the RDP office, Jay Naidoo, called on civil society to form a body that could collaborate with government in implementing RDP objectives, and also to form a coordinated body with whom government could engage as a collective. As a result of this, the South African National NGO Coalition (SANGOCO) was established in 1995 to coordinate the interventions of NGOs into the programmes of the state and to build a coherent Social Justice Sector (SANGOCO 2005).

In 1997, this wave came to an end with the adoption of the neoliberal macroeconomic policy of GEAR – Growth, Employment and Redistribution, and the ascendancy of President

Mbeki. GEAR has been described as a self-imposed structural adjustment policy. Following the Thatcherite shift of power and control from the state to the private sector, drastic cuts were made to the public sector. In the wake of this, private provisioning of education and health care mushroomed. This cemented the class project of building a black middle class, setting the course for growing structural inequalities as the social wage was outsourced for profit. This period also witnessed the devastating policy of AIDS denialism and the refusal to provide ARVs through the public health care system to ordinary South Africans.

3.2.3 Second wave: Demobilisation and legal redrafting of South Africa

In this second wave, a greater crisis of identity for the Social Justice Sector starts to emerge – such as a reluctance to challenge the state, as this was considered uncomradely. During this period, we also see the emergence of 'lawfare', epitomised by landmark Grootboom[11] and successive TAC victories setting clear jurisprudence that drew the line in the sand from the judicial deference many saw in the 1998 Soobramoney judgment. The use of litigation clearly set a boundary between the sector (the Applicants) and the state (the Respondent) in the early testing of the power of the Constitution, through the courts, to deliver the structural transformation of rights-based rhetoric. Some in the sector see this as being the bifurcation between a radical tradition in the Social Justice Sector and a liberal tradition.

This phase also saw the formalisation of many movements. The previous voluntary nature of activism was replaced by a growing corporatism of NGOs. Formal qualifications were rewarded with salaries and career pathing, and reflected the culture of the mainly white leadership of these organisations. It also mirrored the increasingly corporate requirements of donors, which disqualified many loose alliances and community-based structures from meeting funding requirements of due diligences and audit requirements – which swiftly took root as acceptable demands.

As the NGO sector emerged from the anti-apartheid movement, differences became more noticeable with organised labour formations. COSATU, the largest trade union formation, was part of the ruling Tripartite Alliance with the SACP (South African Communist Party). For many members of the trade union movement, the emergent NGOs were dangerous as they lacked membership, democratic election of leadership, and a commitment to bread-and-butter issues. For many NGOs, COSATU was uncritical of the ruling party and acted as a gatekeeper to broader non-governmental action.

11. 'The applicants, including a number of children, had moved onto private land from an informal settlement owing to the 'appalling conditions' in which they were living. They were evicted from the private land that they were unlawfully occupying. Following the eviction, they camped on a sports field in the area. However, they could not erect adequate shelters as most of their building materials had been destroyed. They applied to the Cape High Court for an order requiring the government to provide them with adequate basic shelter or housing until they obtained permanent accommodation. '

'The order was granted pursuant to section 28(1)(c) of the Constitution, which guarantees the right of children to, among other things, shelter.

'On appeal by all three spheres of government (national, provincial and local) to the Constitutional Court, the South African Human Rights Commission and the Community Law Centre (University of the Western Cape) intervened as amici curiae in the case. Although the parties to the case focused their arguments on section 28(1)(c) (the right of every child to shelter), the amici broadened the issues to include a consideration of section 26 of the Constitution, which provides for the right of access to housing. They essentially argued that all members of the community, including adults without children, were entitled to shelter because of the minimum core obligation incurred by the State in terms of section 26.'
Full summary available at: https://dullahomarinstitute.org.za/socio-economic-rights/Cases/South%20African%20Cases/Constitutional%20Court%20Cases/summary-of-cases.

Organised women's movements that were active during the constitutional negotiations waned at this time. Women's budgeting and cross-class alliances fell away. Leadership of women in labour federations, as in the NGOs, was not a priority, and it can be said that despite a wide spectrum of women's rights organisations and movements, this particular sector has not managed to reestablish effective national coordination until #TheTotalShutdown Movement in 2018. In general, political education and consciousness ebbed during this wave.

At this stage land issues had a strong presence in the Social Justice Sector, and in many ways was a forerunner for other issues, grappling with yet unnamed challenges of transformation and power. Interviewees reflected that the Land Sector grappled most with the emerging distinction between well-resourced NGOs and grassroots social movements who might be termed the 'beneficiaries' of the NGO focus. The Land Sector also led on the principle of black women leadership. This was the moment when funders unrelentingly began to prefer funding formal NGOs who would then pay out monies to community-based and grassroots organisations – retaining control, and the power that went with the funding.

In this wave we saw the early examples of post-apartheid public corruption emerging, with the Arms Deal (1999), and later Travelgate in Parliament (2002-04). The real obfuscation of state action around HIV/AIDS, as well as the surfacing of race in the political justification from the ruling party, and the deafening silence to this position from the ruling party, marks one of the lowest points in the short history of democratic South Africa. Civil society felt a deep suspicion and mistrust from the state, with President Mbeki characterising some civil society formations as being ultra-leftist, opposed to the democratic project, and even agents of foreign states. It emerged that the state security machinery was alert to activities by foreign countries through local actors. Foreign funding of the Social Justice Sector accordingly opened an extreme interpretation of sectoral activities that questioned state commitment to constitutional rights.

Alongside the formalising of NGOs, we began to see the emergence of more formalised social movements. Examples of these include the Soweto Electricity Crisis Committee, the Anti-Privatisation Forum, the Treatment Action Campaign, and Abahlali baseMjondolo. Many of these social movements faltered after a short life, and the contradictions of our democracy in terms of gender and class created significant fault lines.

According to a respondent, 'the sector now is much more professional, and many of us mirror elite interests. I think that the sector has lost the community urgency and the vision that communities must be agents of their own change' (Yasmin Sooka, interview, 19 June 2020).

Increasingly, welfare service organisations began to substitute for the state in the provision of these services. Radical funding cuts by the state of these organisations, alongside increased demands, led to a knife-edge existence and burnout for these critical frontline services. This exacerbated the distance between themselves and the increasingly elite, formal NGOs who received foreign funding.

3.2.4 Third wave: Rise of populism and an executive-heavy state

Fezekile Ntsukela Kuzwayo, known in public discourse as Khwezi, was a 31-year-old HIV activist and feminist who brought a rape charge to the Johannesburg High Court

in November 2005. The accused was Jacob Zuma, then 63, who was about to become the ANC President and the State President of South Africa. Although he was formally acquitted, the case demonstrated how women face vilification and violence when they lay charges of rape and sexual violence. Right from the start, the Zuma presidency, which began in 2009, was riddled with controversy. Aside from the rape trial, there were also serious allegations of corruption levelled against Zuma.

Levels of poverty and inequality were rising, but economic justice was not the primary focus of work in the Social Justice Sector at this time. Much of the funding and sector resources were directed into HIV/AIDs health education-related work. Funders' distrust of new organisation leaders clearly began to take on a racial hue. With the demise of SANGOCO, the sector seemed to fragment rapidly. There was little coherence between urban and rural organisations, and issue-specific NGOs seemed to dominate rights. The increasing "professionalization" of the sector attracted high level graduates, and the entry level for activists to move into formalised NGOs frequently became impossible to meet.

COSATU was confronted by more serious challenges and divisions, which led to the eventual fragmentation of the unions. The divisions within COSATU became evident when NUMSA, the biggest union in South Africa, was expelled from COSATU in 2014 due to political differences over the ANC's inability to defend and advance the interests of marginalised workers (Bezuidenhout & Tshoaedi 2017).

A new union federation called the South African Federation of Trade Unions (SAFTU) was launched in 2017. With its membership drawn mainly from NUMSA, the new federation claimed to be representing 700,000 workers (Forrest 2017). In its special congress, NUMSA decided to form a united front with community organisations, social movements and NGOs, with a view to linking community social justice struggles and workers' struggles (Ashman & Pons-Vignon 2014). However, the united front's activities were overtaken by the formation of the Socialist Revolutionary Workers' Party, largely by NUMSA, which did not win even a single seat in the National Assembly during the general elections of 2019 (Grootes 2019).

3.2.5 Fourth wave: Cross-class anti-corruption front and support

During the Zuma administration we see an interesting new alliance of the Social Justice Sector, as corruption emerges as endemic. Business begins to recognise the potential ally in a strong and critical civil society, and anti-corruption campaigns lead to overt calls of #ZumaMustFall on social media.

President Zuma resigned on 14 February 2018 after a sustained campaign to force his resignation as President of South Africa. The combined front of civil society and business emerged as Save South Africa (SSA), a campaign against corruption and the leadership of President Zuma. SSA, according to its now inactive website, describes itself as 'ordinary South Africans [who] have felt helpless against the rampant corruption that was present in Jacob Zuma's government, and is still present in society in general'[12]. Many middle-class people and elites took to the streets in the protest vocabulary of worker formations. This was a rainbow moment under the leadership of some previous leaders of the liberation movement.

Various political formations, some civil organisations, businesses, and the mass media accused Zuma of having handed over the executive authority entrusted to him to the

12. www.savesouthafrica.org.

Gupta family (Khadija Patel, interview, 9 July 2020; Wendy Pekeur, interview, 29 May 2020). Part of this campaign included journalists analysing 'Gupta Leaks', which led to thousands of email exchanges about corrupt activities on the part of the Gupta family, in collusion with local companies and politicians, being exposed.

Social justice organisations, such as trade unions and NGOs, played a role in this campaign. Litigation, organising protests, and analysis of Gupta Leaks to further expose activities of state capture, were some actions taken by social justice organisations. The establishment of the Zondo Commission in 2018 further investigated corruption and state capture, and signalled the possibility of responding to corruption effectively within the confines of the law. To fight corruption and state capture, some social justice organisations have made submissions to the Commission but, as a respondent noted, 'The Gupta Leaks was successful, but no one went to jail' (Khadija Patel, interview, 9 July 2020).

3.2.6 Fifth Wave: Anti-neoliberal struggles, and growing mistrust between state and Social Justice Sector

During the period between 2012 and 2017, the divergence between constitutional provisions and the realities of most black working-class communities became increasingly visible. There was also an increase in atrocities committed either at the hands of the democratically elected government, or by those whose state inaction resulted in the deaths of many.

The most visible of these included the:

- estimated 225,000 to 350,000 deaths per annum in 2009 (at the height of the epidemic) as a result of the lack of access to antiretrovirals (Wits 2019);
- the recurring xenophobic attacks on Africans living in South Africa;
- Marikana massacre; and
- Life Esidimeni tragedy.

However, new movements also took root in this period. #FeesMustFall was a movement of young student-centred Fallists. Campuses across the country resounded with the call for free tertiary education, and strong alliances were built between students and workers, adding the call for an end to outsourcing of core university learning and maintenance work. #FeesMustFall will be discussed in depth in a later section.

For some interviewees, this wave's new mode of politics tends to be less aligned to principles and more with identity and performative politics, which can be exclusionary and regressive. The movements are leaderless, and ultra-horizontal in terms of structure, but seldom have staying power. The politics are not grounded in conceptual discourses, but frequently borrow. These formations seldom institutionalise or build mass politics or movements. As a respondent said:

> *Within those NGOs that I'm talking about, there's a lot of differences; there are those that are more political, more interested in supporting people's agency, more oriented [towards] self-organisation and facilitating people taking up their own struggles, and [they] have a transformative agenda. But those numbers are becoming fewer. (Mercia Andrews, interview, 15 June 2020)*

To become intersectional in our activism would strengthen the representation and inclusiveness of the sector. Like the feminist movement, we need to see how theory is life, and how life – putting food on the table and caring for vulnerable household members – must inform our theories.

Another mass public campaign is #TheTotalShutdown, which will be addressed in some detail later in this Review. #UniteBehind also emerged around this time. This is a platform made up of over twenty organisations and social movements, with a strong Cape Town base. #UniteBehind provides a coordinating dimension to various poor and working-class communities' struggles. It seeks to amplify the work of its affiliates rather than replace these organisations' work.

Decolonial theory is, at the heart, critical thinking informing these social justice movements. The implications of decolonisation for the Social Justice Sector are profound. Seminal normative and cultural values of the sector were formed by white men and women after 1994, and these organisations were supported by Northern and Western funders who imposed an increasingly corporatist eligibility that excluded most black-led and working-class organisations. Review respondents with strong community roots spoke of the sense of not measuring up to these standards and requirements, from tertiary qualifications down to daily dress codes.

However, decoloniality challenges the sector's vision and values in another way too. Many social justice organisations are committed to advancing justice through advocating for constitutionally enshrined rights. They further seek to guarantee a progressive realisation of access to socio-economic rights that inform the work and practice of much of the sector. Decolonial thought is critical of the legitimacy and application of the Constitution, specifically to impose Western notions of state and subject, and its description of property and power, as are protected in the South African Constitution. While the Constitution is globally hailed as being one of the most progressive in the world, it is also seen as constituting an illegitimate endorsement of an inherited colonial edifice of norms and laws, through which the subjugation of indigenous peoples is established and perpetuated. This period marked a division within the Social Justice Sector between those who saw President Ramaphosa as a 'new messiah', and those who believed him to epitomise the cruelty of global capitalism, as demonstrated in his role in the Marikana Massacre. This is a role for which the sector was surprisingly forgiving in later years. As mentioned above, the same broader civil society that had been ostracised by the ruling party in the Mbeki administration became a useful ally for ruling party factions in their destructive internal battles.

During this period, community-based advice offices and community-based grassroots activists continued to work without a salary, depending frequently on the social grant income from children's social assistance grants and old age state pensions. While poverty climbed, inequality steadily increased; most significantly in the African demographic. For many in the sector, activism became part of survival. For some people, starting a CBO was one way to formalise economic activity of any kind.

Organised labour suffered with the implosion of COSATU's leadership, itself caught up in allegations of state capture and compromised self-interest. Globally, organised labour formations grappled with the growth of the precariat as the world of work changed forever. The emergence of new labour formations mirrored the emergence of new forms of organising and mobilising amongst younger activists.

3.2.7 Sixth wave: COVID-19 era

The COVID-19 era is a present reality as we write this Review. How has the sector responded? A proliferation of social justice initiatives appeared early in the unfolding of the pandemic, with the main coordinating structure being the C19 People's Coalition. This

coordinating structure consisted of a variety of informing sub-committees, ranging from social grants, health care, food, and gender. The unity of this movement has undergone some challenges with clashes between individuals, and between groups.

Another response was people uniting to source and deliver food and other basics to people who were in crisis before COVID-19, as well as those who felt the pandemic's effect keenly. The distinction between humanitarian interventions and ongoing structural advocacy heightened at the onset of COVID-19 in the country. A pervasive call, originating back to 2002, is for the introduction of a UBIG. This call blossomed into a campaign in the early 2000s, which over time imploded. What emerged in the early months of the COVID-19 epidemic was various groupings hailing the UBIG as their own concept or recommendation. This contestation led to much confusion about the dynamics of the idea, and conflicting packaging of the call led to a general obfuscation, which clearly detracted from a very possible victory.

A further weakness of the sector was its failure to bring coherence to its many principles of alternative, heterodox thinking into a manifesto for post-COVID-19 recovery. Globally, many analysts speak of the possibilities of the pandemic disrupting current inequitable and unjust systems. However, when people were called upon to contribute thinking around new forms of organising work, social interactions, education, and economic recovery, the formulation from the Social Justice Sector failed to cohere.

3.3 Strategies employed by the sector

In 2012, SPII was commissioned by RAITH to interview a selected number of social justice NGOs and to document the various theories of change which guide social justice organisations' work, as well as the extent to which catalytic organisations are able to evaluate the success of their work against their theories of change (SPII 2012a). What emerged was that, although organisations were often required by funders to develop and adopt theories of change, they seldom had enough time to evaluate their learnings, or the success of their strategies, against their objectives. Most often, time for reflection was not provided for or financially covered in funding agreements. Driven by the dominance of a project-based grant system, the completion of one funded project had to segue immediately into another in order to be able to pay rent, salaries and other operational costs.

The abovementioned study generally identified a weakness in effective planning, monitoring and evaluation of practice. The performance and immediate reporting on activities, as well as a perpetual cycle of fundraising, was what frequently dominated the time and attention of organisational leadership. One of the recommendations from Review participants was the need for greater opportunities to promote peer learnings amongst social justice actors. Reporting on a survey undertaken by social justice organisations operating in South Africa, Chipkin (2013) found that the greatest confluence of what they worked on was economic justice, public participation and social cohesion.

