

### 2.4.5 Access to justice

An effective criminal justice system forms part of the larger commitment to providing the people of South Africa with access to justice. The preceding sections have focused on that aspect. The dispensing of justice, however, goes well beyond fighting crime through the criminal justice system, and the Government maintains a comprehensive apparatus for civil justice.

Various courts already existed to deal with family and commercial matters – such as the divorce courts, maintenance courts and children’s courts. These are the agencies that are fundamental to the working of the economy, and the facilitation of trade and commercial activities, including the Land Registry. New courts have been introduced through legislation to promote development and equity, such as the equality courts, small claims courts, and environmental courts. The Competitions Tribunal gives substance to the anti-competition policy.

### 2.4.6 Conclusion

#### Key issues for further attention in *FINDINGS*

- Cluster priorities remain valid and have impact – but less than needed
- Overall progress in dealing with crime – but violent and organised crime a serious challenge
- Criminal justice system struggling with load – problem of systems, coordination, resources
- Insufficient coordination of cluster in strategy and implementation
- Mobilisation of society in fight against crime improved but short of what is needed.

## 2.5 International Relations, Peace and Security

After the attainment of democracy, assimilating the country into the global setting became a preoccupation. It was also necessary to transform the foreign, defence and intelligence organisations and those engaged in the country’s foreign economic relations.

South Africa emerged from isolation and marginalisation through normalisation of diplomatic relations and participation in regional, continental and international multilateral organisations. This enabled it to play a critical role – well beyond its capacity and resources – in advancing its own interests and those of developing countries, especially in Africa. On the other hand, some objectives were not fully achieved.

**What the *Ten Year Review* said**

- A thorough reworking of the national security mission and principles underpinning South Africa's international relations
- Institutions transformed to align with policies and procedures of democracy
- Government successfully influenced others even where it lacked direct control
- Progress in raising South Africa's international and regional profile and influence
- A unipolar world adversely affects developing countries.

**Challenges**

- Improving the regional environment; uniting the world around New Partnership for Africa's Development (Nepad) values and agenda
- An active role in Nepad and APRM conceptualisation; supporting the African Union (AU) Peace and Security Council in peacekeeping, conflict prevention and resolution
- Ensuring AU structures and programmes are implemented, operationalised and consolidated
- Consolidating South Africa's active role in the world's political and economic systems, promoting multilateralism at regional, continental and global levels
- Economic diplomacy to expand economic links with Africa and the world, and attract Foreign Direct Investment (FDI)
- Continue leading role in the international sustainable development agenda
- More and faster transformation of departments, with better performance and accountability
- Marketing South Africa and Africa.

One of the priorities of the MTSF for 2004-09 has been pursuit of the country's international agenda as a contribution to South Africa's own growth and development. This has required particular focus on the Southern African Development Community (SADC) and the continent, strengthening relations across the globe and marketing South Africa. It has been translated into the following:

- consolidating the African Agenda
- strengthening and deepening relations with countries of the South
- transforming relations with the developed countries of the North
- pursuing economic diplomacy
- participating in the global system of governance.

**2.5.1 Normalisation – domestic and global**

Formal diplomatic representation has continued to grow, though slower than the first major expansion.

In 1994, there were only 65 South African foreign missions. By 2004, there were 105 South African missions in 91 countries; and by 2008, 121 missions in 105 countries. South African missions in Africa grew from 17 in 1994 to 33 in 2004 and 45 in 2008. Conversely, the 45 foreign missions accredited in South Africa in 1994 became 105 by 2004. By 2007, government had accredited more than 160 countries and organisations resident in South Africa.


The many multilateral conferences and major international events hosted by South Africa also measure the country's integration into the community of nations.

**Table 15: International conferences and events**

Rugby World Cup	1995
African Cup of Nations	1996
UNCTAD IX Summit	1996
Non-Aligned Movement Summit	1998
All Africa Games	1999
Commonwealth Heads of Government Meeting	1999
World AIDS Conference	2000
UN World Conference Against Racism	2001
African Union Summit	2002
World Summit on Sustainable Development	2002
Cricket World Cup	2003
Award of 2010 FIFA World Cup	2004
Inauguration of Pan African Parliament	2006
World Association of Newspapers Conference	2007
International Monetary Conference	2007
Global Forum V on Fighting Corruption and Safeguarding Integrity	2007
OECD Conference on Tax Administration	2008
SADC Summit	2008
World Bank Annual Conference on Development Economics	2008

### 2.5.2 Consolidating the African Agenda

The regeneration of Africa is the main pillar of South Africa's foreign-policy objectives. It is central to ensuring a better life for all in South Africa and on the continent.



South Africa contributed to two tangible elements of African renaissance during the first decade. One was transformation of the continental political architecture with the transition from the Organisation of African Unity to the African Union (AU). The other was the adoption of the New Partnership for Africa's Development (Nepad) as the social development blueprint for Africa and the framework for its engagement with the North and other international actors. In the second decade, operationalisation of the AU and implementation of Nepad became key challenges, including in particular improving the climate for development in southern Africa.

In the second decade, South Africa also built on the foundations it had laid for peace, diplomacy and, through bilateral and multilateral engagements, for raising the profile of Africa's development needs on the world stage.

### **Operationalising and strengthening the AU institutions**

The Pan African Parliament, hosted by South Africa since its launch in 2005, has been establishing itself as a voice of African political representatives. The Economic, Social and Cultural Council (ECOSOCC) was established in 2005 by an assembly of civil-society organisations convened by the AU Commission. It has become a vehicle for unified positions from civil society on major issues. The African Commission for Human and Peoples' Rights is in operation. The modalities for the establishment of the finance and justice institutions are underway, and South Africa is preparing to contribute meaningfully to their establishment.

