



GLOBALISATION, MARGINALISATION & NEW SOCIAL
MOVEMENTS IN POST-APARTHEID SOUTH AFRICA

A joint project between the Centre for Civil Society and the
School of Development Studies, University of KwaZulu-Natal

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REWARDING ENGAGEMENT?: The Treatment Action Campaign and the Politics of HIV/AIDS

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2004

Long version.

A case study for the UKZN project entitled: Globalisation, Marginalisation
and New Social Movements in post-Apartheid South Africa

This study was commissioned as part of a broader research project entitled *Globalisation, Marginalisation & New Social Movements in post-Apartheid South Africa*, a joint project between the Centre for Civil Society and the School of Development Studies, University of KwaZulu-Natal. The project was funded primarily by the Ford Foundation and Atlantic



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Philanthropies whose support is gratefully acknowledged. For more information, visit: <http://www.ukzn.ac.za/ccs/> and click on 'social movements' under 'research'.

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In early 2001, when multi-national corporations were meant to have become invincible, a group of demonstrators were able to pressure international pharmaceutical firms, represented by the Pharmaceutical Manufacturers' Association (PMA), to abandon their court action which sought to prevent the South African government importing cheaper generic medicines.¹ Before and after the case, the companies had responded to criticism of their pricing policies by reducing the price of medication to Southern countries. In late 2003, the South African government sanctioned a plan to distribute anti-retroviral medication (ARVs) to people living with HIV/AIDS, a course of action it had resisted until then.²

The common thread between the two events was the pivotal role of the Treatment Action Campaign (TAC). It had been responsible for the 2001 demonstrations and had also played a pivotal role in a campaign to win access to ARVs as part of its attempt to win adequate treatment for people infected by HIV and AIDS. This second victory helped confirm TAC's iconic status internationally and at home. The organisation and its chair, Zackie Achmat, have received a variety of international awards and have been nominated for the Nobel Peace Prize.³ TAC has also been cited repeatedly as a model of a social movement which has succeeded in winning gains for its constituency: to name but one example, TAC was said to have served as a model for a campaign by the SA Council of Churches (SACC) and National Land Committee (NLC) for the expropriation of land from absentee landlords.⁴

Is TAC a model for other social movements? Are its methods effective? Has it developed ways of winning gains which could be adopted by others seeking to champion demands for greater social equity? Beyond that, does TAC offer an approach which enables the poor to claim the rights promised by democratic citizenship? These questions have ramifications well beyond the – important – question of how people infected with HIV/AIDS can be heard and can so claim a respected place in society.

Unlike a previous wave of democratisation, the current spread of democracy to many countries has not brought reduced social inequality. A key reason is that the poor have been unable to use their democratic rights to win policies and programmes which might reduce inequality as classic forms of organisation such as trade unionism are rendered less effective by the fact that changes in the labour market exclude many of the poor from the formal workplace.⁵ There is, therefore, a

¹ Treatment Action Campaign *An Explanation of the Medicines Act and the Implications of the Court Victory* Treatment Action Campaign Statement on the Court Case 24 April 2001

² "TAC Welcomes Cabinet Statement Committing to Antiretroviral Treatment Rollout" *TAC News Service* (moderator@tac.org.za) 8 August 2003

³ "TAC Responds to American Friends Service Committee Nobel Peace Prize Nomination" *TAC News Service* (moderator@tac.org.za) 2 December 2003

⁴ Jaspreet Kindra "TAC Model for Land Campaign" *Mail and Guardian* December 14 2001

⁵ See Steven Friedman "Equity in the Age of Informality: Labour markets and Redistributive Politics in South Africa" *Transformation* 50, 2002

pressing need for effective approaches which will enable the poor and weak to use democratic freedoms to win greater equity. Given its reputation as a model, studying TAC's experience may shed some light on possibilities for effective social activism in current circumstances.