According to SPII (2012), the main types of strategies and actions undertaken by organisations that were interviewed included:

- mobilisation and organisation of communities (including rights education);
- policy and legislative engagement (including litigation);
- changing the discourse of power and engagement; and
- surfacing the need for an active citizens' agency to promote the realisation of rights,

to challenge the dependency on the state or a political party to do so. (SPII 2012: 19)

In 2013, Chipkin and Meny-Gibert were commissioned by RAITH and Atlantic Philanthropies to investigate the practices of selected social justice actors. Their survey revealed that a very broad range of activities were undertaken towards realising the objectives of equality and justice. Some of these activities include academic publications, building sector and global solidarity networks and solidarity, community mobilisation and development, and creating opportunities for voices to be heard.

Gumede (2018b) summarises eight strategies employed successfully by civil society organisations in recent years. These are:

- Deposing two sitting South African presidents (Presidents Thabo Mbeki and Jacob Zuma) through consistent mobilisation and court challenges;
- Providing public services in the face of state failure, including through the impetus of litigation, including in the Grootboom judgment and TAC cases, and The role of civil society in bringing the full horror of the Life Esidimeni tragedy to the fore;
- Fighting to defend the Constitution, democratic institutions and values, including through the exposure of corruption and defence of freedom of expression;
- Pushing for the scrapping of undemocratic laws, including the KwaZulu-Natal Elimination and Prevention of Re-emergence of Slums Act;
- Challenging 'out-of-control' corruption by supporting whistleblowing;
- Opposing sexist, homophobic and racist public attitudes, including mobilising against 'corrective' rape, and opposing the Traditional Courts Bill;
- Unblocking unilateral policies, including the Arms Deal and the proposed nuclear deal; and
- Keeping social justice on the political agenda by means of the Universal Basic Income Grant[13] coalition in the early 2000s; the TAC's mobilisation and advocacy – especially around access to ARV treatment leading to the landmark 2002 Constitutional Court ruling; and the People's Budget Campaign, also in the early 2000s.

Through interviewing Review participants, the following strategies emerged as most commonly used: Research; Community mobilisation (training and awareness-raising); Advocacy; Strategic litigation; Protest actions and strikes.

In general, most of the respondents believed that all the strategies are important, and that the choice of strategy was dependent on the work that was being done and the issue being addressed, as well as the context in which the strategy was being employed. Organisations may utilise multiple strategies at different moments, but most focus on one dominant strategy. There is also a clear indication that strategies have evolved over time and moved from a focus on community mobilisation and movement building (most common in the apartheid era) to more technical actions, such as research and litigation. This has seen its own evolution over time.

The community mobilisation of the Treatment Action Campaign era and their arguing for government to fulfil its constitutional obligation to provide free antiretroviral treatment at government clinics, was the beginning of a more openly adversarial position towards the government. We have also seen the recent emergence of a new site of struggle on social media. This strategy is in its infancy, and needs further development for effective utilisation in the sector, especially in the context of fake news and anonymous bots.

13. The COVID-19 period has seen a reemergence of a campaign for UBIG and a possible resurrection of this coalition.

The way in which organisations are structured was also seen to influence their strategies. Some have well-defined identities and ideologies which inform their objectives and strategies, but most CSOs tend to have blurred their identity, making it difficult to clearly define their own roles and approaches. Some organisations are aware that their role is intermediary, while others 'seem to think that their own voices are more important than letting their clients' voices come through' (Naadira Munchie, interview, 2020).

3.3.1 Research

The importance of research as the foundation of evidence-based advocacy was noted by many interviewees. However, two key issues emerged.

The first is what is termed the 'extractive' or 'directive' nature of research that research-based NGOs and academics have been criticised for. Tertiary institutions were particularly criticised for using poor and marginalised communities as sites/sources for data collection, while not doing much to support the struggles of those very communities. Such research was considered to be focused on NGO or university priorities rather than the community's needs.

A further concern raised was of some universities prescribing what communities should be doing, and even how they should be implementing the work; with a view that communities are 'tired of being used as guinea pigs' (Caroline Peters, interview, 27 May 2020). Another point made was that research does not need to be done by a PhD-holder, and that it was possible for people at local level to undertake basic research, inform what campaigns are agreed upon, and to mobilise communities at the same time.

Concern was also expressed about the dismissal of research and litigation based on a perception of these being elitist, overly intellectual and academic. An academic respondent was concerned that 'there's a dangerous seed of anti-intellectual sentiment in some of our movements, which I think is that the urban elite, educated, often white people are taking up the space' (Ruth Hall, interview, 4 June 2020). While introspection was deemed important, at the same time there was a concern that there is no role for expertise, and that facts and research do not matter.

This division between academics/intellectuals and communities has a long history in South Africa, often coupled with issues of race, gender and class. Brazil offers some interesting examples of how academics and movements have found better ways of working together to achieve social justice outcomes, especially with regards to land rights struggles.

3.3.2 Community mobilisation

Amongst interviewees, there was an assumption that community mobilisation is largely linked to movement building. Therefore, as a strategy, there was not much information generated except in relation to movement building, and sometimes for strategic litigation. A respondent noted that, because he was part of a social movement, he has a bias towards community mobilisation which is 'trying to bring to the fore the Freirean construct of participation; it's the central point of all social justice' (Christopher Rutledge, interview, 16 July 2020).

Respondents felt that community mobilisation was critically important to ensure that people are at the centre of solutions, and that unless strategies place people at the centre, there will be no sustainable solutions possible.

It was agreed that all strategies are important, but a common theme was that community mobilisation and advocacy is necessary to bring about fundamental and sustainable change. It was also suggested that community mobilisation is affected when communities become suspicious of the 'motives of activists who wear party T-shirts because it is then seen as party political' (Funeka Soldaat, interview, 22 September 2020). Despite this, community mobilisation is deemed critical and forms the basis of much of the work of the LGBTQI+ sector, for example. Concern was raised that funders only want to fund strategic litigation at the expense of community mobilisation activities since, according to a respondent, the 'door-to-door work was the really hard work especially in supporting young people' (Keval Harie, interview, 22 September 2020).

Another respondent noted:

> *The really hard work that nobody wants to do, means knocking on doors talking to people. There is no hope that we will bring any change and achieve our demands through [a] corrupt system. So it's about building and changing that consciousness, speaking to people, doing workshops about who are we and how did we get here. My wish list will always be that we see working-class people occupying spaces, and that it is done strategically; but it's going to take a lot of work and there is no shortcut. (Faeza Meyer, interview, 24 June)*

Community mobilisation in urban areas was also seen as more effective than in rural areas, partly because of the logistical challenges of organising communities who were in widely spread out and/or in communal areas. While research and litigation were highly effective in working together, often this did not feed enough into community mobilisation. It was noted that this can lead to class and race divisions, as well as deepening urban and rural divides.

While rights-based education features prominently in the work of most CSOs, it was interesting that the issue of training and awareness-raising was not given much attention by respondents as a separate and independent strategy, but it is seen as implicit to community mobilisation and advocacy, and strategic litigation. In this sense, there is an understanding that communities need to be capacitated and empowered to take up issues in the community and with government.

3.3.2 Public interest litigation

The Socio-Economic Rights Institute of South Africa (SERI) (2015) concludes that public interest litigation is a valuable weapon in the struggle for social justice because South Africa is a constitutional democracy, and its Constitution lays down inviolable socio-economic rights. These justiciable rights were included in the Constitution to ensure the transformation that was necessary by the constitutional assembly and early jurisprudence. Public interest litigation, as a form of advocacy, has won many key social justice victories, particularly when applied in combination with pro-poor community mobilisation, as demonstrated by the Treatment Action Campaign (TAC). The TAC approach was influenced by 'our Marxist beliefs, but we also imported international models, especially on TAC treatment literacy' (Mark Heywood, interview, 29 May 2020). The TAC was noted by many respondents as a successful example of strategic litigation, alongside other community empowering strategies, resulting in the roll-out of antiretroviral medication at all public health facilities.

While it can change the formal allocation of power through judgments, there is no guarantee

that public interest litigation gains will be implemented in the absence of broader social and public consciousness. This strategy has also been critiqued for its perceived elitism and its potential to alienate communities from their own struggles, given the esoteric nature of court proceedings which often renders communities as passive bystanders in a complex process that has far-reaching outcomes on their livelihoods.

Respondents criticised organisations who use only strategic litigation to the exclusion of other strategies. Other concerns raised included community struggles and social justice issues being fought in court. Since it is often lawyers and not the community who go to court, it was felt that in so doing, 'we take people's agency away, we demobilise communities, so unless we go to court and we mobilise and advocate and the people own the process, we are not able to deliver on the outcomes of the litigation' (Mercia Andrews, interview, 15 June 2020). A further concern was that judgments are often on paper only, and when rulings are not implemented, people remain in the same positions they were in before the court action.

Another strong view expressed in interviews was around the issue of social struggles being articulated through experts, such as lawyers and academics. A respondent argued against the view that communities do not understand the struggle, and therefore need lawyers and other experts to give them voice. While there is no denying that there have been successes in crucial landmark cases,

> *[...] it is dangerous and risks reinstating certain problematic power relations and certain kinds of epistemic violence in those communities. The whole question of literacy, illiteracy and English proficiency becomes a way of structuring unequal relationships because the mode of articulation is fully in the control of the experts [...] over these communities'. (Joel Modiri, interview, 10 July 2020)*

Another interviewee concurred, saying it is problematic when lawyers 'actually reframe and change or take over what these communities self-understanding of the struggle is [...] and they hold the victories although they draw on the agency of the people' (Sipho Mthathi, interview, 3 July 2020).

In addition to the significant cost of litigation undertakings (often requiring the contracting and payment of external advocates, the majority of whom are still white males), the recent growth in non-compliance with court orders by the state reveals the challenges associated with the use of litigation as a strategy, as well as highlighting the deep division within the three arms of the state. According to SERI (2015: 93), it is tactically important to decide if one is dealing with a 'weak state that has capacity issues or one that simply lacks political will'.

Most respondents indicated that litigation should be used as a tactic that is part of a broader strategy, and that social movements must be at the forefront of any social justice struggle. A respondent noted that 'we should encourage that all struggles be led by social movements. It should be at the centre of all the strategies' (Christopher Rutledge, interview, 16 July 2020).

Strategic litigation was seldom undertaken by one organisation, yet the question of attributing or claiming victory for successes in strategic litigation was an important consideration. A respondent gave an example of how coherence with other social justice organisations secured a victory around journalists getting access to mining rights. These

organisations worked together to obtain the necessary information, and this became reinforcing. In this way, 'strategies of individual organisations around social justice reinforce the strategies and aims of other organisations, so it becomes this amazing ecosystem of working together' (Karabo Rajuili, interview, 2 July 2020).

3.3.3 Collective bargaining/ Strike action

Trade unions and labour service organisations (LSOs) used collective bargaining as a central strategy, 'where the workers get together collectively to prepare to bargain collectively with and identify the authority that is in charge of the issues it would want to change' (Pat Horn, interview, 8 June 2020). Collective bargaining was seen to allow more participation with people on the ground, and to empower the voice of workers.

Although strike action is confined to labour organisations, it is the most 'powerful instrument used to increase its capacity to disrupt, to bring the world to a standstill' (Eddie Webster, interview, 28 May 2020). A few respondents from the labour sector noted that shop stewards have increasingly turned to legal assistance, using the courts rather than taking strike action. This remains a tension within the labour movement. And although a popular action in the context of the 1980s mass democratic movements, it is very rarely attempted by CSOs now (although it should be noted that #TheTotalShutdown Movement did aim for a national strike action alongside their national shutdown campaign).

3.3.4 Service delivery protests

Service delivery protests are an important feature of South African society. Yet none of the formal CSO players appear to locate these protests within the ambit of social justice. None of the respondents interviewed seemed to have been involved in service delivery protests. There appears to be no link between these widespread and frequent community mobilisations, and the funded work of formal CSOs. A few articles have been written about such protests by researchers and academics, and some community struggles have been supported by strategic litigation, but service delivery protests are generally not perceived to be a legitimate part of social justice struggles. Only one respondent mentioned this action, saying that 'service delivery protests, for instance, are not picked up by the left/ progressives' (Judith Kennedy, interview, 25 June 2020).

South Africa has been dubbed the protest capital of the world, and has seen an ongoing escalation in service delivery protests outside of formalised civic structures. In the document, The Smoke that Calls (Centre for the Study of Violence and Reconciliation and Society, Work and Development Institute 2011) it is noted that the common feature of these types of protests is local issues and conditions; hence the target being local government municipalities. Grievances include, for example, lack of access to clean water and sanitation; housing – where corruption in local government contracts leads to failure to complete housing contracts; poor participation with communities in decision-making processes; and generally inadequate services. These protests have been about fighting for material improvements to people's lives, as well as for the right to be heard by government. One of the respondents noted that we are seeing a different dynamic at play in the sector, 'and you are beginning to see initiatives of the subaltern, seeking to aggregate their power' (Vishwas Satgar, interview, 3 June 2020). Service delivery protests might be unformalised, but their presence cannot be ignored; nor the fact that this also constitutes part of the Social Justice Sector.

3.3.5 Movement building

Little mention was made about movement building in interviews, and in general it was conceived of at the level of rhetoric rather than in practice. Tshisimani Centre for Activist Education is the first organisation in the country with the focused objective of supporting movement building. While it is outside the purview of this report to distinguish between different types of social movements, there are important examples to note, such as Cape Town Shut Down, Landless People, Sikhula Sonke, Western Cape Anti-Eviction Campaign, Mining Affected Communities United in Action (MACUA) and Abahlali baseMjondolo. It was expressed that there is a need to work towards greater alliances, networks and movements, but a concern was that the Sector has not done so successfully, and that the sector is almost always reacting to government processes. The importance of building and nurturing longstanding social justice coalitions was emphasised by several respondents. One respondent noted: 'Working with similar like-minded organisations is important in taking up specific issues. It serves to unite the sector, coordinate activities, and complement each other, rather than duplicate efforts' (Febe Potgieter, interview, 23 June 2020).

The point was made that the struggle needs to be out on the streets to be successful, and that movements are built from people's dreams, anxieties and hopes. A respondent summed it up as follows:

> *But people should allow these issues to come from the grassroots, bottom up; and so advance freedoms on all fronts built on different freedom issues, rather than be divided as the media seeks. Movements can change the world, but it requires patience'. (Trevor Ngwane, interview, 5 June 2020)*

The success of specific campaigns, such as the TAC's, was built on a clear political analysis, which underpinned the way they organised. There was a concern noted, however, that issues are increasingly being addressed in a depoliticised and ahistorical way, and that while 'alliances are often fluid, ideology is critical' (Patrick Bond, interview, 28 July 2020).

3.4 Key impacts and victories

A Review respondent alluded to the fact that social justice successes have often been accompanied by setbacks and defeats. For example, women and children continue to feel unsafe in our democracy, and this means that the struggle against GBV must be intensified. While the Social Justice Sector has not been able to decisively win the battle against GBV, this does not mean that there has been no progress in dismantling patriarchal violence. According to this respondent, 'we have the best policies, the best Constitution, but violence against women is on the rise' (Brenda Madumise, interview, 1 June 2020).

Despite social justice organisations contributing to the implementation of democratic systems in 1994, it was found that participation in Parliament tends to be dominated by well-resourced organisations and those representing the interests of big business. Another finding was that parliamentarians and portfolio committees do not seem to take public participation seriously.

Respondents felt that a further weakness of social justice organisations and activists has been their failure to instil in communities methods of struggle that are not counterproductive, such as the burning of public schools, and violence in general. This relates to a bigger question, which is about the kind of society that the state is building and its relevance to the Social Justice Sector (Febe Potgieter, interview, 23 July 2020).

Below is a list of selected case studies that Review respondents believed to be decisive victories by the Social Justice Sector[14].

14. Other victories not mentioned here have been won by urban dwellers, farm workers, farm dwellers, reclaimers, environmental activists, land organisations, #DataMustFall campaigners, and others.

The TAC's victory in the struggle for ARVs

During Thabo Mbeki's Presidency, HIV/AIDS denialism had a significant impact on South Africans' lives. To avoid delivering free medication for HIV patients, and driven by neoliberalism and austerity measures, Mbeki embraced HIV/AID denialism, arguing that HIV did not cause AIDS. The Mbeki government went so far as to withdraw support from the health facilities that initiated medical programmes that sought to prevent mother-to-child transmissions of HIV (Friedman & Mottiar 2005).

After lengthy legal battles and mass demonstrations, the South African government introduced free ARVs in the public sector in April 2004. Today, South Africa's antiretroviral treatment programme (ART), the direct result of the TAC's campaigning, is the largest in the world. The programme has contributed directly to an increase in life expectancy, from 56 years in 2010 to 63 years in 2018 (Avert 2020).

Emphasising the significance of this victory, a respondent noted that no movement since then has been able to emulate the TAC's victory (Makoma Lekalakala, interview, 4 July 2020). When many interviewees were asked to comment on victories of the Social Justice Sector in post-apartheid South Africa, the TAC was what immediately came to mind for most of them (Munchie, interview, 20 May 2020; Sooka, interview, 19 June 2020; Godsell, interview, 10 June 2020; Hall, interview, 4 June 2020).