South Africa has helped operationalise AU peace and security structures, pre-eminently the AU Peace and Security Council (AUPSC). Apart from having been a member and chair of the council, South Africa was a prime mover of, and one of the main troop-contributors to, the deployment of the first peacekeeping missions under AUPSC auspices. Our country actively participated in the establishment of the Continental Early Warning System and the African Standby Force.

On the other hand, South Africa has not seconded sufficient personnel to these institutions to enable it to contribute to advancing AU objectives. There is need for more urgency in proactively implementing the national secondment policy.

### **Strengthening and implementing Nepad and the APRM**

Nepad has become the main frame of reference and engagement by African governments, regional economic communities (RECs), civil-society bodies on the continent

and international bodies and partnerships. South Africa and its African partners have used engagement with the G8 to ensure the adoption of an Africa Action Plan as the framework for the G8's partnership with the continent.

South Africa played a part in establishing the Nepad Pan-African Infrastructure Development Fund in 2007, as well as other facilities to promote implementation of Nepad projects. The fund was created by African countries using their own pension funds, to fund high priority cross-border infrastructure projects.

The South African Government, conscious that the primary agents of Nepad implementation must be national governments and RECs, initiated a Nepad Implementation Strategy for South Africa, finalised in consultation with civil society and the private sector.

Notwithstanding progress, the challenges are great. Integration of Nepad fully into the AU system still has to be effected and expectations of the Nepad Secretariat are higher than its actual capacity. G8 countries have proved slow to translate undertakings into action. With the adverse turn in global economic conditions, there seem to be signs of fragility in some of the commitments that were won with so much effort.

There has been a positive response to the African Peer Review Mechanism (APRM). Twenty-nine of a possible 53 countries have voluntarily signed up for comprehensive APRM scrutiny. Seven, including South Africa, have gone through the review and a further eight have received a country support mission.

South Africa's review was largely smooth and thorough. South Africa was commended for 18 best practices, which other nations could emulate, including: cooperative governance, participatory governance practices, a consultative budget process, and provision of basic needs. Some key innovations in the South Africa country assessment that were highlighted included: establishment of provincial governing councils, simplification of the questionnaire and translation into all official languages, a wide media and information dissemination strategy and involvement of civil society through the South African ECOSOCC chapter.

The report also raised critical issues for South Africa to consider, including: inequality, poverty eradication, unemployment, crime, models of democracy, accountability of elected officials, race relations and corruption. These issues are addressed in South Africa's comprehensive APRM Programme of Action.

## Peace, diplomacy and post-conflict reconstruction and development

Departing from the premise that peace and development are inextricably linked, South Africa has contributed to peaceful resolution of conflicts, drawing from the experience of its own negotiated settlement.

Early into its Second Decade of Freedom, South Africa was one of five countries elected to serve in the AUPSC for three years. During this period, the first African-led peace mission was deployed in Sudan and transformed into the combined UN-AU Peacekeeping Mission.

**Table 16: Peacekeeping operations**

Personnel	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
DRC	1	113	161	164	1 455	1 430	1 230	1 242	1 248	1 248
Eritrea & Ethiopia	0	5	8	11	11	14	7	7	7	2
Burundi	0	0	701	750	1 500	1 437	1 267	1 202	751	1 000
Liberia	0	0	0	0	0	3	3	0	0	0
Sudan	0	0	0	0	0	10	339	620	626	804
<b>Total</b>	<b>1</b>	<b>123</b>	<b>1 579</b>	<b>1 686</b>	<b>4 477</b>	<b>4 358</b>	<b>4 462</b>	<b>4 900</b>	<b>4 016</b>	<b>4 860</b>

Source: Department of Foreign Affairs. The table includes deployment of uniformed military observers, hence the small numbers in some cases.

South Africa has been one of the largest troop-contributors to African peace missions, in places such as the Democratic Republic of Congo (DRC), Burundi, Sudan and Ethiopia-Eritrea.

In Zimbabwe, in the context of social and political instability experienced since the turn of the century, South Africa sought over many years to assist the Zimbabwean political leadership to find a lasting solution, without much success. In the build-up to the 2008 harmonised elections, SADC mandated South Africa to facilitate dialogue, which resulted in unprecedented initial agreements creating an environment for an election in March 2008, generally recognised as reflecting a credible expression of the will of the people of Zimbabwe. This was followed by increased violence and a presidential run-off involving only the incumbent, the credibility of which was questioned by the continent and the rest of the international community. South African mediation continued during negotiations aimed at creating a transitional administration, bringing together all parties to normalise the political and economic situation and oversee credible elections.

South Africa has also played a facilitation role in situations of armed conflict, including in Burundi and Côte D'Ivoire. It supported peace processes in Sudan, Liberia and the Comoros.

In recent years, South Africa has supplemented peacemaking with efforts to lay the basis for permanent stability and peace through economic reconstruction, reconstitution of the state and nation-building. Many government departments have contributed to this process in countries such as the DRC, Sudan, Burundi and the Comoros.

The expanding commitment to continental peace and security has required further military capacity beyond the initial Strategic Defence Procurement undertaken in the wake of the *1998 Defence Review*, including additional airlift and sealift capacity, and equipment for ground forces.

### **Improving the regional environment – strengthening SADC**

Until 2004, the focus with regard to SADC was on restructuring and replacing sectoral coordinating units with national committees to strengthen linkages between SADC and the countries of the region; and between the SADC Secretariat and the political structures that guide it.

Since then, focus has shifted to developing policies to guide the SADC integration agenda and to operationalising the many protocols adopted in the past decade.