This paper is a modest attempt to address that need. It examines TAC, its history, key characteristics and strategies in an attempt to suggest some implications for ways in which democracy can also yield greater social and economic equity.

Method

The study relies largely on qualitative interviews with a wide range of TAC activists and officials: 43 such interviews were conducted and interviewees ranged from the national chairperson of TAC to grassroots participants. Interviews were conducted with national leadership at TAC Head Office as well as with officials and activists in Western Cape, Gauteng and KwaZulu Natal. While the selection of interviewees is heavily weighted to metropolitan areas, it does encompass the major centres of TAC activity. One of us also attended TAC's national conference, branch meetings and social functions. While some grassroots activists were wary of speaking to researchers after previous experiences with the media in which they felt that they were not quoted accurately, TAC and its officials were, in the main, extremely co-operative.

Interviews were also sought with institutions and organisations which deal with TAC – government, pharmaceutical companies, allies such as the Congress of SA Trade Unions (Cosatu) and other social movements - since we believed that a more accurate picture would emerge if we researched how others saw TAC as well as how it sees itself. Four such interviews were conducted but co-operation from government and pharmaceutical firms was extremely limited: only one company, Boehringer Ingelheim, agreed to see us – two others, Pfizer and GSK (GlaxoSmithKline) refused but did not give reasons. Two senior Department of Health officials, Dr Nono Simelela and Dr Humphrey Zokufa, agreed to meet us but repeatedly cancelled meetings. It is unclear to us whether they were reluctant to be interviewed or simply would not fit us into their schedules. This obviously detracts from the balance of our report since no government position is reflected, but, by the time it became clear that the department would not see us, no time remained to attempt to schedule other government interviews.

Interview material was supplemented by documents as well as secondary literature. Gaining access to documents was extremely easy since TAC operates openly and we are unaware of any documentation which was withheld from us. Indeed, much of the material we required was available freely in electronic form.

Anatomy of the Movement: TAC's Key features

TAC is a movement which campaigns for affordable treatment for people living with HIV and AIDS. According to TAC, its goals are: to “ensure access to affordable and quality treatment for people with HIV/AIDS”: to “prevent and eliminate new HIV infections”; and to “improve the affordability and quality of health-care access for all”. It was launched on 10 December 1998, International Human Rights Day, to “campaign for greater access to treatment for all South Africans, by raising public awareness and understanding about issues surrounding the availability,

affordability and use of HIV treatments”. TAC says it also “campaigns against the view that AIDS is a ‘death sentence’”.⁶

As noted above, it is regarded by many as the most successful of the South African social movements since it is seen to have led the campaign which pressured the Cabinet into approving the “roll out” of ARVs to people living with AIDS and to have played a role in pressuring international pharmaceutical companies into abandoning their court case against the importation of generic drugs. Although TAC’s role in securing concessions from the government is probably better known, its founders expected it to be engaged in winning changes from pharmaceutical companies: when it was formed, a government position based on denying the link between HIV and AIDS and opposing the “roll out” of ARVs was not anticipated.⁷ It was, partly, the government’s failure to respond to the withdrawal of the PMA attempt to halt the import of generic drugs by “rolling out” ARVs which prompted its clash with TAC.

The organisation employs a multi-strategy approach to campaigning, and its methods range from civil disobedience –and, on several occasions, importing medication in contravention of patent law - and street demonstrations through action in the courts (the AIDS Law project at the University of the Witwatersrand works closely with TAC) to measured pamphlets spelling out scientific arguments. In TAC’s own understanding it maintains its visibility ‘through posters, pamphlets, meetings, street activism and letter writing’.⁸ TAC is not only a campaigning organisation: it also runs programmes which provide important services to its members. Perhaps the most important are the treatment project, which provided medication for a limited number of TAC and ‘community’ members,⁹ and the treatment literacy campaign which offers advice to people undergoing or administering treatment.¹⁰