Bond argued that the TAC challenged pharmaceutical companies and intellectual property rights associated with the drugs they manufactured, and called for the production of cheaper generic drugs to treat HIV-positive people. In other words, 'the struggle led by the TAC was a revolution against the drug companies' (Patrick Bond, interview, 28 July 2020).

Black working-class women led the campaign. The TAC also participated in helping government to conceptualise, design and operationalise ARV implementation programmes, and this was driven by needing to capacitate the state. At a national level, TAC leaders had connections with some leaders of the ruling ANC and with donors, making it possible for the organisation to gain some support within certain elements of the ruling party, and also raise funds.

#TheTotalShutdown Movement and gender-based violence struggles

It is estimated that over 40% of South African women will be raped in their lifetime, and that only one in nine rapes are reported. South Africa's femicide rate is five times higher than the global average. GBV is recognised to be one of South Africa's most extreme social crisis points. In August 2018, thousands of individuals, mainly women, rallied during Women's Month in response to this pressing social justice issue. The campaign was dubbed 'The Total Shutdown', and spread to Botswana, Lesotho, and Namibia (Odufuwa 2020). Building on the GBV work done in the sector, social media activism and student-led anti-rape movements on campuses across the country – such as #RUReferenceList at Rhodes University, and #RapeatJunction at the University of Witwatersrand – #TheTotalShutdown Movement brought issues of gender, race and violence to the fore in an intersectional manner.

#TheTotalShutdown Movement was a decentralised mobilisation by women's rights activists who successfully mobilised an estimated 100,000 women to take to the streets in various cities and towns across South Africa (as well as solidarity marches in neighbouring countries), to protest the pandemic rates of GBV in South Africa. On 1 August 2018, thousands of women and gender non-conforming (GNC) people took to the streets of South Africa under the banner of The Total Shutdown (TTS). In Pretoria, TTS marched to the Union Buildings, handing over a list of 24 key demands to the President. After staging a nighttime sit-in protest by a handful of activists once most of the marchers had already returned home, the presidency finally accepted TTS's memo late that evening.

This resulted in the convening of the first ever national summit on GBV and femicide, which was held in November that year. This summit resulted in the establishment of an interim-GBV council (co-chaired by civil society) and the production of the first national Strategy Plan on GBV. Both had been on TTC's list of 24 demands. TTS subsequently also staged a Sandton shutdown demonstration to draw attention to the role of the corporate sector in the pandemic through its exploitative business models and unfair treatment of its own women workers. At the time of writing this report, government has issued a call for nominations to the National Council on GBV and Femicide. TTS, in the same tradition as #FeesMustFall, is not a formalised structure, and remains decentralised. While the merits of this approach to organising have been debated, TTS has nonetheless secured a number of significant victories. In his first State of the Nation Address, President Ramaphosa importantly recognised the dangers of patriarchy to South Africa. It was the first time in the history of South Africa that the word 'patriarchy' had been used in a State of the Nation Address by a president. In his regular live COVID-19 addresses to the nation in 2020, the issue of the GBV pandemic (referred to

as the 'pandemic in the pandemic') consistently featured. There is a general sense that, while the National Strategy Plan may not be perfect, it will take SA forward in the struggles against GBV and the normative values of patriarchy. The main obstacle faced in making progress in this regard is the resourcing of this plan. In the context of the current economic crisis, and with signals of an intensification of fiscal austerity, there exists the real danger that resourcing the GBVF-NSP may be deprioritised.

LGBTQI+ Struggles

After 1994, the Lesbian, Gay, Bisexual, Transgender, Queer and Intersex (LGBTQI+) community lost the strong voice it had had before. Post-1994 there were many changes to LGBTQI+ mobilisation and activism, and the National Gay and Lesbian Coalition fought against homophobic laws in the country. While grassroots movements remain, they are currently very weak.

A respondent commented that this is 'because party politics [are] involved, and this begins to affect how people work together [...] We are struggling with this because it weakens us' (Funeka Soldaat, interview, 21 September 2020). Nevertheless, the LGBTQI+ sector has seen considerable achievements since 1994. The Civil Union Act of 2006 was a huge victory where, for the first time in South Africa, queer people could get married. However, the sector's smaller, lower profile victories are just as important. Respondents gave the examples that access to education, and police sensitisation training, would have been unheard of five years ago. Now there is access to these spaces. It has been difficult to measure this impact in the Social Justice Sector, yet a respondent commented that, when 'a health worker calls a transgendered person by the correct pronoun, that is a victory' (Sharon Cox, interview, 22 September 2020).

While there is recognition that South Africa has one of the most progressive Constitutions and legislative frameworks in the world with regards to LGBTQI+ rights, there remains a massive gulf between these provisions and prevailing societal values, including the values held by leaders in all sections of society. Concerns were expressed that the sector has given in to donor-related agendas, and the term 'bandwagon-hopping' was used to describe instances where organisations change their work to accommodate what the 'donor wants and move away from their core work' (Sharon Cox, interview, 22 September 2020). Going forward, finding issues to unite organisations in this sector will be one of its major tasks. Beyond that, collaborations between LGBTQI+ organisations and other organisations in the sector may assist in striving towards coherence within this subsection of the Social Justice Sector.

Another concern was raised about attributing successes in advocacy work. It seems that competitiveness in the sector creates turf-fighting rather than claiming victories as a result of partnership in a collaborative effort. A respondent urged that celebrating these successes as a collaborative

partnership 'can help smaller grassroots organisations flourish' (Keval Harie, interview, 22 September 2020).
During the trial of former President Jacob Zuma in 2006, a group of black women, aided by NGOs like People Opposing Women Abuse (POWA) and others, supported Khwezi (a pseudonym), the young woman who accused Zuma of raping her. Despite being abused by thousands of Zuma's supporters, these groups of women highlighted that even prominent men must be held accountable for GBV crimes, and that men do not own women's bodies.
Although Zuma was acquitted, women's groups subsequently used the case to demonstrate against GBV. Ten years later, in 2016, four young black women, dressed in black, held up signs saying 'Remember Khwezi' while Zuma delivered a speech at a national event organised by the Independent Electoral Commission (IEC). Their protest was widely publicised in the media and showed that successful campaigns do not always require signifcants amounts of resources or people.

#FeesMustFall and #OutsourcingMustFall

In March 2015, students at the University of Cape Town (UCT) called for the removal of the statue of Cecil John Rhodes on UCT's campus. Rhodes was a colonialist, who in the nineteenth century instituted various racist policies and industries across the country and continent. Protests against colonial symbols and demands for the decolonisation of higher education gained credence, especially at the University of Pretoria (UP), Stellenbosch University (SU), Rhodes University (RU), and even Oxford University in the United Kingdom. The Rhodes Must Fall (RMF) campaign also highlighted the abysmal working conditions of outsourced university workers. Shortly after the RMF campaign, in October 2015, students protested fee hikes and called for more widespread access to higher education. Subsequently, students in Kenya, Ghana and Nigeria also called for free higher education (Cerimaj 2018; Luckett & Mzobe 2016).

Political parties usually have elaborate structures, ranging from branches to national leadership, and this often leads to delays in decision-making, but this campaign consisted of non-hierarchical or flat structures based at university campuses. This enabled students to make on-the-spot decisions to campaign and mobilise against fee increases. However, towards the tail end of the movement, its queer and women leaders were sidelined by cisgender men. UCT Trans Collective and Patriarchy Must Fall are two student-led organisations that countered the toxic masculinity of the Fallist protests at UCT.

Shaeera Kalla, a former student leader at Wits, highlighted some of the victories achieved by the #FeesMustFall movement, the obvious one being the 0% fee increase which was announced at the Union Buildings in 2015. Another success was the pressure on the NSFAS scheme to accommodate the 'missing middle' students; as a result the Department of Higher Education

and Training allocated additional funds to the scheme. Additional victories were that the children of workers at the university were able to study for free, and that outsourcing was discontinued (Shaeera Kalla, interview, 29 May 2020).

Since the late 1990s, outsourcing of mainly black women university workers occurred. Outsourced workers were the most socio-economically exploited employees of universities. Before the student uprising, campaigns against outsourcing were not mainstream. Yet students and workers succeeded in ending outsourcing in less than three months – something the unions had been struggling to do for 25 years (Shaeera Kalla, interview, 29 May 2020).

Social Grants & Social Security

In 2001, the Grahamstown branch of the Black Sash brought a class-action suit against the Department of Social Development on behalf of the people in the Eastern Cape whose applications for social grants were delayed for long periods while the Department assessed their grant suitability. Regulation 11 of the Social Assistance Act limited back-payments of social benefits to three months. Through intensive lobbying by the Black Sash and other organisations, this regulation was overturned, and the court ruled that the successful grant applicants had to receive payments for the time they had waited for their grants to be processed. This class action impacted millions of grant recipients, and at that point President Mbeki announced that R2-billion had been set aside for the retrospective payments, drawing on an unallocated contingency fund in the national budget (Black Sash 2005).

Another related significant victory noted by respondents was the Child Support Grant. NGOs and community-based organisations were opposed to a reduction of the Child Support Grant, which was R70 per month per child at the time. After strong contestations and struggles, government increased the amount to R110 (Jay Naidoo, interview, 3 July 2020).

According to the National Treasury, the number of people receiving various social grants is expected to top 18-million in 2020. Although social grants are not the ultimate solution to poverty, they play an important role in making sure that the state does, to a limited extent, provide for poor and marginalised members of society. Such grants are described as partial victories in the struggles waged by social justice organisations for improved welfare of the poor in South Africa. At the the ime fo writing this report, a campaign for a Universal Basic Income Grant has been revived.

Life Esidimeni tragedy

In October 2015, the MEC for Health in Gauteng, Qedani Mahlangu, announced the termination of a contract for psychiatric care between the Department of Health and Life Esidimeni. Around 2,000 people who received specialised

chronic psychiatric care were to be moved out of Life Esidimeni institutions to families, NGOs and psychiatric hospitals providing acute care. The MEC noted that the contract was being terminated to save money and to de-institutionalise care into the community. Between March to June 2016, mental health care users were discharged from Life Esidimeni institutions in large numbers, and in September 2016, the MEC reported to Parliament that 36 former residents of Life Esidimeni had died (Zitzke 2020). To date this number of deaths is estimated to stand at around 144.

The public interest legal NPO, SECTION27, provided legal support for the families whose loved ones had been discharged from the Life Esidimeni mental health care facilities following their closure. This allowed for investigations into the circumstances surrounding the deaths of the former patients. It was established that they all died after being placed with NGOs that held invalid licenses and inadequate resources.

Innovative use was made of the arbitration procedure, which was led by Justice Dikgang Moseneke. After a two-and-a-half year period of court hearings, engagement and contestation with the state, on 19 March 2018, Judge Moseneke accepted the agreement between the parties of awards of R200,000 per family for common-law damages, namely funeral expenses (R20,000) and for shock and psychological damages (R180,000). The parties also agreed to the provision of a place of remembrance for the victims of the Gauteng Mental Health Marathon Project, and counselling for bereaved family members. Crucially, Judge Moseneke also awarded R1-million to all claimants for Constitutional damages (SECTION27 2018).

Basic education Struggles

With regard to the struggle for access to education, some interviewees mentioned the good work done by Equal Education, an organisation focusing on the provision of quality basic education. In 2018, the victories scored by Equal Education included the securing of scholar transport for twelve schools in Nquthu, KwaZulu-Natal; and in the Eastern Cape, the Department of Education was compelled to implement the recommendations of Equal Education's research on school infrastructure (Equal Education 2019; Khadija Patel, interview, 9 July 2020). Shereza Sibanda, a Johannesburg-based activist, spoke about the fact that the Inner-City Resources Forum (the organisation she leads) works with school principals in the Johannesburg inner city to help children of migrants, especially those from other African countries, to access schooling (Shereza Sibanda, interview, 5 June 2020).

There have also been public interest litigation successes. For example, five-year-old Michael Komape drowned when he fell into a pit toilet at the Mahlodumela Primary School in Limpopo in 2014. SECTION27 took the Department of Basic Education to court on behalf of his family. The Department was sued for R3-million to compensate the family. On 18 December 2019, the court awarded the family R1.4-million (EWN 2019).

Housing and urban struggles

Between 1994 and 2018, 3.2-million houses were built, most of them between 1994 and 1999.The rate of construction slowed down after 1999, probably because of the GEAR-induced budget cuts. Government argues that the housing shortfall nationally is 2.1-million houses for close to 12.5-million citizens (Reality Check team 2019). Urban-based organisations have been involved in many campaigns for access to basic services, housing, and anti-evictions.

Two related observations are relevant in this regard: first, there have been several court victories against government agencies, and second, local organisations that continue to defend the rights of marginalised communities have expanded their operations.

A respondent stated that:

> *Some of the landmark cases, from Grootboom up until now [...] are cases that have been driven through the Social Justice Sector, and they pushed the jurisprudence in the direction of holding greater accountability for the state' (Joel Modiri, interview, 10 July 2020).*

Rutledge (interview, 16 July 2020) also cited the Grootboom case as a success, in the sense that it confirmed that the government has to take social and economic rights seriously by developing concrete plans to make sure that these rights are realised.

A respondent had this to say about the setback in Grootboom's court victory: 'On the housing [front], the sad part about the Grootboom judgment [is that] she died without getting a house' (Harry May, interview, 12 June 2020).

In spite of unfulfilled promises, Frank Meintjies, an activist, stated that in urban areas organisations campaigning for decent human settlements have made a difference by encouraging some people to occupy land and buildings in response to the housing crisis. In other words, these urban-based organisations in areas like Cape Town have made sure that the poor have access to shelter. (Meintjies, interview, 9 July 2020).

Besides using the courts to secure housing rights, social movements in urban spaces also use mobilisation. Faeza Meyer, a former leader of the Housing Assembly, joined the organisation that took up the struggles for housing in the Cape Town area. One of the tactics employed by the Housing Assembly and Reclaim the City was to occupy land and support struggles against evictions in working-class areas around Cape Town. Through these campaigns, the organisation was able to ensure that more working-class people have access to housing and land (Meyer, interview, 24 July 2020).

Workers' rights

Winning the rights to strike and organise protected strikes are some of the victories for workers. However, Webster has noted another contradiction in this success, saying:

> *You have the right to strike, but there are procedures which at times make it difficult to use it as a weapon. So I think that sometimes these victories turn out to be [a] double-edge sword. (Eddie Webster, interview, 28 May 2020)*

Another respondent indicated that workers are fighting a defensive struggle to defend their minimum rights. Accordingly, it makes sense to talk about partial victories, which tend to be temporary and small in nature (Ighsaan Schroeder, interview, 28 May 2020).

However, COSATU President Zingiswa Losi argued that organised labour has scored a few victories in post-apartheid South Africa. Losi comments:

> *The National Minimum Wage was passed into law and is being implemented across the country. Maternity leave exists for all workers, paid for by the employer or the UIF. Parental leave is being implemented. Laws protecting farm workers have been passed. Access to the UIF has been massively expanded and is being felt by millions of workers. (Losi, interview, 22 June 2020)*

Pinky Mashiane, a leader in this subsector, concurs with Losi, adding that domestic workers can now access the UIF and can also approach the CCMA if unfairly treated by employers. The regulation of a minimum wage and conditions of work by the state are some of the victories scored by organised domestic workers. Conversely, one of the setbacks is that some employers do not comply with these legal requirements. Educating and organising domestic workers around these victories will help to make sure that domestic workers realise these rights (Mashiane, interview, 22 June 2020). It can be argued that, given the low levels of domestic and farm work unionisation, social justice organisations, like trade unions and NGOs, should prioritise solidarity with, and support for these vulnerable workers.

In 2017, at the 54th National Conference of the ANC held at NASREC in Johannesburg, a resolution was adopted calling for the state to decriminalise sex work. Like other progressive resolutions adopted at the conference, this resolution took the Social Justice Sector by surprise. This was a step in the right direction, as the criminalisation of sex work was the main obstacle that stood in the way of the rights of sex workers. As is the case with many policy proposals and resolutions, social justice organisations still have a long way to go to make sure that the policy becomes law and is implemented in the future (Nyoka 2017).

Mining sector struggles

There have been significant shifts in the political and legal landscape in the mining sector. Prior to the formation of MACUA, the issue of communities and their rights was not considered an issue for either the media, politicians or civil society in general. With the formation of MACUA in 2012 the public discourse has shifted significantly both because of the increasing levels of mobilisation by MACUA across the country and the strategic court victories to which MACUA has been party. It was noted that

> *These mobilisations and strategic legal challenges have shifted the landscape to the extent that mining is hardly ever mentioned in the media or in political considerations without the issue of communities being mentioned. The issue has been highlighted by both the SAHRC and the High-Level Panel led by Kgalema Motlanthe. The question of the communities right to be consulted and to benefit from the mining sector was first acknowledged in the revision of the Mining Charter, which not only set aside specific ownership quotas for communities, it also entrenched the right of communities to be consulted (Christopher Rutledge, interview, 16 July 2020).*

None of this was even remotely on the cards prior to the formation of MACUA and was a direct result of our ongoing lobbying, advocacy and legal challenges. These small victories form part of the larger campaign to ensure that communities have the right to Free Prior and Informed Consent with regards to mining Projects. Since June 2020, MACUA have secured 50 000 signatures from community members demanding the right to FPIC. Having collected this number of signatures over such a short period of time during the Covid Lock down is not only a testament to the growing public support for FPIC, it is also a reflection of the organisation structure and effectiveness of the movement.