The Regional Indicative Strategic Development Plan harmonises many SADC policies, sector strategies and protocols. It turns them into priorities to be implemented within clear timeframes. It provides a sound basis for regional implementation of Nepad and other developmental goals. It gives impetus to trade integration towards a free trade area (formally initiated at the SADC Summit in August 2008), a customs union and a common market. On the other hand, the Strategic Indicative Plan of the Organ for Politics, Defence and Security Cooperation is a blueprint for effective security cooperation, including the Regional Early Warning System, Regional Peacekeeping Training Centre and the SADC Brigade – a regional contingent of the African Standby Force.

However, institutional reform remains incomplete. Many national committees, which were to be critical to driving national implementation of SADC policies, are not in place or are underresourced and weak in civil-society participation. In South Africa, the coordination and implementation of SADC policies is managed by the African

Renaissance Committee of the IRPS Cluster, in consultation with civil society and business through Nedlac.

Given the strategic importance for South Africa of an improvement in the regional environment, this and other issues need urgent attention – especially in the context of South Africa's chairpersonship assumed in August 2008 (for the second time since 1994).

### **2.5.3 Economic relations in Africa**

In 2002, South Africa renegotiated and signed trade agreements with the Southern African Customs Union (Sacu) that includes Botswana, Lesotho, Namibia and Swaziland. The goal was to encourage balanced economic development across the customs union. In response to challenges around how revenue is distributed among Sacu countries, South Africa has initiated a review to arrive at a new consensus on revenue-sharing.

At a continental level, South African investment and trade with African countries has increased dramatically since 1994. Africa is now South Africa's fourth largest export destination. South African investments in southern Africa alone totalled R14,8 billion in 2001. Trade with the rest of Africa totalled about R50 billion that year and increased to R108 billion in 2007 with exports amounting to R68 billion and imports to about R40 billion. In the same year, South Africa's trade in the SADC region totalled some R68 billion with exports reaching R44 billion and imports R24 billion.

There are, however, a number of factors which could undermine the benefits of this relationship or inhibit its growth. There is a huge trade imbalance in favour of South African exports. Further, there is a need continually to improve the conduct of South African companies on the continent, in line with the values of our own Constitution and ethos. At the same time, the medium-term impact on the country's standing, of the recent violence against people from mainly other African countries, needs continued review. The Government and the totality of the country's leadership need to improve South Africans' understanding of the conditions of people on the continent and our humanist role and obligations. More broadly, there is need to attend to the trend in some African countries for some prominent individuals increasingly and openly to question South Africa's credentials as a champion of the African cause.

## Africa's strategic partnerships

In building relations between Africa and other continents, South Africa has emphasised strategic partnerships that are of benefit not only to South Africa but also to the continent and its partners.

The Forum on China-Africa Cooperation, which was established in 2000, held its first heads of states-level summit in Beijing in 2006. The aim is to strengthen economic cooperation. Africa seeks to ensure that the partnership supports the RECs and Nepad projects. Partly due to weaknesses at Nepad, opportunities for Chinese investment to support Nepad projects are not being sufficiently taken advantage of.

The India-Africa Forum had its first high-level meeting in April 2008. The forum will address areas of cooperation on regional and international issues, including climate change and a developmental approach to WTO negotiations. Economic relations between Africa and India have grown significantly. South African investment in India's transport, mining and technology sectors has been growing.

Japan has hosted four meetings of TICAD (Tokyo International Conference on Africa's Development) between 1993 and 2008. In 2004, South Africa and Japan agreed to extend their relations to allow Japan to support African regional integration and Nepad, and to help Africa to access Asian markets. South Korea has created a Korea-Africa Forum, with a more economic bias. At the same time, negotiations are underway to strengthen economic relations between SADC and Mercosur in Latin America.

The European Union (EU) accounts for 44% of Africa's trade volume and gives 40% of its development aid to Africa. South Africa's strategic partnership with the EU is further dealt with in *North-South relations* below.

### 2.5.4 South-South cooperation

Born out of necessity in the struggle against colonial rule and domination, South-South collaboration and solidarity have been a foundation for building the collective power of poor countries around a common agenda for development and the reform of international organisations.



South Africa's agenda for South-South cooperation is informed by the broader objective to promote multilateralism in the interest of the developing world.

Beyond this, the value of South-South cooperation should be visible in increased market access, trade and investment benefits for all countries of the South and material support for Nepad projects.

The India-Brazil-South Africa Partnership (IBSA) emerged at the end of the first decade as a potential source of new energy and substantial progress in South-South collaboration, balancing the politics of solidarity with the bricks and mortar of economic activities, including support for Nepad projects. It has developed common positions on global issues and built issue-based trilateral cooperation.

It has become a major influence in global politics and economic diplomacy. But as yet it has been less successful in productive trade and development cooperation.

The focus of the Non-Aligned Movement (NAM), which South Africa chaired for four years from 1998, has been on making it an effective machinery for the new South-South agenda. Despite the difficulties inherent in such a large body, it has become effective in driving common positions at the UN where its several members on the Security Council have worked together on major global issues.

The G77 and China Forum, established in 1994, has developed crucial common policy positions on a range of issues, mainly economic. When South Africa took the chair in 2006, it aimed with some success to harmonise positions that South countries take in other forums. South Africa co-championed the New Africa-Asia Strategic Partnership from its establishment in 2005, as part of its commitment to consolidate South-South cooperation. This built on the strategic partnership between Africa and Asia at the dawn of independence initiated at the 1955 Bandung Conference.

Bilateral engagements have been equally crucial in building South-South cooperation. Some have been elevated into binational commissions (BNCs). These relations have also generated support for Nepad and peace diplomacy, and have yielded significant economic benefits for South Africa in the form of increased trade.