3.4.1 Achievements by the Sector

The South African Constitution, itself an outcome of vibrant social justice struggles, presupposes a dynamic active civil society organising across the full spectrum of rights enshrined in the Constitution. The Constitution guarantees not only the right to vote, but importantly, also the right to be active in advancing social and economic justice. Social justice organisations have very effectively used the Constitution as a key document in social justice struggles.

While it is not possible to conclude exactly where South Africa would have been at this point without an active Social Justice Sector, there is a recognition that the Social Justice Sector has played a vital role in holding political parties, and the different arms of the state and, to a lesser extent, corporate entities, accountable. And in doing so, had pulled South Africa back from the precipice with regards to corruption and state capture.
These organisations are not driven by the desire to acquire political power for themselves but, instead, played a key role in holding the state accountable. In other words, the Sector acts as a countervailing force, compelling the state to adhere to the principles and ethos

of the Constitution in instances of deviation and rights violations.

It is uncontested that the Sector has made key interventions in the social and economic landscape of South Africa by holding the state accountable for meeting the basic needs of its people. This was made possible through the Sector employing a wide range of strategies and tactics. Although some of the victories have been partial in nature, they would not have been possible without the active participation of communities. Through its campaigns, the sector has been able to support tangible improvements in the lives of a range of marginalised groups (children, the elderly, women, students, and HIV-infected and affected people, etc.)

Our analysis also shows that the main strategies employed by social justice organisations have not been static and have shifted over time in response to a changing context. The initial post-apartheid moment understandably entailed a concentrated focus on policy and law formulation. Litigation is still used to great effect, but there are a growing and visible shifts by Public Interest Litigation organizations to what they call "people's lawyering" where the objective of litigation is to build and empower social movements/community-based movements alongside the litigation process. This stands in sharp contrast to the historical litigation approach which often left the communities alienated from their own struggles.

In general, there appears to be growing policy engagement fatigue. While most organisations still make use of every opportunity to influence policy and legislative outcomes, there is growing frustration about the fact that the ruling party in particular does not seem to take into account the submissions by social justice organisations. Many organisations experience public consultation processes as tick box exercises, but still recognise these opportunities as possible important moments to try to influence political decision-making. It is impossible to draw conclusions about the comparative effectiveness of specific strategies, given the many other variables at play. What is clear is what have been considered to be impactful social justice campaign victories (ARVs, #feesmustfall, #totalshutdown, #zumamustfall, etc) which have involved a combination of strategies over time. This included a combination of evidence-based advocacy through research, public profiling work (with a growing presence on social media platforms), strategic litigation, movement building and active partnership with the state in finding workable solutions. A striking common feature was rolling protest action over a sustained period of time, led mostly by black, often working-class, women. It is not insignificant that those who carry the brunt of the socio-economic fallout in homes, communities, and workplaces led these struggles and in no small measure accounted for the effectiveness of these campaigns.

Civil Society, including investigative journalism, has been credited for the success of the "zuma must fall campaign" ultimately leading to the resignation of Zuma as State President in 2018. This campaign employed a combination of media exposés, litigation and on-going public demonstrations. The campaign also entailed some activists lobbying factions of the ruling party, most notably the ANC veterans, who openly supported the campaign to secure the resignation of President Zuma. It should be noted that not all of these protest actions were resource-intensive or mass-based. The silent protest in support of Fezekile Kuzwayo - who had accused Zuma of rape - by 4 feminist activists while President Zuma was making a speech at the Independent Electoral Commission in 2016 was an example of a highly effective low-resource protest action. "The four women stood, dressed in black, holding five placards in front of the podium as Zuma made his speech. Nobody listened to the president, but instead the crowd was drawn to the young protesters and the words

on their posters."[15] (Mail & Guardian, 2016)

At the time of writing this report, the Zondo Commission – in part, an outcome of a sector campaign – had started exposing the extent of state capture and looting of public resources. It is highly unlikely these secrets would have been exposed had social justice organisations not pressured politicians and the state to establish a commission of inquiry. Since the establishment of the Zondo Commission, social justice organizations have been active in making submissions and supporting the work of the Commission. The next task, following on from the work of the Commission, should be for the sector, to drive a follow on a campaign to ensure accountability and recovery of stolen state resources. Significantly, it sends an important message to leaders (in government and corporate South Africa), that while the arch of history may be long, accountability will be realized in the end.

Despite often critiqueing government's "silo" approach, the sector is itself guilty of a highly siloed approach to struggles. It remains one of the key weaknesses of the sector: the absence of common platforms that effectively bridge struggles across different thematic areas. There is a particular need for struggles that bring social justice NGOs closer to the daily social movements and community struggles. The bifurcation between NGOs and actual struggles on the ground, led by social movements and community-based organisations, requires urgent attention. The fact that very few formal NGOs have responded to on-going wide spread service delivery protests, as a manifestation of social justice struggles, is an illustration of this disconnect.

Another glaring gap in the sector is the absence of a suatined focus on the economic model and crisis. While there are a few specialist organizations focused on economic matters and budget analysis, by and large, social justice organisations rarely, or often only peripherally, engage in the question of economics. This is despite the recognition of the growing economic crisis and the overhwleming consequences for the poor. The economic model has implications for the climate crisis, and the same system perpetuates and entrenches the system of gender discrimination. All social justice organisations, whether they are dealing with workers', women's, or environmental struggles, cannot afford to ignore the economic question.

Given the nature of the multiple intersecting social crises' in South Africa, no single organisation, regardless of how well-positioned or resourced, will be capable of affecting sustainable transformation on their own. Coalition-building should therefore be a key strategy for the sector.

In the South African context, the social justice sector has not had many positive experiences of coalition building. Coalition building is not easy as it often brings together partners who coalesce around specific short term goals but represent a spectrum of ideological diversities. The fault lines of gender, race, and class often surfaces and leads to the weakening or complete implosions of of coalitions over time. There is much to be learnt from historical social justice coalition experiences to learn lessons and craft new coalition-building strategies – especially those that bring NGOs and social movements (including trade unions) into more effective partnerships.

The victories secured by the social justice sector in post-apartheid South Africa have, to a large extent, been made possible by building solidarity across organisations, through

15. https://mg.co.za/article/2016-08-06-four-women-the-president-and-the-protest-that-shoock-the-election-results-ceremony/

concrete struggles that address the needs of the economically excluded and marginalized. The struggle for access to ARVs for example, was supported, not only by health rights organisations, but also by women's rights organisations, trade unions, and community-based organisations, who regarded HIV/AIDS as an issue affecting all social justice outcomes.

Significant social justice failures such as the Marikana massacre (2012) and the Life Esidimeni tragedy (2015) have highlighted the need to strengthen the Social Justice Sector so that the state is not allowed to get away with perpetrating crimes against its own peoples. Life Esidimeni resulted in the deaths of 143 people at psychiatric facilities in the Gauteng province, patients in these facilitaied died from a range of causes, including from starvation and neglect. Marikana involved the killing of 34 striking miners by the South African Police Service (SAPS), all of which were captured in real time by the media. In both instances, some "relief" has been secured for families of the victims through the actions of social justice organizations, but comprehensive accountability and culpability remain elusive. One of the key lessons from these still on-going campaigns is the need to strengthen and build the sector from the ground up to ensure that the state is responsive to realizing its constitutional mandate as the primary duty bearer of rights.

It will be important to find mechanisms for the formal sector (NGOs in particular) to find ways in which their work supports common grassroots struggles and campaigns. For example, the COVID-19 pandemic and its negative effects on poor communties have revived the need for a coalition that focuses on the Basic Income Grant (BIG) and other forms of social security. It will be important to find mechanisms for doing so that that can be sustained by common struggles and campaigns.

3.5 Transformation in the sector

This section unpacks the fragile fault lines of privilege and power that continue to divide the sector. Lack of transformation is painful because privilege holders seldom acknowledge it or work to dismantle their relative and systemic power over others. While there is a consensus about the need to transform leadership in civil society from the original white women founders in South Africa, according to the Kagiso Trust (2020), there is evidence that this has not taken place effectively. The 'founder syndrome' includes the failure of founders to inculcate an experienced new layer of leadership and skills (Kagiso Trust 2020: 69). This includes a need for new leadership to develop social capital and networks, including among the corporate sector. The Kagiso Trust Report (2020) identifies the need to deliberately cultivate a new level of leadership, including from the corporate sector, to promote a skilled, transformed sectoral leadership at a governance and organisational executive level.

Representation is not a numbers game, and a truly representative sector across staff, leadership and governance is critical if the sector is to reflect the values and priorities of beneficiaries in terms of class, race and gender.

Transformation of the sector is principally defined in terms of gender and race of organisational leaders. We found that most organisations have undertaken little reflection on what constitutes a dynamic transformative process. Leadership determines institutional culture, and the dominance of white men, and later white women, in leadership positions has influenced core attributes of the sector, as well as the culture of organisations. The fluid community structures from the early 1990s have morphed into professionalised NGOs. This seemingly elitist structure was reinforced by donors who

felt comfortable with the more formal structure and trusted the white leadership who shaped these organisations. Without questioning, the official language of organisations was always English, notwithstanding the communities who lay at the heart of the sector's work. Relationships within the sector became increasingly formalised under the guise of accountability, log frames and planning.

Interestingly, when asked to agree with statements that the Social Justice Sector has adequately addressed transformation within its ranks on gender, race and class, non-representative responses indicated least transformation in terms of class, followed by gender. Respondents believed that most had been achieved in terms of race transformation within the sector, although only four respondents felt that enough had been achieved in terms of race, while three respondents disagreed, and a further three neither agreed nor disagreed.

Culture, politics, language and power are indivisibly linked, and we should advance an intersectional transformation of the sector that surfaces class, gender and race differentials. Instances of sexual harassment, bullying and corruption have been swept under the rug. Sexual harassment in social justice organisations is highly concerning, particularly as organisations are inert in addressing these issues. Although we talk about freedom of expression, there are individuals in the sector who are deemed untouchable, and there are whistle-blowers who are unprotected.

Unacknowledged white privilege and power has caused much pain and anger in the sector. The sense of complicity between race and resources became increasingly clear as young black women assumed leadership positions. Although more black women are now in leadership positions, questions remain about how this has shifted institutional culture, if at all. Black women step into leadership positions at a disadvantage, due to not being connected to resources in the same way that white men in leadership roles were. Funding conditions have become more demanding, and an apparent new focus on accountability has left many black women feeling undermined by former white bosses, or being labelled as 'angry Black women' in the workplace (Nkosi 2020). According to Constance Mogale (interview, 29 June 2020), 'if you become a director without the backup of a white person, you won't get money. It's because you have got backup – [there] was a white professor backing me up and giving me support everywhere – [that I succeeded in securing funding]. Without that backup you won't get referrals'.

Respondents also expressed a wariness that young black women directors are being set up to fail. Funding to the sector is limited and many organisations survive due to the networks and relationships of the existing leadership. When this leadership changes, funders are hesitant to support young black women leaders, which is then seen as a failure of their leadership ability rather than a failure of social justice actors to support transformation. A respondent noted that: 'One of the transformation things we see all over is, when black people move into positions of power, the power moves away from the position as well'.

The lack of women leadership in the Social Justice Sector and in organised labour is frequently caused by the social obligations that rest overwhelmingly on women, for example, to act as primary caregivers. Some women are less available for work-related interactions beyond core working hours, and their availability to travel is also frequently constrained by issues of safety, as well as domestic commitments in a patriarchal society. This is a clear example of why deeper transformation of the sector is so critical, and is a marker of how far we actually have to go in this sense. Many women have responsibilities

in the home that would completely preclude them from easy after-work drinks and spaces associated with (funder) networking.

The prevalence of sexual harassment and anti-women behaviour that is mentioned throughout this report is not easy to reconcile with the purported values of the Social Justice Sector. The frequency of cover-ups within organisations, amongst governance structures and between organisations and their funders, was mentioned frequently in interviews as evidence of the lack of real transformation within the power structures of the sector. According to a respondent, 'The Social Justice Sector is very quick to hang other institutions' dirty washing out in public, but to hide this in our own sector. If anyone in the sector blows the whistle, they are isolated and driven away from the sector. There are a few holy cows who cannot be touched' (Makoma Lekalakala, interview, 17 July 2020).

However, there is a concerted effort from a few funders to advance black women leadership. The majority of the PILG organisations are now led by black women, many of whom are younger than most organisational leaders have historically been. This should be regarded as a successful initiative that should be replicated in other areas. To some extent, the perception is that middle-class black women lawyers benefit most from this initiative. In interviews, it was questioned how the advancement of black women lawyers will cascade into more permanent transformation within the sector.

Another transformational victory is noted in the LGBTQI+ sector, which has changed from what was previously 'gay, white, male, and where homo-patriarchy reigned supreme' (Sharon Cox, interview, 22 September 2020).

In terms of organisational leadership transformation, succession planning and mentorship are important elements to consider, and social justice organisations should all have internship programmes to give opportunities to young black activists. It was felt that conditions need to be created for people to flourish, and without this we set people up to fail. A Review respondent questioned how succession is planned for in the sector, asking 'How do new leaders in the Social Justice Sector build these relationships with donors?' (Adrian Einthoven, interview, 29 June 2020).

While some felt that transformation is an agenda imposed by some donors, there was also a perception that other funders are not that concerned about transformation (Adrian Enthoven, interview, 29 June 2020). It's often the case that informal processes and networks heavily influence the funding outcomes, rather than formal funding applications themselves. As a result, incumbent black leaders are placed at a disadvantage if not plugged into these funding networks.

Does black include only black African, or is it a question of replacing white with a darker hue? This is an issue that was raised in several interviews. There is silence about the definition of 'black' in terms of transformation, as there is in the broader South African society. Why is there such a silence in the sector about this.It remains an important conversation to be had in the sector.

Transformation, and the employment of Africans from the rest of the continent, was also questioned in interviews. From a representational perspective there is a view that this is a positive development, while others have argued that bringing in someone from another country does not make sense if that person does not have an understanding of the local context and power dynamics at play in South African social justice struggles.

Leadership of institutions and organisations is not restricted to the employed director. Power lies in governance structures, and too frequently there has been little or no transformation at this level, particularly of board memberships held by older white men and white women. Some people have been on the same governance structures for decades. This prevents a transfer of skills and fails to keep abreast of new realities and new struggles, thereby impeding the currency of strategic oversight. It is critical to recognise that institutional priorities are primarily determined by one's own position. A middle-class view on democratic change will differ from that of an unemployed youth or a woman living in a working-class area. The lack of spatial transformation between urban, rural, township and suburb means that a privileged perspective is even more distanced from marginalised realities in South Africa. There is also a feeling of a binary created in the sector – white people lead and think, while black bodies do the work.

The tendency was also noted that when white leaders leave institutions in the sector, they often remain on as highly paid consultants, whose expertise continue to trump the opinions of the new leadership.

The increasing adoption of corporate values and cultural norms within the Social Justice Sector was felt to have dealt a blow to the advancement and recognition of non-formally accredited experiential learning. This applies to people denied access to further education under apartheid and, more recently, as poverty prevents people from accessing quality formal education. The concept of formally studying development was a new one to many people in the early 1990s, but 'these days you can graduate with a Master's degree without having set foot in a poor community', said an interviewee. Some respondents felt that currently, organisations exclude people without the preconceived middle-class Model C schooling, followed by tertiary education.

The idea of internal upskilling seems no longer to be a priority. There is a need to return to building internal succession of staff members as well as leadership and governance. This would address the teaching of institutional values and culture, and could address the apparent absence of formal political education and skilling in organising and mobilisation. When middle-class people dominate organisations, the distancing from grassroots priorities grows, and many are intimidated by the degrees and professional poise of people within the Social Justice Sector.

The predominance of older people who locate their politics in the 1980s is read by many young people that the sector is failing to meet the realities of youth today. Language and discourse are completely different for people born after the fall of apartheid, and ageism continues to be an issue in the sector (Nkosi 2020). For many younger people, their rejection of formal political structures has led to a resurgence of BCM and PAC principles. Movements such as the Fallists tend to be leaderless and ultra-horizontal. The lack of ideological alignment can, however, lead to ruptures, and there have been instances in which these social movements have regressed into conservative, sexist and xenophobic behaviour.

3.6 Funding and Funding Challenges

Disparate positions are held regarding funding in the Social Justice Sector, and the purpose of this section is to articulate some of these positions, as expressed by Review respondents and the scant literature available on funding flows.

A respondent outlines some of the main tensions regarding funding as follows:

> *When you are dependent on the money, you tend to follow the money, and you cannot pretend that you are not influenced by it. And people position themselves carefully, consciously, and subconsciously to be appealing to those funders, and that shapes the sector very much. You cannot be fully independent while you are fully dependent, and this is a challenge and needs to be worked on'. (Marc Wegerif, interview, 11 June 2020)*

Amongst respondents there was a prevailing feeling that donors exercise power through the allocation of money to some CBOs in an unaccountable and opaque manner. This is seen as a stark contradiction to the purported values of accountability – being one of the demands the donors place on their grantees.

Another important aspect of this debate has to do with the perception of development money, and critiques this global flow of capital on the continent. Firoze Manji (Manji & O'Coill 2002) argues that to fully understand development money in the African region, one must understand the evolution of the NGO sector and its expansion within the context of the imposition of Structural Adjustment Programmes in the 1980s.

Manji argues that the heart of the Structural Adjustment Programmes rationale was the notion of shrinking the state to its smallest possible unit. This entailed an externalisation of essential 'care functions' of the state, with international organisations stepping into this vacuum. It is therefore no coincidence that the region saw a massive influx of development funding to the sector (mostly through Northern-based NGOs) and a proliferation of the kinds of organisations well-positioned to meet these kinds of funding criteria.

While South Africa's history obviously diverges from that of the region, it is worth understanding the historical evolution of development funding and its link to the systemic roots of the current economic and political crises. It is important for donors to recognise that, while their individual histories may not be neatly located within this narrative, their institutional positionality as a donor collective is understood by most within this historical evolution.

3.6.1 State funding to CSOs

Government has provided funding to what is known as 'service organisations'. These are CSOs who step into the gaps of state services by providing support services to poor and marginalised communities. Examples of these service organisations include shelters for survivors of gender-based violence, and organisations running Early Childhood Development (ECD) centres.

NGOs and CBOs can apply for funding if their work fits into the broader aims of the NDA. The NDA also works with CSOs to implement projects in poor communities and strengthen the institutional capacity of CSOs that provide services to such communities (NDA 2013). The National Lottery Distribution Trust Fund (NLDTF) was also established as a distribution agent for the disbursement of funds to CSOs. The NDA (2013) cites that a ten-year analysis of the NLDTF revealed that the following sectors benefited from their efforts: Arts and Culture, National Heritage, Sports and Recreation, and various charities. While a lot of money has gone towards the sectors noted above, especially for infrastructure projects, the report resolved that there was a need to 'align NLDTF funding with the National Development Plan [and] focus on poverty alleviation and job creation' (National Lotteries

Board 2013, as cited by NDA 2013). It should be noted that most CSOs with a social justice focus have not been successful in securing funding from the NLDTF.

The Independent Development Trust (IDT) is another government mechanism set up to support the government in the delivery of its development programmes.

The Funding Practice Alliance (2011: 120) commissioned research over a year-long period and gathered qualitative and quantitative data on the NDA and the distribution of National Lottery funds to CSOs. The study examined whether the National Lotteries Board (NLB) and the NDA were meeting their mandates regarding CSOs and grant-making as defined in law, and the extent to which these agencies were realising their potential to address South Africa's development challenges. Several key findings emerged. The main one, which sums up the attitude of these two agencies is that:

> *Both the NDA and the NLB appear unwilling to participate in any meaningful engagement with the non-profit sector and/or civil society more broadly towards developing and implementing more appropriate, sector-friendly and effective funding approaches and practices. (Funding Practice Alliance 2011: 120)*

The Funding Alliance is cited by Gumede (2018b: 5) as reporting that the NDA was:

> *... failing in its mandate of distributing funds to deserving civil society groups and that funding from the lottery has not been effectively distributed to charities either, rather often going to government agencies, well-connected 'civil society' organisations, and sports bodies which could generate their own income in many cases.*

The Foundation for Human Rights (FHR) noted that the impact of the economic recession in 2012 influenced the financial sustainability of civil society and its organisations, since it had an impact on funding from international donors, corporate social investment, and donations from private individuals. Some of the leading donors, such as the Mott Foundation, the Kellogg Foundation, and DANIDA cut their global funding by 30% in some cases. In general, aid programmes initiated in the Global North were in decline; South Africa was also viewed as a medium-income country that did not require much aid (Lue Dugmore 2016). The FHR report highlights one of the sources of funding problems: "Donor policies, as it is suggested, also contributed to CSOs' challenges. The failure to provide long-term funding or contribute to core costs, including asset acquisition, or pension and medical benefits, responding to donor agendas determined by their own domestic policies rather than in country needs and the lack of coordination between donors, local and international. For smaller, less formal CSOs stringent application and reporting procedures were common constraints. (Lue Dugmore 2016: 18).

The state has had its hand in shaping the Social Justice Sector through who it chooses to fund and how this helps achieve certain government priorities. Watching how the Ramaphosa era addresses funding, given his repeated recognition of the crucial role played by the sector, will be of interest. The role of the sector was once again underscored by the COVID-19 lockdown crises where CSOs played a crucial role – quite literally keeping people alive through food and other necessary resources. Only time will tell, and this shift in ANC-civil society relations is one to be closely watched.

3.6.2 Local, non-state social justice funding

A more recent local grant-making initiative is the Joint Fund to Promote and Advance Constitutionalism in South Africa (CF), which was founded in February 2015. This is a collaboration between the Atlantic Philanthropies, the Ford Foundation and the Open Society Foundation, with a combined investment of $25-million USD, to be spent on grant-making in South Africa over a ten-year period.

Their website notes that the CF 'aims to breathe life into the constitution, such that the people of South Africa use it as a living document supporting the substantive promotion and realisation of rights, with particular attention to those who are poor, stigmatised and marginalised'.

The CF has a mandate to support the efforts of civil society organisations to promote and advance constitutionalism in South Africa, with a specific focus on transformation.

Other initiatives have been implemented to address some of the funding challenges. For example, the Multi-Agency Grant Initiative is a collaborative initiative formed by the RAITH Foundation, the CS Mott Foundation, the Ford Foundation, HIVOS, Atlantic Philanthropies, Tshikululu Social Investments and OSF-SA. The aim of this body is to support grassroots formations by awarding fast-tracked financial grants. However, concerns have been raised that direct funding by donors is driven by the politics of the donors, and that there is no community participation in the process (Lue Dugmore 2016).

3.6.3 Funding implications

There is not much literature on the link between oppositional civil society and state funding for civil society activities; most of it reflects on the failings of state funding mechanisms like the NDA and the NLB. That said, the objectives contained in the NDA Act clearly indicate the expectation that the role of civil society is to work to reduce poverty and to strengthen community-based activities, rather than to challenge state failings.

The 2016 NDA Report outlined perceptions that the relationship between the state and civil society is one between 'master and servant', with resources for the latter flowing from the former. When the resources are not supplied, this leads to both a general inertia and a 'revolt against the state' by those CSOs without resources.

Gumede (2018a) describes how the state is more inclined to fund civil society organisations that are involved in welfare or service provision, but is less inclined to support organisations that are oriented towards social justice, including human rights and democracy building. He also notes a similar trend in corporate South Africa, as corporates fear 'being political'. He does note a recent (2018) move by Business Leadership South Africa (BLSA) to support anti-corruption social justice work.

There have also been concerns expressed that foreign governments, through their funding of civil society, are seeking to 'destabilise the country' (NDA 2016: 4). Although the NDA report provides no clear sources to substantiate this claim, it remains a widespread belief. The state has set up the NLDTF in order to dispense funds to support civil organisations. In their 2011 report, the FPA concluded that legislative flaws, structural challenges concerning governance, accountability, and the functioning of grant disbursements, affected its functioning as well as NLB fund disbursement systems, resulting in unreasonable delays, with huge under-spending of the Fund's money, despite the vast needs of the sector.

The FPA found that the NDA processes and systems also suffered from regulatory weaknesses, with a high degree of support for state functions, a lack of transparency in its spending, and inadequate fund disbursement, and that it, in turn, is under-funded by the state. This flies in the face of the fourfold legislative mandate of the NDA, according to the FPA report, which is to act as a grant-maker to CSOs; to build their capacity for service provision; to form strategic partnerships between the state and CSOs; to enable CSOs to share in the development policies of the state, and to produce research on policy development. Again, despite the huge demand for support, the NDA consistently under-spent grant funds allocated to it by the state. In addition, the researchers found that the NDA appeared to periodically shift their priorities in line with state priorities, which negatively affected some organisations that had been receiving funds under previous priorities.

3.6.4 Contraction of funding

The first challenge we encountered in analysing funding is the paucity of aggregate data. In attempting to analyse the trajectory of funding flows to the sector, we could find no study systematically tracking the volume and focus of funding to the sector. The funding data exists in scattered pockets in different institutions. No one has yet attempted to pull this data together to tell the definite story about funding to the Social Justice Sector. Much of what is known about funding to the sector is based on anecdotal evidence and sectoral perception.

In the past, the nature of CSO-donor relations was largely shaped by the apartheid government's active opposition to such organisations. Continual threats to the freedom of the members in these structures led to different ways of channelling funds, and administrative and financial systems were frequently relaxed. Donors during apartheid were flexible and accommodating about the administration, expenditure and reporting on the use of funds because of the hostile environment in which CSOs operated. In the 1980s, it was not unheard of for ANC operatives to be carrying money from anti-apartheid supporters when returning from Europe.

The turning point in funding for civil society was 1994: in terms of the value of the funding, and the conditions of donation, which encouraged the development of more elite organisations to a certain extent, and to the cost of many smaller community-based social justice organisations. Some governments preferred to opt for bilateral, government-to-government, budget-support funding, leaving NGOs unfunded or under-funded. This shortfall in foreign funding also caused foreign NGOs to start implementing programmes in South Africa (NDA 2016).

In 1986, INTERFUND was founded, and comprised of a consortium of northern European funders supporting South African civil society organisations in their fight against apartheid. After South Africa's first democratic elections in 1994, the organisation shifted its focus, choosing to become a locally based grant-making body that provided funds for development, and channelled its efforts into supporting and strengthening CSOs (NDA 2013). In time, the organisation became entirely locally based and was registered as a Section 21 (i.e. not-for-profit) South African company in 1999. During this time, INTERFUND implemented the EU's Capacity Building Programme and disbursed funds to over 70 smaller community-based NGO and CBO grantees or project partners.

Unfortunately, by the end of 2004, INTERFUND faced severe financial crises and was

forced to close in June 2005. Its final report stated the following:

> *After 19 successful years on the South African NGO landscape, INTERFUND will cease to exist. This is a shocking tragedy that will hopefully send a clear message on the crisis facing civil society in South Africa as funds and other resources are directed away from the region. (INTERFUND 2005: 5)*

This moment also marked a shift in the funding models of funders who remained. These funders showed a marked preference towards specific projects with measurable outputs and outcomes (Cawthra & Kraak, 1999). This impacted the Social Justice Sector fundamentally. Many organisations shifted to a 'project approach', which led them away from seeking to advance holistic social justice in a thoughtful, inclusive, comprehensive and informative manner. At the same time, government initiatives such as the National Development Agency (NDA) and the National Lottery – in part created to respond to the significant drop in available funding to civil society – remained averse to resourcing more overtly social justice work in favour of service organisations (Reddy 2003).

The funding crisis contributed to weakening the sector's overall ability to produce a sustained critique to the economic model of neoliberalism, the system at the heart of many social injustices that prevail in South Africa today. This weakness persists, with very few organisations explicitly focused on how the prevailing economic model impacts on different aspects of the multiple crises in poor communities' livelihoods.

Early critiques about the funding challenges were produced by social and economic justice NGOs that worked closely with trade unions and social movements on budgetary and economic issues directly affecting the working class and the poor. Many of these closed due to reduced funding. For example, the closure of the National Institute of Economic Policy (NIEP) and of Fair Share weakened civil society's capacity to critically engage with the state on alternatives to neoliberalism in South Africa (Hlatshwayo 2009). The neoliberal paradigm reduced state capacity to deliver, as well as diminishing the capacity of the Social Justice Sector to critique this, and remind organisations that alternatives can always be found.

The global economic crisis of 2008 exacerbated the funding crisis for many CSOs, as foreign donor agencies began to reduce their own personnel and funding in South Africa. These traditional sources of funding dried up, and grants to the sector were drastically reduced. South Africa's middle-income status led to a further decrease of funding opportunities as donors started redirecting historical funding to the rest of the region, or making funding to South African CSOs conditional on having a more regional focus. Foreign donors also suggested that South Africa's own government should be funding CSOs. CSOs' heavy reliance on foreign donor funding has had a profoundly weakening effect on the sector.
The perception remains that the funding crisis continued in the years 2000–2008, with many CSOs facing bankruptcy and being forced to close. On the other hand, certain types of NGOs – larger technical and administrative CSOs that had the capacity to meet the more stringent requirements for reporting and donor accountability – received a larger share of the remaining available funding (Winkler 2009, as cited by Weideman 2015).

Weideman (2015) does challenge the narrative of the 'funding myth' by arguing that between 1994 and 1998, South Africa saw some foreign governments continuing to provide extensive funding to the sector. This support, however, focused increasingly on NGOs that targeted 'democratic consolidation, and good governance'. The impact of this

was that the sector reduced its resistance to shifting to a neoliberal macroeconomic framework entrenched under ANC rule. Instead, its mission became 'to increase stability to promote capitalism' (Winkler 2009, as cited by Weideman 2015). CSOs that addressed issues of poverty, inequality and other socio-economic issues were no longer recipients of international development monies.

Volkhart (2001, as cited in Weideman 2015: 10) refers to a 1996 survey conducted with member organisations of SANGOCO, which revealed that 'only 37% of income came from foreign donors, 20% from the South Africa government, 13% from corporate donors and 28% was self-generated'. However, all the data suggests that the government has tended to fund traditional welfare organisations. The Department of Social Development (DSD) funds traditional welfare agencies concerned with social work posts and welfare programmes, such as child welfare, mental health, and care for the aged, because this falls within its mandate. These welfare agencies are usually funded by the Department of Social Development. There is also evidence that funding is provided by the Department of Health to some NGOs working in the area of HIV and AIDS, mainly towards raising awareness and education.

Some respondents noted how this funding shift was managed in an exclusionary way. A respondent noted that 'donors who have pumped money in this way should bear responsibility for the invisibility that has come from subaltern resistance in South Africa. They have ended up giving voice and platform to a few to the exclusion of others' (Vishwas Satgar, interview, 3 June 2020).

Survey respondents unanimously believed that there is insufficient funding in the sector. This is interesting given the same respondents felt that working to increase funding to the sector was the lowest priority out of a set list.

Some respondents also explained that international donors have continued to fund certain organisations, yet this funding is not decentralised or equitably shared in the sector. The perception is that bigger organisations with whom funders have long-standing relationships receive funding, and as explained in the Transformation section of this Review, these organisations have historically been led by white people. These organisations also tend to be service-orientated; and some have a regional focus. Over the last 25 years, 'fewer organisations are getting big, serious money, so you will see [one organisation] getting R160-million and the other ten organisations getting nothing" (Harry May, interview, 12 June 2020).

3.6.5 Donor agendas and what they fund

Often funding is shaped by the foreign policy of that country, the political agenda of the donor, and what is considered to be topical.

'If they see HIV as important, they will fund that; in ten years' time they might not see it as important anymore, and fund something else, and then there is a gap' (Febe Potgieter, interview, 23 June 2020). Some donors change their strategies more often, and this requires that organisations rethink and reshape their strategies to fit into this framework. The concern is that, out of sheer desperation, organisations respond to a donor's agenda for the sake of the money, even if it is not aligned to their own mission. A further concern raised related to the restrictions placed by funders. For example, a respondent noted that if you went to certain North American donors, their definition of a social movement may fall into the realm of a terrorist organisation, and they will not give funds to organisations

they believe are involved in terror acts. Some donors are also clear about not wanting to fund 'illegal protest actions' such as land invasions or occupations, thereby limiting the options available to movements.

Often, sector players are drawn into donor networks and strategies in an exclusionary manner. Many donors either invite NGOs to a consultation, or interview them to assess strategy development, but decision-making is often done remotely and without any transparency. While donors appear happy to fund NGOs to influence government decision-making processes and outcomes, campaigning to influence donor funding decision-making is unheard of.

Most donors prefer to fund projects which are short-term and often do not fund core costs. In the absence of clear communication to applicants on the reason for a funding application being declined, or the reasons for not regranting, organisations have been left to infer what informed a donor's decision. Some of the inferred reasons are based on race, ideology, 'we are too radical', and so forth.