### 2.5.5 North-South relations

The Government has consistently sought to transform North-South relations, particularly on security, the environment, debt relief, market access and terms of trade. Promotion of multilateralism is seen as strategic and catalytic in the pursuit of global reform towards a fairer distribution of power and resources. The strategy has included dialogue through BNCs, engagement with the G8 and major conferences on issues of mutual concern. South Africa has sought to promote consensus of the South as to the form of a new world order and recognition by the North that the global politics and economics necessitate substantive reform. The recent momentum of global discourse about the need to change the paradigm of global power relations indicates that concerted effort does make a difference.

South Africa has participated actively in the G8, Organisation for Economic Co-operation and Development (OECD), the African Partnership Forum and the United Kingdom (UK) Commission for Africa with a view to build partnership based on new values.

Engagement with the G8 began at the 2000 G8 Summit. Since then, South Africa, as a regular representative for Africa in the Outreach Five, has successfully campaigned for an actionable G8 Africa plan premised on Nepad being a tangible African development agenda. In the process, South Africa has grown in stature as a champion of the African cause and an effective North-South bridge-builder. The G8 in 2002 adopted the Africa Action Plan, with commitments to support Africa's initiatives with regard to peace, security, development and governance. The Africa Partnership Forum was established in 2003 in the wake of the Evian Summit and further major commitments flowed from the 2005 Gleneagles Summit. Although the 2007 Summit recommitted itself to the Africa Plan, by 2008 there was little evidence of actual implementation. The G8 has instituted dialogue between the member states of the G8 countries and Brazil, China, India, Mexico and South Africa as emerging economies. Together they are to address the biggest challenges faced by the global economy today and produce results within two years. Progress will be reviewed at the 2009 G8 Summit.

Since 2005, the relationship with the EU (both the commission and member states) has intensified on three fronts: work on a joint EU-Africa Strategy, consultations to develop a Strategic Partnership with South Africa and negotiations on the economic partnership agreements (EPAs) between the EU and individual African countries.

South Africa is a member of the AU troika that conducted dialogue with the EU on issues that informed the EU-Africa Strategy that was tabled at the EU-Africa Summit in Lisbon in 2007.

The relationship between South Africa and the EU was consolidated with the signing of the South Africa-EU Strategic Partnership, recognising South Africa as an emerging middle power and key role-player in global matters.

Managing these multiple relationships in ways that are consistent with promoting the African Agenda is complicated. The potential of the negotiations around EPAs to undo progress in regional integration illustrated the challenge. The stalled WTO Doha Round also illustrates the difficulty of dealing with the self-centred approaches of the developed world.

In what must be a long process of change, partial outcomes such as inadequate aid flows, low investment and inconsistent commitment to the Nepad Agenda should be taken not as indicating failure but rather the need to sustain and intensify efforts.

### **2.5.6 Economic diplomacy**

In the context of foreign-policy objectives and the domestic imperative of faster and shared growth, the Government identified “economic diplomacy” as an area for more intense attention. It resolved to improve coordination between departments engaged in the country’s economic relations in both bilateral and multilateral terrains.

- WTO: After playing an important role in the launch of the WTO Doha Round in 2001, which emerged with a developmental agenda, South Africa continued to play an active role through the protracted process – as yet uncompleted. South Africa contributed to the building of and participated in various coalitions of the South (such as G20 and Nama 11), which helped to reinforce the developmental spirit of the Doha Round of negotiations.
- Engagements with “strategic” and “priority” partners in the evolution of new patterns of trade relations have advanced in the recent period, though difficulties remain.
- The Trade and Development Cooperation Agreement (TDCA), concluded with the EU in 1999, opened up trade between South Africa and the EU in various areas. The review of the TDCA initiated in 2006 was an opportunity to align the TDCA with the EPA negotiation process and ensure that the region established a single

trade regime with the EU. The process came under pressure as EPA negotiations with individual countries unfolded. South Africa continued to object to EPA provisions that would undermine regional integration and limit development policy space.

- In addition to other initiatives such as the Free Trade Area, South Africa is advocating an industrial policy protocol to promote industrial development in the SADC.
- Negotiations for a Sacu-United States of America FTA (Free Trade Agreement) were suspended in 2006 due to incompatible negotiating mandates and the parties concluded a less onerous trade and investment cooperation agreement.
- Preferential trade agreements among Sacu, Mercosur and India aiming at a trilateral trade arrangement have proven less problematic. Investment flows within a market of 1,2 billion are expected to exceed US\$10 billion in the medium term

### 2.5.7 Marketing South Africa and Africa

Coupled with the emphasis on economic diplomacy was a resolve to improve the international marketing of South Africa and Africa. An active campaign to image, brand and market South Africa began in the late 1990s. It included government initiatives, support for non-governmental initiatives (such as Proudly South African), efforts to secure the hosting of hallmark international events and the creation of a number of bodies which directly or indirectly contributed to better understanding of the predominantly positive character of South Africa's development trajectory. Among these were: the International Investment Council, the International Advisory Council on Information and Communication Technology, the International Marketing Council, Trade and Industry South Africa and a reformed South African Tourism.


Over the years, in part as a result of marketing campaigns, there has been a sustained increase in tourist arrivals in South Africa.

**Table 17: Tourism**

	1998	2001	2004	2007
Foreign arrivals	5,73m	5,79m	6,68m	9,10m

Source: *Development Indicators, 2008*

Cumulatively this growth is estimated to have created over 400 000 direct jobs.