Another problem has been funds going towards specific types of work, 'so those that have more direct impact in terms of policy and law seem to get more funding' (Shireen Hassim, interview, 10 July 2020). Supporting this statement, Frank Meintjies commented that we see 'huge amounts of money going to organisations who follow litigation strategies against government' (interview, 9 July 2020). However, where it is not easy to see immediate impact, funding is harder to obtain. A respondent reflected on the following: 'Advice offices have been killed, irrespective of the fact that advice offices are located where people are. Why are we not empowering local structures, law clinics and paralegals to make sure social justice work is accessible to people?' (Constance Mogale, interview, 29 June 2020). In the LGBTQI+ sector, funding is difficult to come by as many donors don't support work in rural areas 'where the number of queer people are less. Donors want to know 'what is your reach?'' (Sharon Cox, interview, 22 September 2020). An interesting point raised was that many LGBTQI+ organisations are funded by the government as a result, and this means that it can place restrictions on how money is spent, 'and organisations will tweak their work because they need to continue working' (Funeka Soldaat, interview, 22 September 2020).

Donors often note that capacity, compliance, and governance are key reasons for not funding smaller organisations, particularly social movements. Their preference is to fund more formalised organisations with established finance, administrative and HR systems. These processes facilitate accountability to the donor but say little about the impact of the organisation. This has led to continued disparities between bigger and smaller organisations, as well as the urban-rural divide. The lack of funding to smaller and community-based organisations takes away the voice and agency of organisations who work with people on a grassroots level, and the potential for radical systemic change, which historically has come from people's movements. If we look at profound moments of progressive social rupture and change, NGOs may have played valuable supportive roles, but the leadership at the core of these historical moments have always been mass-based social movements. If there is recognition that what is required is radical social change, then it stands to reason that donors that are serious about supporting transformative, rather than reformist, changes would be serious about supporting social movements, and would find ways of grant-making to match the realities of movements, rather than excluding them through bureaucratic criteria.

While this Review noted that labour rights movements have largely been seen as an independent sector with limited collaboration with the broader social justice landscape, donors seem to have recognised the increasing inequality in the world of workers and the collapse of the labour movement in many countries. Some of these donors are now looking at funding organisations who work with marginalised or vulnerable workers.

3.6.6 Equal access

Respondents were unanimous that there is no equal access to funding, and that this is due to historical factors. Larger organisations are run by people who know how funding opportunities work, know when the funding cycle opens and who to speak to; whereas small organisations struggle because they do not have access to this information. A respondent noted that 'the inequality of society is mirrored in that way. The smaller organisations who suffer from the lack of privilege are going to suffer from a lack of opportunity within the funding environment' (Khadija Patel, interview, 9 July 2020).

Opportunities for funding are also linked to organisational capacity, governance, and accountability. This fiscal accountability mechanism is sometimes complex and 'one that smaller organisations might not be able to meet. This can act as a barrier to who gets funded' (Shireen Hassim, interview, 10 July 2020). Very often, smaller organisations do not have financial statements and tax clearance certificates, which are requirements for funding. A few respondents noted that bigger organisations who are better resourced (referred to as fiscal partners) should partner with smaller organisations and assist them in becoming compliant with funding requirements. A respondent noted that 'the bigger organisations must have workshops and help us get our papers to a level where we can access funding' (Caroline Peters, interview, 27 May 2020).

These funding biases are also said to contribute to exacerbating the existing rural-urban divide, with urban-based and urban-focused organisations believed to be receiving the largest share of funding in South Africa. Giving a cursory glance to the websites of two leading donors within the Social Justice Sector, it can be estimated that 80% to 90% of available grants are awarded to urban-based organisations.

3.6.7 Corporate Social Investment (CSI)

Historically, the chairpersons of some companies within the corporate sector have selected to fund community initiatives through discretionary funds. Some of these include Raymond Ackerman, Donald Gordon and, more recently, Patrice Motsepe, Cyril Ramaphosa and Tokyo Sexwale (NDA 2013). CSI in South Africa has always tended to fund more welfare-type NGOs than social justice work.

A 2015 funding study on Corporate Social Investment (CSI) in South Africa notes an increase in CSI funding (Weideman 2015). Analysing where this new funding stream is targeted, it seems clear that the bulk of this money went and continues to go to welfare or social services organisations, with a concentration on health and education, and with GBV work recently added.

While there is a general sense that this emerging income stream is an important and welcome additional resource to the sector, it is not without its controversies. A respondent noted that 'some organisations are better placed to tweak their work and present it in a more neutral way; however, this is more difficult for social justice organisations' (Karabo Rajuili, interview, 2 July 2020)

In the LGBTQI+ sector, HIV funding created a situation where funding was disbursed to mainly 'blue chip organisations headed and lead by gay, white men for the benefit of gay white men. Or it was given to names that were known in the sector because of their profile' (Sharon Cox, interview, 22 September 2020). CSI tends to fund the annual Pride events through alcohol sponsorships, but declines funding direct action social justice work in the LGBTQI+ sector.

It was also noted that the bigger NGOs with funding would then outsource work to smaller, grassroots organisations, who did the actual work in vulnerable communities.

In general, CSI funding depended very much on whether 'the proposal fits in with the brand they want to promote' (Brenda Madumise, interview, 1 June 2020). CSI was more inclined to fund areas that appealed to the public.

It was acknowledged that supporting these causes are important, these initiatives were recognised as making 'wealthy white people feel better' (Kelly Gillespie, interview, 17 June 2020). The reality is that there are billions of rands available through CSI, and a respondent noted that 'there is a need to redirect it and make corporate South Africa understand why it is important to divert their resources [to work that challenges the structural issues]' (Brenda Madumise, interview, 1 June 2020).

Some respondents clearly articulated that they would not accept CSI as this would be a betrayal of the struggle, since corporations are part of the problem in society and why inequalities exist. Accepting funding from corporates, they believe, reinforces this inequality but also gives businesses legitimacy. It was also evident that corporates would usually support anti-poverty programmes that are low risk, such as a feeding scheme or income-generation projects, but not anything that challenges the status quo. Social justice organisations who need the money for their survival often compromise their politics when they become bound by CSI funding.

Most CSI companies are white-owned and white-led, but there are black CSI companies that have emerged over the years. Respondents gave the example of a black CSI company – Nozala Investment. This company comprises of politician's wives who 'simply rotate money within themselves while the women sitting on the board draw huge sitting fees. They are not funding the Social Justice Sector, and if they are, we want to challenge their transparency and accountability' (Constance Mogale, interview, 29 June 2020).

Some respondents were of the view that CSI is the future of funding in South Africa, and that there should be a new type of relationship emerging out of necessity between civil society, government, and the private sector.

The NEDLAC frameworks and social compacting initiatives offered by the state were seen by some as a strength of the sector. Kagiso Trust is an example of taking advantage of a new funding architecture which has revisited and redefined some of its approach. However, as a respondent said:

> *... for this we need new visionary leadership [who don't have] negative attitudes to local funding. There is enough money, it is just a question of how to unlock it. Currently, it is exclusionary and segregationist. We need to introspect about our weaknesses and see new ways, recognising possibly new directions. (Boichoko Ditlake, interview, 20 May 2020).*

Some organisations working in the Social Justice Sector have continuously applied for CSI funding, and while some were successful, most have not been. It seemed that 'talking to people who know people' (Dali Matanzima, interview, 23 June 2020) helped to bring in CSI funding in some cases.

3.6.8 Politics of funding and 'clean money'

Despite the moral high ground of the Social Justice Sector, it is important to acknowledge that globally, money is linked to power, and the money received from donors comes from that seat of power. A respondent noted that 'with bourgeois funding, you always have to ask: where does the money come from?' (Patrick Bond, interview, 28 July 2020). Furthermore, it is difficult to talk about clean or untainted money 'if you get funding from the French or Germans – it's the same people that make arms, that make planes in Sweden, the things that were part of our arms deal' (Harry May, interview, 12 June 2020). The following point responds to this dilemma:

We must be aware of the politics of funding. The money ultimately comes from bosses, state, taxes … [and the contradiction is that] often the money is not from a good place. Social justice funding is often to ameliorate conditions [and] to prevent revolution. (Trevor Ngwane, interview, 5 June 2020).

Another respondent noted that 'there is a growing realisation to funding social movements [because] funding litigation and research has limited ability to shifting the structural dynamics of society' (Christopher Rutledge, interview, 16 July 2020). Another view presented was that social movements might not easily disclose who they are receiving funds from, as these often come with cautions about what the movement can and cannot do, so 'it is critical that there is a declaration and openness and transparency' (Bevil Lucas, interview, 16 May 2020).

A controversial development is the phenomenon which sees some traditional funders becoming implementing agents. Donors provide both the funding and determine how change happens. As NGOs they are 'intermediaries, but they provide an unequal power balance of their own nuances and objectives as to what to support and do' (Naadira Munchie, interview, 20 May 2020).

3.6.9 Funding and race

As noted in the Transformation section, while there is growth of black women leadership in the sector, there has not been a notable shift in funding to reflect this. As a result, the perception remains that donors have implicitly racist, sexist funding practices which are biased towards white and male-led organisations. Many respondents pointed out that funders are dubious of organisations headed by black leaders and therefore place new obstacles and conditionalities to funding, with one respondent noting that 'Black people are not trusted with money, to the point that some people in the sector say that whites should front organisations to get money for us' (Makoma Lakalaka, interview, 17 July 2020).

A rather despairing view came from a respondent who said that they have stopped sending proposals for funding because of the multiple rejections they have faced, yet they were aware of other organisations receiving the funding. Funding happens through forming networks, relationships and trust and, as mentioned, these networking privileges are largely held by white men whose social capital has historically afforded them direct access to decision-makers in donor circles, that newer black and women leaders do not yet have.

To emphasise the point that donors tend to fund the same organisations rather than spreading the money amongst diverse groupings, a respondent noted that:

> *If I look at the annual reports of the biggest donors, it's the same names that pop up across [the board]. A lot of the work they support is vital. But my question is, how do we ensure that a new generation is also availed these same opportunities? There's a new generation of activists and the world is changing, and South Africa is young. How do we ensure that twenty-year-olds have an awareness of the opportunities? (Khadija Patel, interview, 9 July 2020)*

3.6.1 Own funding initiatives

Some interesting initiatives have emerged in response to funding inequalities and challenges. Concerns around over-reliance on donor funding has been emphasised as a problem, and that 'we need to look at ways of operating in a resource-poor context [...] There needs to be greater appreciation by social justice organisations of other resources that can support organisations' (Liesl Orr, interview, 5 June 2020).

Organisations have started self-financing efforts through fundraising on different platforms, for example the use of crowd funding has been used by some organisations. Other examples cited included those who cultivate their own funding relationships, so funding goes directly to them as opposed to via an NGO. An interviewee raised the example of rubbish reclaimers and farmworkers, which demonstrated that resource and strategy-sharing organisations who are committed to social and climate justice are finding ways to use their internal capacities to carry on with the work, despite not breaking into mainstream liberal donor funding.

One respondent noted how many 'subaltern'-orientated NGOs, networks and movements have started robust partnerships amongst themselves as a way of sharing resources. For example, the respondent noted: 'We have never had lots of resources. Whatever resources we had, we always tried to engender capacity-building with other organisations we worked with so they can organise, build and have leadership in their own terrains and contexts' (Vishwas Satgar, interview, 3 June 2020).

Several external respondents argued that the introduction of a specific ring-fenced tax to support the sector would be a good idea, although there was a significant ambivalence to this question (three out of ten respondents neither agreed nor disagreed). In a follow-up question, there was strong disagreement that support from the state would compromise independence of the sector.

3.7 The Implications of COVID-19

This question was not conceived of in the original interview schedule, but the COVID-19 pandemic has become an important consideration given the National State of Disaster and the associated lockdown in South Africa. We wanted to know how organisations have responded to the lockdown, during its various levels, and how the sector has been refiguring its work in light of the pandemic.

On 15 March 2020, the President of South Africa declared a National State of Disaster as a result of the COVID-19 pandemic. This was followed by significant announcements related to restrictions of movement, business activity, and travel, to name a few. This was done to alleviate, contain and minimise the spread of COVID-19. On 25 March 2020, President

Ramaphosa announced a total lockdown, which effectively confined people to their place of residence unless going out to obtain essential services such as food and emergency health services.

Socio-economic measures taken by the government include the Solidarity Fund, which is meant to support small businesses, food distribution centres, procure personal protective equipment and provide homeless people with temporary shelter (South African Government 2020). The government also introduced a COVID-19 Relief Grant, an amount of R350 per month, that would be available to unemployed people who were not receiving other forms of social assistance. The grant was meant to be paid from May until October 2020. In September, the BBC reported on the Auditor-General's findings of rampant corruption in the use of the COVID-19 relief funding, which has prevented it from going to the intended recipients. Transparency International pointed out that less than half of the COVID-19 relief grants meant for the unemployed, have been received.

3.7.1 Impact of COVID-19

COVID-19 has further exposed the gross inequalities in society, and the disparities across housing, health, safety, water, and sanitation. The impact of the lockdown had a devastating effect on the lives of many people, particularly poor, working-class people. The loss of jobs and income because of COVID-19 has had enormous impacts on people's lives, with a recognition that many companies have used the pandemic to restructure their businesses and retrench workers.

Globally, South Africa is defined as one of the emerging epicentres of hunger during COVID-19 (OXFAM 2020). Realities such as overcrowding, densely populated townships, informal settlements and shack dwellings meant that social distancing, a COVID-19 preventative measure, was a luxury. In many contexts there is still no access to running water, and families share communal toilets and water pumps or taps (SERI 2018).

The ANC government has been roundly criticised for failing to address socio-economic inequalities, and its intentions have also been questioned. Despite the state announcing that no evictions would take place under lockdown, evictions and demolitions have continued and people removed from their places of shelter. In addition, the South African Police Service (SAPS) has been under scrutiny for their use of violence and brutality in black communities. Some interpret this as racial profiling because the police force was not seen to use this level of violence in white suburbs or communities.

For many people in the LGBTQI+ sector, the lockdown meant returning to their family homes 'and going back into the closet' (Funeka Soldaat, interview, 21 September 2020). This sector faced many hardships, and respondents commented that 'we could never foresee the level of discrimination, of prejudice and exclusion that we saw during COVID-19' (Sharon Cox, interview, 22 September 2020). There were reported loss of lives due to violence during the lockdown, and the vulnerabilities of older LGBTQI+ people who do not have families, was exposed. There were relapses to addiction, and a suicide in one of the groups. This changed the intensity of LGBTQI+'s social justice work.

During the lockdown, levels of gender-based violence increased. Women were forced to stay at home, leaving them in the same space as their abusers, with little option but to remain. The lockdown introduced a threat to mental health, with an increase in depressive symptoms. The existing disproportionate inequalities in mental disorders were amplified by social distancing, strict quarantine measures, and the countrywide lockdown. The

gendered nature of the sector and its intersectionality with class was quite evident in the responses received. Women working from home were exposed to competing demands of doing household chores and taking care of the children while having to perform their work duties.

3.7.2 Working remotely

The pandemic and the lockdown exposed the huge gap between rich and poor organisations in the Social Justice Sector. Video conferencing platforms, such as Zoom, are exclusive and expensive.

Working remotely was seen by some respondents as a positive step, because they had been able to make the transition relatively easily, participating in webinars and shifting their home spaces to accommodate work. For those who had the necessary resources at their disposal, it was a matter of simply 'clicking on a webinar, where before you had to actually go to some conference to be part of that' (Liesl Orr, interview, 5 June 2020). Organisations involved in research and training have been able to continue working online; however, this is dependent on whether their staff have access to technology and data. Some organisations were given permission to use funds that were previously meant for transport to be used on data for their staff and participants. On the other hand, even where data has been provided for, staff members in townships and informal settlements have faced connectivity issues or poor infrastructure.

The type of work some organisations engage in has made working remotely much more difficult. Organisations involved in community mobilisation and movement-building cannot easily build and strengthen movements remotely. Social distancing makes it almost impossible when you are building a movement which requires solidarity. As a respondent noted: 'How do we go door-to-door, get people to meet …? Working this way is isolating. It is the professional types that can benefit from this and [can] be at home, and [who] have worked from home before' (Mercia Andrews, interview, 15 June 2020).

Despite some difficulties with remote working, COVID-19 has presented the sector with a different way of working. One respondent said:

> *We are trying to figure out how we are going to resource our local communities to make sure we can access them through online mechanisms. We are purchasing laptops for them, and data, so we are able to hold village meetings online and do what we can. The sector needs to allow flexibility and come with proposals if they know how to do it better. (Constance Mogale, interview, 29 June 2020)*

Another respondent gave this example: 'We contribute to building a farm workers' union and will have a workshop with shop stewards on what Zoom is and how to use it' (Mercia Andrews, interview, 15 June 2020). While organisations are looking at different ways to communicate with communities, they are mindful of the constraints and the need to address inequalities, which have been exposed through working remotely. For the sector, it is also important how new ways of working can strengthen existing ways of working.

In response to the difficulties of South Africa's lockdown, the LGBTQI+ and Women's Rights sectors offered some insight into self-care within the sector. These organisations have historically been better at paying attention to the personal wellbeing of staff members, given their feminist conceptions of the personal as political, and critical engagements

with care work. Some adopted a strategy of reduced workdays (four-day work weeks), and making a range of online self-care resources available to staff, such a counselling, breathing and meditation sessions.

The majority of survey respondents felt that the Social Justice Sector had learned how to work better with each other in the face of the COVID-19 outbreak. All respondents felt that a strong Social Justice Sector was necessary in the rebuilding of a post-COVID-19 South Africa.

Organisations grappled with trying to do their work at a time when people are hungry, and women are facing extreme cases of gender-based violence. Some organisations started distributing food parcels – not originally their mandate, but these realities could not be avoided. One respondent noted:

> *So, for the future when we respond to pandemics, we should do what needs to be done to get through this … [and] shift the focus of our organisation [if necessary]. This is not 'normal times'; this is 'abnormal times'. Nothing is cast in stone. (Caroline Peters, interview, 27 May 2020).*

While food parcels will not remedy the systemic injustice in food production and distribution, the role of the Social Justice Sector is to help with food distribution whilst looking at the bigger picture, such as campaigning for social grants. A number of respondents concurred with this, saying that food distribution is not sustainable and that 'we need a plan of action to sustain [the work we do]' (Bevil Lucas, interview, 16 May 2020).

Much work has taken place during lockdown, and many respondents positively mentioned the C19 People's Coalition. Respondents hoped that the coalition can potentially build the foundation for longer-term collaboration. In addition, we see work 'by activists in the communities and networks trying to educate, trying to provide food, trying to provide shelter, looking into all those sort of issues' (Karl von Holdt, interview, 5 June 2020)

An important point was made about building the local, and how the pandemic has demonstrated that many issues need to be addressed at local level. This calls for community mobilisation and organisation, as noted by a respondent:

> *Now we are at a place where we want people to be active in the community: if there is an organisation, why are you not joining it? If there is no organisation, are you willing to build something? The Coronavirus has highlighted all of these [inequalities], but it has also intensified the struggle more. (Faeza Meyer, interview, 24 June 2020)*

The Casual Worker's Advice Office continued working 'by producing a million pamphlets on different things in these last two months, and using forces on the ground – activists who are organising local communities. In our workplaces we've got comrades who are engaging other workplaces [to distribute these] (Ighsaan Schroeder, interview, 28 May 2020).

During this period, most donors also adopted a more flexible approach to grant contract management, allowing their grantees to redirect work efforts and budgets in response to the COVID-19 crisis.

While there is no definite data on the carbon footprint of the sector, the COVID-19 conditions forced organisations to find virtual ways of working, which undoubtedly led to a decreased carbon footprint. It would be important for the sector to strategically consider what it takes from this moment: are all office spaces, regular domestic and international travel and hotel-based convenings necessary, for example? The sector can decide to revert to pre-COVID-19 working conditions, or synthesise what has been learnt during lockdown into new modes of organising and working.

3.7.4 The 'gift' of COVID-19

We cannot ignore that COVID-19 has presented some important developments to the sector. The sector's tension with the current economic framework has been highlighted. Government has been forced to reconsider and acquiesce on a campaign that has long been on the agenda of the Social Justice Sector: the Universal Basic Income Grant. This provides an opportunity for the UBIG campaign to continue beyond the timeframe set by the COVID-19 relief grant, and hopefully be introduced for all. The President has publicly highlighted gender-based violence and femicide as a pandemic in the country, and the GBV and Femicide National Strategic Plan (GBVF-NSP) has received prominence during this time. The alarming rates of food poverty that have been highlighted present as a possible future campaign for the sector.

3.8 Future of the sector

The need for some renewal and rethinking of strategies was noted by several respondents; that this is a time for the sector to rethink how it works. The danger of not taking advantage of this stage is that organisations can return to their offices and continue as before. This would be a great pity, and we would lose an incredibly opportune moment to restrategise. As the Social Justice Sector, we cannot ignore the class tensions and disparities in society, and we cannot say that we are champions of the working class if we don't review how we work.

Some of the key aspects going forward have been noted:

a. Commitment to the poor

We have an important role to play in building solidarity, to speak for the most vulnerable, and to raise the voice of the most vulnerable. It is important to return our focus to the powerless. We need to find more sustainable solutions where those in power are shaken at the foundations. We need to seek systemic changes.

b. Coordinated responses

One of the challenges in this sector has been a lack of coordination. During the lockdown we saw more mobilisation and more joint activities emerging between organisations. We need a space of solidarity in dealing with COVID-19, but also beyond COVID-19. It is hoped that the C19 People's Coalition may emerge as the next UDF. However, there are rumours of turbulence within the People's Coalition, with some referring to it as having 'imploded'.

c. Politics and political education

While constitutionalism and rights are important, politics is critical and ideological, and positioning is just as vital. In reimagining a different society, political education and conscientising will inform action.

The approach to political education should be comprehensive, and beyond the immediate bread-and-butter issues of the working class, but be linked to the broader system of global capitalism. There should be linkages with international struggles, and building of international solidarity.

d. Intersectionality and silos

We have failed to embrace the chance for intersectional linkages in our work. Instead we have allowed funding realities and excessive competition to shape us. We can learn about this intersectionality from feminism and the women's rights movement.

We should aim to break down silos or themes in civil society. We need to bring together different skills, as was seen in the land rights movement, where land rights lawyers, academics, the landless, and small farmers worked together, given the intersectionality of land struggles.

SECTION 4: CONCLUSIONS AND RECOMMENDATIONS

This Review is a timeous reflection on the state of the Social Justice Sector, coming after the first 25 years of democracy. In addition to that, we are tasked with forging a way forward from the impact of the first wave of the COVID-19 pandemic. If this Review helps to support social justice actors and activists to better understand how we can reassess and error correct where we may have gone astray, then it will have had some success.

4.1 Coherence of the Sector

One of the key findings of this study was that the sector is fragmented and divided. During apartheid the common enemy was always visible, and this helped unite different organisations against it. But in post-apartheid South Africa there seems to be no common perspective about how to continue the struggle for social justice (Schroeder interview, 28 May 2020; Ditlake interview, 20 May 2020). Many of the social justice organisations that emerged in the 2000s have been either severely weakened or have collapsed completely. In addition, there seem to be vast differences in the sector. A respondent explained these political and ideological differences as follows:

> *There are two main bifurcations within the Social Justice Sector – between the tree-shakers and the jam-makers. The tree-shakers are the disruptors of power, the radicals who work outside of the system; while the jam-makers work inside, the liberal reformers. (Patrick Bond, interview, 28 July 2020)*

Some interviewees felt that the idea of a Social Justice Sector was problematic, whereas others felt that the sector does exist, and challenges the status quo in different ways.

Recommendation:
Coherence of the sector will require developing a minimum programme for social and economic justice. Therefore, there is an urgent need to develop a minimum programme (Basic Income Grant, organising precarious workers, planning campaigns against GBV, etc.), which should ideally be led by social movements and supported by NGOs.

4.2 Historical Waves of Development

Tracing different historical waves has been a foundation for understanding where the sector is today. From the pre-1994 unbanning of liberation organisations and the return of political exiles; to Mbeki's technocratic presidency; rampant corruption flourishing under the Zuma presidency; and now President Ramaphosa's Presidency – South Africa has undergone much change in its 25 years of existence.

As the COVID-19 moment comes to the fore, we need to reflect on these historical moments, and what they can teach the Social Justice Sector.

Recommendation:
Facilitate discussions in which new and older social movements reflect on values that shape change, including questions of mandates, accountability and principles.

4.3 Strategies employed by the Sector

We found a wide spectrum of strategies employed across the sector. These have included research, strategic litigation, community mobilisation/movement-building, campaigns, protest actions, training, community and mass political education, public awareness-raising, policy formulation, and legislative engagement.

The Review found that while strategic litigation has been highly successful in holding duty-bearers to account, it has, unintentionally, demobilised communities, rendering them onlookers to the issues they have raised. The effectiveness of advocacy and lobbying can be enhanced by a better analysis of power, and targeting specific locales of decision-making.

Recommendation:
It is important that organisations in the Social Justice Sector, individually and collectively, reflect on the work that is being done and how it contributes to real systemic change. There is a need to develop and hone the tools that will help facilitate this reflection.

4.4 Transformation in the Sector

No shared understanding of transformation emerged from the Review. There is also no common understanding of the political relevance of transformation in terms of the sector retaining (or even, gaining) relevance as a catalyst of progressive change.

There were also few answers to the question of how black women leadership affects normative and cultural changes within organisations. However, in the interviews, concerns were raised that leadership changes are about power, and that it is not realistic or fair to expect to see shifting norms or institutional culture if directorship is the only change that is made. Hostile (and sometimes toxic) resistance to new leadership can set new leaders up for cruel, destructive failure.

Transformation is further frustrated by the ongoing cover-ups of abuse and collusion within the sector. There is widely held knowledge of abuses of power, especially sexual abuse, as well as theft and financial corruption, but these allegations have been met with internal procedures which have allowed for intimidation and silencing of the complainants and witnesses.

The objectives of transformation should be understood more clearly. What is the culture of a sector that is not dominated by white Western norms? What kind of peer accountability might exist that respects people's dignity within the sector?

Recommendations:
Spaces need to be opened for honest discussions about the nature and pace of transformation within the sector, although this might be uncomfortable for people. The donor community must also be challenged about their practices and the impact their actions have on the sector.
There must be openness about abuses within the sector. The sector should discuss the feasibility of appointing an Ombud to guarantee substantive fairness and accountability.

4.5 Funding and Funding Challenges

In this study we were challenged by the lack of research about funding flows to the Social Justice Sector. But, undeniably, funding influences the scope and focus of work in the sector, with organisations tweaking their own programmes to accommodate a donor's agenda. This points to the enormous power dynamic that exists by those who have the money and those who need the money. There is a growing resentment that, while donors expect grantees to adhere to values of accountability, transparency and coordination, this is rarely practised by donors themselves.

Notwithstanding the lack of data on funding flows to the Social Justice Sector[16], a strong perception is that there is no equal access to funding, and that race, gender and geographical location still dominate funding priorities.

Recommendation:
Of all the themes explored, the issue of funding, and the uncertainty of future funding, featured most prominently in interviews. There are high levels of anxiety about the possibility of more funders closing their doors or changing their funding strategies, and who they fund. Donors who are able to do so could do well with making their strategy periods and future plans known.
There is a need for open and frank discussion between donors and organisations in the Social Justice Sector to address some of the dynamics at play. There must be more coordination amongst donors to understand which issues are being underfunded and where the important social justice work is located.

4.6 The Implications of COVID-19

COVID-19 is a global pandemic which has further exposed the social, economic, and political pandemics in South Africa – and it has also reinforced social justice organisations' messaging throughout the years.

16. At the time of writing this report, the RAITH Foundation and ELMA Philanthropies have commissioned a comprehensive study on funding flows to the sector.

The pandemic and lockdown exposed the huge gap between rich and poor organisations in the Social Justice Sector. Work such as research and strategic litigation has continued remotely, and organisations with these capabilities have made a relatively easy transition to working online. It has also demonstrated that many bigger organisations do not require the huge office spaces and infrastructure that they used pre-COVID-19. Organisations whose work depends on community participation have been more constrained, especially with social distancing measures in place.

This period has also surfaced the tremendous physical and emotional trauma experienced by people working in these social justice spaces. This was exacerbated by the pandemic and the lockdown, but the importance of self-care has generally gone under the radar in the sector. It is vital that self-care becomes an integral part of how organisations work.

Recommendation:
This period has allowed an opportunity for rethinking, reflection and renewal of strategies going forward. The challenge is that we do not retreat into the pre-COVID-19 period and continue to work as we did before. The Social Justice Sector must use this opportunity to recommit itself to the poor, to be champions of the working-class, to advance the politics of liberation from the systemic issues of poverty and inequality, and to build a unifying and coordinated voice for the sector.

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APPENDICES

Letter requesting an interview for Social Justice Sector Review

South Africa is in its 25th year of democracy. One area in which we have seen significant change is in civil society that transitioned from a broadly cohesive mass movement against apartheid, into a very complex body of actors. This sector has achieved many successes in our early democracy. Although there is a lot spoken about the sector, much of that is anecdotal, and little until very recently has been published for public access. To address this deficit, a process was initiated by RAITH Foundation in 2019. This process seeks to produce a published study of the Social Justice Sector. A reference team has been constituted of leaders in social justice organisations, and an independent team of consultants has been appointed to undertake research and data collection. This study will culminate in a strategic Social Justice Sector convening in the third quarter of 2020 (to be confirmed). The objective of this convening would be to present the findings of the report and engage in a starting discussion about the future of the sector.
Such a review would need to look back to map the key sectoral milestones and developments. It would provide an important historical account of the sector in a post-apartheid context. More importantly, it could also inform future sector strategies to maximise impact towards realising the penultimate goals of a fair distribution of benefits and burdens in society.
The review will serve serve as:
a. a historical sector record,
b. a strategic resource to the sector at large, and
c. a means of influencing sector thinking and strategy going forward (the results to be presented at a RAITH-supported Social Justice Assembly).

With the subsequent outbreak of the novel COVID-19 coronavirus, new challenges of social justice are emerging, and we are also interested in documenting perspectives that this poses and possible early reflections on these.
We have identified a pool of people who we think are critical for key informant interviews. You are one of those people. We are writing to ask if you would be willing to be interviewed in the coming weeks at a time convenient to you.

- Given the impact of the COVID-19 isolation steps, all interviews will be conducted on virtual platforms.
- We attach a letter of informed consent that we will need you to either sign and scan back or to read and email us a statement that you have read it and agree to the terms.
- The interview should not take longer than 60 minutes.

We look forward to your positive response and ask you to provide about two different dates/times within the next week or two to enable us to secure a time for you.
Please do not hesitate to revert should you have any questions in this regard.

Yours sincerely,

Jessie Turton, Mondli Hlatshwayo and Isobel Frye

Letter of Informed Consent to participate in a research study

TITLE OF THE RESEARCH: 25-YEAR SOCIAL JUSTICE SECTOR REVIEW: TRENDS AND PROSPECTS

RESEARCH TEAM:
Fatima Shabodien
Yasmin Jessie Turton
Isobel Frye
Mondli Hlatshwayo

INTRODUCTION
Despite the challenges faced by the Social Justice Sector, South African civil society is still globally recognised as a vibrant and powerful expression of citizen activism. Concerning recent developments, it has been acknowledged that it was this powerful combination of social justice activism and a vibrant media sector that effectively arrested the state capture project and has brought us to the beginning of a possible turning point.

While many studies have revealed focused insights into the sector at various moments, no one has yet undertaken a comprehensive post-apartheid Social Justice Sector review. Such a review would need to look back to map the key sectoral milestones and developments. It would provide an important historical account of the sector in a post-apartheid context. More importantly, it could also inform future sector strategies to maximise impact towards realising the penultimate goals of a fair distribution of benefits and burdens in society.

PURPOSE OF THE STUDY
The purpose of the study is to conduct a 25-year post-apartheid Social Justice Sector review that would serve as:
1. a historical sector record,
2. a strategic resource to the sector at large, and
3. a means of influencing sector thinking and strategy going forward (the results to be presented at a RAITH-supported Social Justice Assembly).

CONSENT TO TAKE PART IN RESEARCH

☐ I..... voluntarily agree to participate in this research study.

☐ I understand that even if I agree to participate now, I can withdraw at any time or refuse to answer any question without any consequences of any kind.

☐ I understand that I can withdraw permission to use data from my interview within two weeks after the interview, in which case the material will be deleted.

☐ I have had the purpose and nature of the study explained to me in writing and I

have had the opportunity to ask questions about the study.

☐ I understand that participation involves a) being interviewed by the researcher b) and/or participating in a focus group session.

☐ I understand that I will not benefit monetarily from participating in this research.

☐ I agree to my interview being audio-recorded and transcribed (if necessary).

☐ I understand that all information I provide for this study can be used in the final report or other publications.

☐ I understand that in any report on the results of this research my identity may be revealed.

☐ I understand that I may choose, at the beginning of the interview, to do it in my individual or official capacity.

☐ I understand that extracts from my interview may be quoted in the report, published papers and conference presentations.

☐ I understand that if I inform the researcher that myself or someone else is at risk of harm they may have to report this to the relevant authorities – they will discuss this with me first but may be required to report with or without my permission.

☐ I understand that signed consent forms and original audio recordings and transcripts of my interview will be retained in a secure cabinet at the offices of the RAITH Foundation until December 2021, at which time this data will be destroyed.

☐ I understand that under freedom of information legalisation I am entitled to access the information I have provided at any time while it is in storage as specified above.

☐ I understand that I am free to contact Fatima Shabodien at the RAITH Foundation to seek further clarification and information.