Alongside these developments, a strategy to enhance the country's economic diplomacy and its branding has been developed. As a catalytic pilot project, China is the focus of a variety of activities, including celebrating 10 years of diplomatic relations between the two countries and participation in the 2010 Shanghai World Expo. The two governments are also engaging with a view to forging a Partnership for Growth and Development.

To promote coordinated conduct of international relations across all spheres of government, the Consultative Forum on International Relations has been created, comprising national, provincial and local government representatives.

The hosting of the 2010 FIFA World Cup™ brings a communication opportunity of a lifetime for South Africa to market the country and, working with the rest of Africa, to improve the continent's image.

### **2.5.8 Participation in the global governance system**

A commitment to multilateralism is at the heart of South Africa's foreign policy. Since 1994, the country has sought to contribute to a transparent and rules-based international political and economic order that advances the interests of developing countries.

This will help advance such priorities as human rights, debt relief, peace and stability, an equitable global trading system and sustainable development. South Africa continues to advance the reform of the institutions of global governance, including the World Bank and the International Monetary Fund.

It has worked through such forums as the G77+China and the NAM to ensure that the sanctity of the UN Charter and its rules are observed, especially in dealing with conflict and other threats to peace. It has implemented UN Security Council resolutions on various issues, including peace-support operations and combating terrorism.

South Africa has been an active participant of the G20 since its inception, as part of the effort to reform global socio-economic governance and promote North-South dialogue. It has used membership of forums like the G20 and UN to lobby for institutional and policy reform in international governance institutions, especially improved participation by developing countries in the decision-making and policy

development of the multilateral development banks. This has contributed to alignment of these banks' strategic priorities with those of Nepad and the AU.

Since hosting the 2001 World Conference Against Racism, South Africa has put strong focus on establishing and operationalising the UN Human Rights Council, as an agency with resources and authority to advance the Universal Declaration on Human Rights. It has promoted gender equality and women's rights by campaigning at the UN for tangible action on the Beijing Declaration and Programme of Action.

While the campaign to reform the UN Security Council has yet to bear tangible fruit, in part because of absence of African consensus, South Africa has contributed significantly to the evolution of the debate.

The first year of South Africa's two-year tenure as a non-permanent member of the UN Security Council, beginning in 2007, showed that in spite of global power imbalances, it is possible to make a limited but significant contribution to the cause of the UN and multilateralism. In a debate initiated by South Africa, the Security Council agreed to enhance the relationship between the UN and regional organisations, in particular the AU. This advanced a major goal sought by South Africa and AU, namely the creation of synergies between the work of the UN Security Council and the AUPSC.

South Africa consistently took a principled stance with regard to matters tabled in the Security Council, informed by commitment to multilateralism and the maintenance of international peace and security. However, its resistance to attempts by major powers to place on the agenda matters belonging to other chambers of the UN or which did not have relevance to international peace and security, led, in the absence of effective communication by South Africa, to perceptions that South Africa's commitment to human rights was incomplete.

South Africa's hosting of the World Summit on Sustainable Development in 2002, and its ratification of multilateral environmental agreements, enhanced its role as a player in global environmental governance. This has been sustained through its role as one of four developing country donors to the Global Environment Fund and as a donor to the UN Environmental Programme.

## 2.5.9 Conclusion

### Key issues for further attention in *FINDINGS*

- Advance towards foreign-policy objectives and recognition of South Africa's status continues
- Effective response to shifts in global power
- New attention to strategic partnerships as initial factors enhancing South Africa's status begin to fade
- Weaknesses in public diplomacy
- Alignment of political and economic diplomacy an issue
- Nepad now a point of reference in Africa and the world – but challenges around implementation and partnership commitments
- Regional integration, peace and stability a continuing challenge.

## 2.6 Targeted groups

Apartheid's legacy of disadvantage and inequity weighs most heavily on sectors of society least well-placed to take advantage of the opportunities of democracy. For this reason, government has taken measures targeted at redressing inequities and promoting social justice for women, persons with disabilities, children and youth.

A range of laws is dedicated either wholly or in part to protecting and promoting the rights of people in these sectors.

### Legislation concerning targeted groups

- Employment Equity Act, 1998
- National Youth Commission Act, 1996
- Promotion of Equality and Prevention of Unfair Discrimination Act, 2000
- Children's Act, 2005 amended in 2008

Policies and programmes with the same objectives focus on increased representation, job creation, elimination of poverty, eradication of violence and the promotion and protection of the human rights of targeted groups. Implementing these policies and programmes has had significant impact.

### Policies and programmes to advance the status of targeted groups

- National Youth Development Policy Framework, 2002-2007
- National Policy Framework for Women's Empowerment and Gender Equality, 2000
- *Integrated National Disability Strategy White Paper, 1997*
- Draft National Policy for the Advancement and Coordination of Children's Rights Delivery in South Africa

This section takes the theme reviews as point of departure, with focus on the life experiences of these groups, particularly the impact of public policy on their conditions.

### **2.6.1 Representation in employment and at decision-making levels**

The steady growth in representation of women in the Cabinet to over 40% since 2004 has been cited as a best practice internationally. The increase in the proportion of women in the provincial and national legislatures and elected municipal councils has also been substantial.

Although the Public Service reached the target of 30% of women in executive and senior management levels by 2006, it is unlikely to reach the extended target of 50% by the set date of March 2009. The private sector's failure to match the public sector in this regard is a matter of concern – although 41,3% of the employed population in 2006 were women, just 6,4% of CEOs and board chairpersons, 11% of directors and 16,8% of executive managers were women.

Having failed to meet the 2% target for public-service employment of persons with disabilities by 2005, government extended the timeframe to March 2010. The probability of it being met by then is not high.

A significant number of young people continue to have difficulty in accessing employment despite the economy's growth. In 2007, this was the case for 22% young males and 35% young females. It is of concern that of those employed about a third of all youth below the age of 25 are in elementary, unskilled occupations, including domestic workers. The same holds for women in the youth group above 24 years of age, but not for the males in the group.

### **2.6.2 Access to basic services**

The effective targeting of basic services towards the poor has the effect of targeting women and children. A study by the Human Sciences Research Council found that female-headed households, those comprising single women supporting children, and granny households, receive a larger-than-average share of social wage.

Easier access to clean, running water, proper sanitation and electricity eases the burden on women and young girls of having to fetch water and carry firewood from distances and reduces the labour of household chores. The lives of young people

are improved through increased access to household amenities, especially electrification of homes and telecommunications. It enhances their opportunities for education.

On the other hand, problems of quality and affordability of services reduce the impact of broader access. For example, women in households which can afford to use electricity only for lighting, and not for heating or cooking, do not reap the full improvement that electrification can bring to their lives.

### 2.6.3 Poverty

Poverty bears a disproportionately female face. The proportion of women-headed households has increased, and individuals living in female-headed households account for a larger share of poverty than their share in the population.

In 2005, more than half of the individuals considered poor in terms of both the R322 and the R174 line, lived in female-headed households. In contrast, only about 43% of the population lived in female-headed households. Income poverty experienced by women is associated with insufficient earned income. It reflects the high rate of unemployment of women; or low wages as a result of low skill and education levels and, in some instances gender discrimination. Income poverty therefore tends to be reproduced as a disproportionately female problem.

Second-economy interventions and measures introduced via AsgiSA and Jipsa do have positive impact for women. They need, however, to be extensively scaled up to make a lasting and substantial impact on the quality of life of the targeted groups.

Social security assistance in the form of social grants has been highly effective in reducing poverty and promoting social development and health. It has been a key driver in reducing poverty, particularly among the targeted groups. Of the 12 million grant recipients in 2007, the CSG accounted for eight million, the Foster Care Grant for 450 000 and the Care Dependency Grant for 100 000.

In other words, these three child-grants accounted for 70% of all beneficiaries. At least 90% of adult beneficiaries of the CSG were women, most of them between the ages of 27 and 33 years.

The distribution of food packages to needy households as part of government's food security programme reached 66 000 households during the last financial year.

Women form a large proportion of those whose wages have been increased as a result of sectoral determinations in sectors where the vulnerability of workers is high, such as domestic work and farm work.

#### 2.6.4 Health

Greater access to and availability of health services has benefited the targeted groups. Free healthcare was initially limited to pregnant and lactating mothers and children under six, but was extended in 1996 to cover primary healthcare services for all. There is now a maximum of two months' waiting time for a wheelchair, and the expansion of health infrastructure has brought health facilities closer to disability grant beneficiaries. Persons with disabilities are provided health services that are free at the point of delivery. Detracting from the impact of these advances is insufficient progress in providing better and safer public transport for persons with disabilities and mothers with babies.

The 1996 Choice on Termination of Pregnancy Act facilitated the realisation of reproductive rights and health. It has been a major victory for women's rights, empowerment and gender equality, and for the overall health and well-being of women and young girls. By 1999, the maternal mortality rate from abortions had decreased. The percentage of women with serious abortion-related morbidity had dropped from 16,5% to 9,5%.

With regard to maternal mortality in general, available data suggests a rise since 1997 (Statistics SA calculations for 1997-2003 based on Home Affairs *Causes of Death reports*; and Department of Health figures for 1999-2002 in reports on *Confidential Enquiries into Maternal Deaths*, which cover only deaths in public hospitals). According to the report on the *Third Confidential Enquiry*, non-pregnancy-related infections, including HIV and complications from hypertension, were the direct causes of 37,8% of maternal deaths. Women are more likely to be infected with HIV and AIDS at a younger age than men, and overall, women are more likely to be infected than men.

Government regulations have helped reduce micronutrient deficiencies, with significant impact on the lives and well-being of children. A reduction of childhood

mortality and illness from vaccine-preventable diseases has been driven through government's Expanded Programme on Immunisation. The programme has been tremendously successful with three-year immunisation campaigns and extension of the Integrated Management of Childhood Illnesses strategy to 67% of health districts in the country.

There is a need for more innovative approaches that improve access and address the needs of children infected and affected by HIV and AIDS, including ARV treatment.

Data from different sources suggest fairly stable infant and child (under-five) mortality with some decline. The absence of a decline comparable in scale to what is happening in most countries is largely associated with mother-to-child transmissions of HIV. On the other hand, great progress has been made in reducing stunting.

**Table 18: Severe malnutrition among children under five**

	2001	2002	2003	2004	2005	2006	2007
Severe malnutrition under five years	88 971	83 957	64 718	39 785	30 082	29 176	29 165

Source: *Development Indicators, 2008*, using data from District Health Information System

The impact of the CSG is reflected in a survey on children who had gone to bed hungry in the past year – it showed a steep decline of more than half in affirmative responses from 31,2% in 2002 to 16% in 2006 (van der Berg, S. *et al*, 2007).

### 2.6.5 Education

Compulsory education for children aged seven to 15 years has increased participation in the education system and the percentage of children with some secondary education.

Gender parity in education is being attained. Female learners are tending to perform better in primary and secondary schooling than their male counterparts. However, the comparatively higher repetition rate among boys in primary schools and the smaller number participating in or completing secondary schooling is a growing problem that needs addressing.

FET institutions were established in 1998 and these colleges are increasingly seen as an alternative to other schooling. They play a critical role in vocational skills development.