Signature of research participant

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Signature of participant Date

Signature of researcher

I believe the participant is giving informed consent to participate in this study

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Signature of researcher Date

Questions for the Review

Name of Interviewer
Name of Interviewee
Sector
Format of Interview and Telephone number/ email
Date
Time started:
Signed consent received?
Audio recording:

Introduction:
South Africa is in its 25th year of democracy. One area in which we have seen significant change is in civil society that transitioned from a broadly cohesive mass movement against apartheid, into a very complex body of actors. Although there is a lot spoken about the sector, much of that is anecdotal, and little until very recently has been published for public access.
To address this deficit, a process was initiated by RAITH Foundation in 2019. This process seeks to produce a published study of the Social Justice Sector. A reference team has been constituted of leaders in social justice organisations, and an independent team of consultants has been appointed to undertake research and data collection. This study will culminate in a Social Justice Sector Symposium in the third quarter of 2020 for the presentation of initial findings, which will lead to the launch of the final overview report.
You have been selected for an interview based on your role in shaping and acting within the Social Justice Sector. We thank you for your agreement in participating in this interview. We will seek to keep the interview between 45 minutes and one hour.
Questions:
1. What coheres the social justice sector?
What are the elements that bind the sector together? Is there such a core or is it a false identity put forward by funders? Is this sector actor-driven, or needs-driven?
2. What are the key characteristics of the sector post-apartheid for you?
What characterises the social justice sector post-apartheid? This can include size and shape, as well as urban-rural divide and links to grassroots movements.

3. What are the different strategies used by organisations in the SJ sector?
The Social Justice Sector is largely involved in advocacy/strategic litigation/community mobilisation/training and awareness raising/research, etc.
How effective are these strategies? Not examples but perspectives and analysis.
4. What comes to mind when asked to list Impact, Victories & Successes of the Social Justice Sector?

How do you define success in the SJ sctor? People often say success in seeking change is a long-term engagement. How do you define victories along the way that are necessary for encouragement? Ascribing contribution in a multi-actor initiative is also difficult, how do you do this?

5. Trends in Transformation within leadership, governance and staffing within the sector.

There is an awareness of the domination of the sector by middle class, older white people. The need for transformation of race, gender, class and geographical location has been articulated for years, but how much of this are we actually seeing? What challenges have you observed in this regard? How do you view the appointment of people from other countries in the South? Is this transformation? How aware of you of deliberate succession plans within organisations? Have you had experience of these in practice? How has this fared? What should be done to advance transformation?

6. Funding – challenges and possible solutions?

Comments on the disparate positions held in the literature. Is there a distinction between broader Civil Society Sector funding and the Social Justice Sector, for instance? If so, what? Are there new sources of funding that can be accessed and if so, have you tried any, and what are our learnings? Are there enough fundraisers in the sector? Is there equal access to funding? What patterns do you observe?

7. The future – where should the sector seek to go and what critical challenges may we face?

Based on what has been achieved towards fighting for equality, what issues do you think still need to be addressed, both structural and more surface? Are we engaging with both the beneficiaries and the decision-makers in the best way? Is there a lack of political or ideological education and direction?

8. The Social Justice Sector and the COVID-19 pandemic

South Africa's national State of Disaster and associated lockdown in response to the COVID-19 pandemic is unprecedented. How has this affected your organisation? How has your organisation responded to the lockdown/and post the lockdown now that we are in level 3? Going forward, how should the Social Justice Sector respond to COVID-19 and its social and economic impact?

List of participants

Brenda Mandumise	Women's Rights	Interim GBV Council
Caroline Peters	Women's Rights	Cape Flats Women's Movement
Constance Mogale	Land	ARD
Christopher Rutledge	Mining	MACUA
Dali Matanzima	Land	Ntinga Ntaba Ka Ndodon
Harry May	Land	Surplus People's Project
Karabo Rajuili	Media	Amabongani
Kelly Gillespie	Socio-economic/ academic	UWC
Khadija Patel	Media	
Marc Wegerif	Land	University of Pretoria
Mercia Andrews	Land	TCOE
Ruth Hall	Land	PLAAS
Shamim Meer	Women's Rights	Academic
Shireen Hassim	Women's Rights	Academic

Sizane Ngubane	Women's Rights	Rural Women's Movement
Vishwas Satgar	Land/food/cooperatives	Wits University
Funeka Soldaat	LGBTQI	Free Gender
Sharon Cox	LGBTQI	Triangle Project
Keval Harie	LGBTQI	GALA Queer Archive
Bevil Lucas	Urban	Reclaim the City
Eddie Webster	Labour	Academic
Faeza Meyer	Urban	People's Housing Federation
Febe Potgieter	Political Party	ANC
Frank Meintjies	General	
Ighsaan Schroeder	Labour	Casual Worker's Advice Office
Joel Modiri	Law/Race	UP Academic
Karl von Holdt	Labour /movement	Wits academic
Liesl Orr	Labour	
Pat Horn	Labour	
Pinky Mashiane	Labour	IZWE
Shaeera Kalla,	#FeesMustFall	
Sheriza Sibanda	Urban	Inner City Resource Centre
Zingiswa Ndlozi	Labour	COSATU
Makoma Lakalakala	Environment	
Naadira Munchie	Activist	Ex-BDS
Mark Heywood	Activist	Ex-Section 27
Kumi Naidoo	Activist	
Marcella Naidoo	Activist	Ex-Black Sash
Sipho Mthathi		
Bobby Godsell	Business	GIBS
Yasmin Sooka	activist, lawyer, funder, TRC	Ex-FHR
Salim Vally		Academic
Judith Kennedy		I Define Me
Adrian Enthoven	Business	
Trevor Ngwane		Anti-Privatisation Forum
Fatima Shabodien		
Boichoko Ditlake		Ex-SANGOCO
Patrick Bond		UWC

Wendy Pekeur		R2K
Lee Mostert		
Seeham Samaai		

Terms of Reference

SOCIAL JUSTICE SECTOR REVIEW and ASSEMLY CONCEPTUALISATION REFERENCE GROUP

Problem Statement
Despite the challenges faced by the social justice sector, South African civil society is still globally recognised as a vibrant and powerful expressions of citizen activism. Concerning recent developments, it has been acknowledged that it was this powerful combination of social justice activisms and a vibrant media sector that effectively arrested the state capture project and has brought us the beginning of a possible turning point.

There are diverse reasons for this, and much has been written about the state of society in South Africa, including the issue of power held within the sector, transformation of leadership and the principles around this including pertaining to race, gender and class. The manner in which the sector engages with the state as well as the private sector are also contested under both eh vertical and the horizontal application of the Constitution of South Africa and the obligations that this places in terms of social justice.

The absence of s single co-ordinating body of the sector is frequently lamented. It is crucial however to understand how and why diverse bodies historically have failed as part of trying to build a new, inclusive and relevant body for future impact specifically in the social justice sector.

While many studies have revealed focused insights into the sector at various moments, no one has yet undertaken a comprehensive post-apartheid Social Justice sector review. Such a review would need to look back to map the key sectoral milestones and developments. It would provide an important historical account of the sector in a post-apartheid context. More importantly, it could also inform future sector strategies to maximise impact towards realising the penultimate goals of a fair distribution of benefits and burdens in society.

The Review would form a mobilizing document which would be in input for a planned Social Justice Sector that is planned to take place in the third quarter of 2020.
This sector review and reference group has been initiated by the Raith Foundation for the purpose of providing CSO leadership during the process of the review and for the planned social justice assembly in 2020. Reference group meetings is intended to provide a unique space for open dialogue, discussion and debate about the various deliverables that will be presented. The reference group will also lead the conceptualization and provide leadership to the Civil Society Social Justice Assembly. While the review was initially conceptualized by, and is resourced by RAITH, it is not RAITH review owned by RAITH. The Reference Group has the powers to shape and direct

the review as it unfolds as set out below. The Reference Group will also be required to hold and shape the objectives, goals and contents of the proposed two day Assembly scheduled to take place in the third quarter of 2020. While RAITH has committed resources towards the Assembly, there is a need to raise further funds to adequately resource such a gathering. This too will fall to the reference team with support from the RAITH secretariat where required.

Composition of the reference group
The reference group comprises of a diverse selection of 14 Social Justice sector leaders representing a diversity of sector experiences. (please see list at end of this document) The members of the reference group have been selected based on their individual skills and the values that they subscribe to. Many currently work in CSOs but are not seen as representing those institutions. Should a member step down from the reference group, the group will make decision on substitutions if deemed necessary

Given that the reference group was initiated by the RAITH Foundation, primarily from within its exiting grantee pool, the organizational, funding and geographic bias of the reference group should be recognized and the team is expected to be mindful of this in the manner in which they conceptualize approaches to mitigate this bias.

Objectives
The objectives of the reference group are to:
1. Provide conceptual guidance for the Review and Assembly processes.
2. Provide input on the identified stakeholders, the methodology, and the work plan for the review.
3. Assist in framing the review questions
4. Act as a sounding board to the consultant collective and to discuss ideas and strategies that advance the more complex aspects of the review
5. Provide collective knowledge of the social justice sector, in addition to providing advice regarding sector expectations and related risks and opportunities that may inform delivery of the work plan
6. Provide comment on draft documents
7. Conceptualise and guide the development of the Assembly.
8. Be the public representatives/ambassadors for the review process.

Meeting frequency
It is planned that the reference group will meet twice during 2019 and again twice during 2020. In 2019, the two meetings will be to introduce the review and finalise the members of the reference group and to give more direct input into the research questions, potential stakeholders and to provide content into some of the research questions. During 2020, one of the meetings will be to provide feedback on the review process and address any challenges experienced. Another will be a 2-day workshop to review the report as well as conceptualise and plan for the Assembly. All meetings will take place in Johannesburg
REFERENCE GROUP MEETING SCHEDULE

3	DATE	FOCUS
1	October	Introductory
2	November	Workplan and research questions
3	End March	Initial feedback on process
4	End June (2 days)	Draft report Review conceptualization assembly

Duration
The reference group will exist for the duration of the sector review and is expected to continue until the Assembly has been concluded (October 2019 to September 2020).

ROLES AND RESPONSIBILITIES

REFERENCE GROUP
1. Prepare for and fully participate in reference group meetings
2. Provide thought leadership on the process and approach
3. Conceptualize and guide SJ Assembly

RAITH
1. Establish and convene the reference group
2. Contract and manage the work of consultants
3. Liaise with social justice sector donors about the Review and Assembly
4. Organize logistics for meetings and workshops
- Resource the work of the consultants, reference group and the assembly

CONSULTANTS
1. Design the review process
2. Undertake the work of the review
3. Draft review report
4. Present the review to the reference group and to the Assembly if required.

Reference Group members

#	NAME
1	Emily Craven
2	Koketso Moeti
3	Mandisa Shandu
4	Mbongiseni Buthelezi
5	Nolundi Luwaya
6	Nomzamo Zondo
7	Phumi Methetwa
8	Seehaam Samaai
9	Shanaaz Mathews
10	Stefaans Brummer
11	Tshepo Madlingozi
12	Umunyana Rugege

13	Wandisa Phama
	CONSULTANTS
1	Isobel Frye
2	Jessie Turton
3	Mondli Hlatswayo

Consultants Terms of Reference

SOCIAL JUSTICE SECTOR REVIEW
CONTRACT SUMMARY
This TOR is for conducting a Social Justice Sector Review for the period 1994 to date (the post-apartheid era). The review is to be undertaken by a group of 3 consultants with whom individual contracts are signed. The consultant group will interact and be guided by the expert located knowledge of the Social Justice Reference Group (see attached TOR and list of names) at set intervals as per the workplan. The aim of those interaction is to receive guidance and ensure buy-in from the Reference Group in the process.

The review will be undertaken over a ten-month period, using desk top analysis, interviews, focus group discussions. RAITH will take responsibility for contracting a communication consultant to disseminate the review report findings and recommendations. The plan is for the review findings and recommendations to feed into a planned Social Justice Sector Assembly, provisionally planned for September 2019. The review is intended to produce a high-level historiography of the sector for this period with an analysis of key challenges, achievements as well as recommendations for going forward.

1. BACKGROUND
Despite the challenges faced by the social justice sector, South African civil society is still globally recognised as a vibrant and powerful expressions of citizen activism. Concerning recent developments, it has been acknowledged that it was this powerful combination of social justice activisms and a vibrant media sector that effectively arrested the state capture project and has brought us to the beginning of a possible turning point.

According to the Department of Social Development, there were just over 153,000 registered NPOs, and as many as 50,000 unregistered NPOs in SA in 2016 (most recent statistic). While is it not clear what percentage of these can be strictly defined as social justice organisations, it can be assumed that the majority of these are probably service-type NGOs.

The 2013 PARI paper on Understanding the Social Justice Sector in South Africa concluded that, despite the many important and positive changes, “South Africa

resembles less and less the society imagined in the Constitution, a non-racial democracy where all citizens have more or less equal access to goods and services"
The reality is that the sector is contradiction-filled and while many studies have revealed focused insights into the sector at various moments, no one has yet undertaken a comprehensive post-apartheid Social Justice sector review. Such a review would need to look back to map the key sectoral milestones and developments. It would provide an important historical account of the sector in a post-apartheid context. More importantly, it could also inform future sector strategies to maximise impact towards realising the penultimate goals of a fair distribution of benefits and burdens in society.

2. PROBLEM ANALYSIS

We live in a constitutional democracy that pre-supposes a strong and vibrant civil society to act as a counter-force to any possible oppressive forces. Simply put: we need a vibrant civil society sector to make our constitutional democracy work. The reality is, we do not have a comprehensive overview of the state of the sector beyond anecdotal evidence of the challenges facing the sector.
We already know that the sector faces a range of very serious challenges. To date sector engagement on these challenges has been dominated by a focus on resource constraints in the context of the dwindling development funding for South African NGOs. A growing number of organisations are struggling to secure the required resources to function optimally. While this undoubtedly constitutes a central dimension of the crisis, the reality is that the challenges facing South Africa are complex and multiple. This includes, amongst others, lack of coordinated sectoral strategy, funding constraints, governance weaknesses, relationship to state and ruling party, leadership and transformational shortcomings, social movement-NGO relationships, growing crisis of credibility and linked to this, values contradictions (as exposed through the recent sexual harassment crisis). The absence of such a strategic analysis and vision serves to undermine the collective impact of the sector in realising a shared vision for a socially just South Africa. This kind of analysis has not been undertaken to date and by doing so would create a new body of knowledge which could serve as a resource to the sector.

3. DESCRIPTION

The contract is to undertake a 25-year post-apartheid sector review that would serve:
d) As a historical sector record;
e) As a strategic resource to the sector at large (beyond just our own grantee partners), and
f) For presentation to a Social Justice assembly (conference) with the objective of influencing sector thinking and strategy going forward. sector.

4. METHODOLOGY/APPROACH

For this review to have maximum strategic impact, we would need to ensure that the review is not viewed as a donor-driven project. Instead, we would want it viewed as RAITH-supported initiative led and owned by key social justice sector players. This will be achieved by building ownership of the review through a strategy of keeping the sector engaged in the process from the start through a sector reference group (drawn mostly, but not exclusively, from the RAITH grantees).
Instead of merely publicizing the report upon completion, it's findings should be "launched" at a sector conference (National Social Justice Assembly). This Assembly will be attended by key sector leaders as a basis for analysis of the findings and (in our vision) inform a shared sector strategy going forward.

. **WORKPLAN, ROLES AND AGREED CONTRACT DAYS**

THE following represents an overall workplan and projected timeline for the review.

ACTIVITY	MONTH	LEAD BY
Reference group session#1 (at RAITH partner convening)	June – November	Fatima & Audrey
Consultant meeting	ALL	
Reference group session#2 (Nov)	COMPLETED	
Desk top review (framework and analysis)	mid-December to Mid-February	Consultants
Data collection design	End February	Consultants
Data Collection Interview and Focus Group Discussions	March to end May	Fatima
Reference group session#3	5 March	Consultants
Data Analysis Meeting	End June	Consultants
Draft report	Mid-July	Fatima
Reference Group session #4 (2-day session)	Mid-July	
Findings review and assembly conceptualization		
Report finalization (incorporating feedback from Ref Group	End July	Consultants
Social Justice Assembly	September	Ref group

In addition to the above review tasks, the consultant group will hold one working session in preparation of each reference group meeting.
The division of work and contractual assignment of tasks (and contract days) for each consultant will happen at the following set intervals:

1. November 2019
2. January
3. March 2020
4. June 2020

By the end of each of these months:

- the detailed workplan for the subsequent period would be agreed to,
- the tasks divided between the 3 consultants and
- agreement of contract days finalized (confirmed in writing via email by RAITH Strategy director)

REPORTING TO:
The consultants will report to the RAITH Strategy Director who will be responsible for contract days assignments, reviewing submission of outputs and approval of payments.
CONCLUSION
The planned review is intended to fill an information gap on the status of the social justice sector with the intention of informing strategy and position beyond the review