Because many young people face financial constraints to furthering their studies, government assists learners from poorer families through the National Student Financial Aid Scheme. In 2007, R1,3 billion was allocated to the scheme.

Women outnumber men in HE, suggesting that awareness of the benefits of education is increasing among girls and young women, recognising that education opens economic opportunities for an improved quality of life.

However, gender disparities are still evident with regard to adult literacy. While literacy is increasing overall, more female adults have no schooling at all (12,1% in 2007) than males (8,4%). Much improved access to ABET programmes by women would help change this. The mass literacy campaign, Kha ri Gude, should improve the situation. It began in April 2008 and aims to help 4,7 million people achieve literacy by 2012.

The transition from youth to adulthood is by nature complex and difficult. Without relevant institutions and pathways that provide broader life chances, such as the educational system, many young people are marginalised and, in their lack of hope and inability to reason, see violence, crime, substance abuse and involvement in various undesirable behaviours as their only recourse. The involvement of young people in illegal activities results in criminality being engraved in their behavioural patterns. They are initiated and hardened into adulthood by the criminal world. The Department of Correctional Services reports an increase in the number of juveniles serving lengthy sentences for violent crimes. High levels of youth unemployment and a high rate of young offenders in prison are reflections of serious deficiencies in the education system and the economy.

Those who drop out of school before completing their senior secondary education pose the most problem. They are unable to participate in the economy. There are few educational institutions to cater for them. They cannot make it in self-employment as evidence shows that success in this sector is associated with high levels of education and work experience.

## 2.6.6 Economy

A more economically enabling environment for targeted groups is the product of a range of measures, including legislation, policies, programmes and information services.

Women, youth and persons with disabilities have been the chief beneficiaries of internships, learnerships, youth-service programmes, the EPWP, entrepreneurships and small business initiatives. Minimum basic wage sectoral determinations have protected the rights and increased the income of domestic and farm workers, most of whom are women. The Unemployment Insurance Fund provides an additional social security net. However, there remains a challenge to ensure employer compliance and effective government monitoring and enforcement mechanisms.

Young people who are employable and not studying are the targets of specific programmes concerned with skills development and training, and are intended to provide work experience. They include the Work Placement Programme of Jipsa, the JOBS programme of the Umsobomvu Youth Fund (UYF), the South African Graduate Development Association, HE South Africa and School to Work Programme. These placement programmes improve young people's productivity, making them more attractive to employers. More than 20 000 offers per year have been made locally and more than 700 placements were made internationally.

Although more women are entering the labour market than before, it continues to be mainly at the entry and lower levels of the economic ladder. Gender and racial differences in the labour market are still pronounced. Less men are unemployed than women, and young people – male and female – are the most severely affected. This holds across the different race groups.

The gendered nature of employment and unemployment trends are indicative of a number of social constraints on women, including domestic and child-rearing responsibilities, employers preferring to employ men rather than incur obligations regarding maternity and family responsibility leave, slow change in attitudes favouring the employment and advancement of men and lack of workplace childcare and breast-feeding facilities.

### 2.6.7 Violence


Government has made a priority of reducing crime against the targeted groups, particularly women and children. Despite positive measures, including a multisectoral approach to this scourge, crimes against women, children and persons with disabilities remain a serious problem.

Increased reporting of cases is in part indicative of more confidence in the system and greater awareness among women and children of their rights. The volume of violent crimes against women, children and persons with disabilities is a continuing concern, and even more so the extent of violence involved. The trend in reported rape cases per 100 000 of the population has only begun to fall significantly below the 1994 level from 2005/06. This, together with the levels of intimate femicide, and violence against children, raises concern about social perceptions of masculinity, the violent nature of society and the gendered character of power between individuals. The annual 16 Days of Activism Campaign and 365 Days of Action Plan on eradicating violence against women and children have helped mobilise communities, change attitudes and catalyse action. But there is a need to bring about still greater change in attitudes.

### 2.6.8 Institutional arrangements

Government has set up institutional arrangements to drive the programmes to improve the lives of targeted groups. National coordinating structures have been created in The Presidency and provincial premiers' offices. Departments have established focal points. Independent commissions and parliamentary portfolio or joint monitoring committees exercise oversight. Coordinating frameworks, or "national machineries", are provided for in policy frameworks. These arrangements include the Office on the Status of Women, Office on the Status of Disabled People, Office on the Rights of Children and a Youth Desk, all located in The Presidency.

The gender machinery was formalised in 1997. It is tasked with driving initiatives towards gender equality and with a monitoring and evaluation and advisory roles. The CGE is a constitutional body tasked to promote gender equality and to advise and make recommendations to Parliament or any other legislature regarding any laws or proposed legislation which affect gender equality. The Joint Monitoring Committee on the Improvement to the Quality of Life and Status of Women, in Parliament, oversees government's implementation of policy and international agreements on women's empowerment.



The National Disability Machinery was established in 2007. It advises on, and oversees, the mainstreaming of disability issues in all spheres of government and sectors of society. Focal points, which are meant to exist in departments in all spheres, coordinate and monitor the development of disability-related policies and programmes and their implementation.

The Children's Rights Advisory Council is tasked with coordinating integrated policy implementation on children's rights.

A number of institutions make up the youth machinery. In government, the national and provincial youth commissions are responsible for coordination, advocacy and lobbying. The UYF is responsible for access to economic opportunities. They all have responsibility for mainstreaming youth development in sector policies and programmes. The Youth Development Forum is a private-sector initiative and the South African Youth Council serves as a voice of civil-society organisations.

The Youth Commission, CGE and HRC were set up outside of the Executive and account on their core mandate directly to elected representatives in the National Assembly.

All four national machineries have collaborated successfully with civil society and other relevant partners, to differing degrees.

While these institutional arrangements for driving the issues of targeted groups tend to be acknowledged internationally as best practice, closer to home one finds challenges in their operation. Chief among these is the matter of inadequate resourcing, financially and in terms of human capacity. Related to this is a problem of policy frameworks without legal status and therefore not legally binding. These challenges apply particularly to the national gender machinery.

Also, local government still needs to replicate the institutional structures, strengthening the accountability of municipal managers for driving the issues of the targeted groups at grassroots level.

Technical capacity to drive the agenda of the targeted groups is proving challenging, particularly mainstreaming the issues in day-to-day work across sectors. Focal persons tend to be placed at junior or middle management levels in government rather than decision-making and strategic management levels. This tends to sustain

marginalisation of the issues. Reviews, including by the Public Service Commission, indicate poor levels of compliance with policy frameworks governing the targeted sectors.

Current frameworks for monitoring and evaluation are insufficiently sensitive to targeted groups, resulting in a lack of disaggregated data to inform proper planning. Although South Africa is party to several global and regional instruments on advancing and promoting development of targeted groups, reporting compliance in general is piece-meal and treated less seriously than it should be.


The review of the Chapter Nine institutions which Parliament undertook in 2007 made several recommendations regarding the commissions on human rights, gender equality and youth. The main thrust was to clarify mandates and improve effectiveness and coordination. It proposed the establishment of an umbrella human rights commission in the medium term, into which the CGE, the Youth Commission and the HRC might be incorporated.

This recommendation, along with alternative proposals such as the need to merge the UYF and the National Youth Commission into a National Youth Development Agency or the setting up of a Women's Ministry, constitute part of the ongoing debate on the need to strengthen these machineries. Related to this are questions about the right relationship between state structures and civil-society activism; and about the right balance between integration of issues and a programmatic approach that many argue would undermine mainstreaming.

## **2.7 Major transversal post-2004 initiatives**

The MTSF for 2004-2009 outlined the strategic approach required to fulfil the popular mandate and elaborated major programmes to achieve its objectives. In the course of implementation, the nature of the challenges and the efforts required to navigate them were more clearly appreciated and articulated. This had to do with appreciation of new opportunities and the need for decisiveness in the agency of leadership. It reflected both a new level of confidence in wielding instruments of governance and a willingness to adapt to changing circumstances.

Some of the post-2004 initiatives were set in motion at the beginning of the mandate period and refined with experience. Others emerged in the course of implementation. The most significant of them fall into a few categories.



One set of post-2004 initiatives involves the integration of formerly separate suites of interventions within a comprehensive strategic framework.

AsgiSA was established to provide integrated focus on growing the economy in a way that benefits all. Constraints to such growth were systematically diagnosed and interventions identified. Further, integrative structures were set up, led by The Presidency and especially with Jipsa, involving relevant social partners in actual implementation. Building on the shared commitments of the 2003 Growth and Development Summit, AgsiSA gave practical attention to the lesson that the state can only succeed in this critical area if it works with social partners.

The development of a comprehensive anti-poverty strategy, initiated in 2006, will mean more integrated and therefore more impactful implementation of the various programmes whose aim is to alleviate poverty, reduce inequality and promote social inclusion. The new approach is not only more comprehensive in the scope of programmes involved. Besides integrated supervisory mechanisms, the method of implementation emphasises field work entailing interaction with specific households. This proceeds from the premise that government institutions have to reach out to households in need rather than merely waiting for them to “come” to government.

The two-year joint review of the criminal justice system by government and Big Business has prepared the way for an integrated anti-crime strategy and a revamping of the system.

An integrative initiative taken early in the mandate period, but which has taken somewhat longer to mature, is the new emphasis on economic diplomacy. Besides the actual content of the initiative, here the aim is to see that the departments and agencies engaged in South Africa’s relations with others work together to ensure that our international relations promote economic growth and inclusion.

A second category of post-2004 initiatives consists of major reviews of critical areas of policy. Like the first category, they will also mean more comprehensive and coordinated approaches to policy and implementation.

Among them was the process that led in early 2008 to Cabinet adopting the National Industrial Policy Framework (NIPF) and Industrial Policy Action Plan. This opened the way for a range of departments to focus in a more effective and coordinated way on microeconomic reform and restructuring of the country’s productive capacity.

Then there is the work being done towards a comprehensive social security system, cutting across several departments.

Still to take shape but on the agenda is a comprehensive and integrated approach to enhancing social cohesion.

A third and final category is at a more conceptual level. It is the crystallisation and congealing of ideas on how government should operate.

In particular, the concept of a developmental state for South African conditions has taken clearer shape. Critical aspects of such a state – developed in more detail later – include national leadership to unite all of society in action on a shared agenda.

Among the issues that are central to this initiative are the strengthening of monitoring and evaluation capacity, systematic review of permutations of executive structures and tightening the regime of intergovernmental relations. Further, yearly programmes are now more clearly articulated and the monitoring of their implementation strengthened. During this period, reflecting a better grasp of planning instruments across the three spheres, government updated the National Spatial Development Perspective and started the process of aligning PDGS and municipal integrated plans with it. More than half the country's districts have already either completed the alignment or enrolled into intensive work in that direction. It is in this context that the issue of long-term strategic planning has arisen.

Improvements in conceptualisation, medium-term planning, integration and alignment partly explain the ease with which government was able, some 18 months before the end of its mandate period, to identify a set of 24 “Apex Priorities” with a double purpose: to catalyse faster movement in realising government's agenda and to complete implementation of the 2004 popular mandate.