Both, however, have a political purpose as well as a “service” dimension. The attempts to equip people living with HIV and AIDS with information tend to include, alongside practical advice on how to cope with HIV/AIDS and how to take treatment, content which may raise consciousness as well as providing helpful practical information on coping with the virus.¹¹ The treatment project was and is also a way for TAC to show sceptics, including those in the government, that ARV programmes can be implemented effectively, despite repeated claims that patients will not take their medication in the required manner. It has also put in place structures to buttress the treatment project –preparation workshops and a network of councillors who undertake home visits. It argues that this support is essential if an ARV programme is to be effective and has criticised the government for not beginning this process, which it insists is essential to the ARV “roll out”. The exercise is, therefore, a campaigning tool, and a demonstration of the role TAC could play in the “roll out”, as well as a service. TAC has also, combined service provision with civil disobedience – when it imported generics, ignoring the patents held by pharmaceutical companies.¹² So, even where TAC is providing a service, an attempt to win policy change is crucial to its operation.

The treatment campaign would seem to have potential to prompt conflict in TAC because some members receive treatment and others do not. However, members are said to understand that only

⁶ *About TAC* www.tac.org.za

⁷ Interview, Mark Heywood, TAC Treasurer March 29, 2004, Johannesburg

⁸ “About TAC”

⁹ Interview, Ntombozuko Khwaza TAC W Cape Provincial Treatment Project Coordinator February 18 2004 Muizenberg;

¹⁰ “Treatment Literacy” www.tac.org.za; Interview, Nomfundo Dabula TAC W Cape Provincial Treatment Literacy Coordinator,; February 18 2004 Muizenberg; Interview, TAC Volunteer, December 12, 2003, Durban

¹¹ Interview, Bongzi Mkhutyukelwa, Treatment Literacy Coordinator TAC KZN Province, Jan 28 2004 Durban

¹² “Activists Import Generic AIDS Drugs to South Africa” *Reuters Health Information* 1 February 2002 <http://www.hivandhepatitis.com/recent/pricing/020102c.html>

some can receive treatment and TAC activists stress that the people chosen are those “who would be the most likely to be successfully treated given our limits”.¹³ The candidates are also chosen from lists put forward by the branches and the support groups affiliated to them¹⁴ and by clear criteria which are available to TAC members.

Finances and Internal Organisation

Social movements are seen by some analysts and intellectuals active in them as new forms of organisation, a point to which we will return. How new is TAC’s structure?

TAC is in many ways a conventional membership organisation, although important aspects of its internal structure are unconventional. Thus there seems no clear-cut distinction between members – who usually do not pay dues but do fill in membership forms, allowing TAC membership to be quantified – and ‘supporters’, ‘volunteers’ or ‘activists’.¹⁵ Indeed, one official insists that “‘volunteers’ and members are really the same thing”.¹⁶ The primary means of becoming a member is to join a TAC branch¹⁷ and officials and activists usually seem far more comfortable quantifying the number of branches than members (thus one activist put the membership at almost four times its actual size). And, while some branches do charge a small membership fee,¹⁸ this does not seem to be the norm. It may, therefore, be more accurate to describe people active in TAC as ‘participants’ rather than drawing a clear distinction between members and supporters. Membership does become relevant in the election of office bearers although even here there is divergence from the norm: while members do elect its national executive committee, social sectors are also represented - children, youth, faith based organisation, health care professionals and labour.¹⁹ Thus Cosatu is automatically represented on the TAC National Executive.²⁰ In KwaZulu Natal, clinic staff including doctors and nurses, as well as local councillors, are encouraged to attend TAC meetings.²¹ While the recruitment of individuals as members is an important route to participation in TAC, it cannot be seen as an entirely conventional membership organisation.

Membership in early 2004 was said to be around 8 000²²: this had risen to 9 500 by mid-year, although TAC acknowledges that some people listed as members have died.²³ This is a very small percentage of the 5m people estimated to be living with HIV and AIDS, although the fact that TAC draws some of its membership from people living with a virus and that some members lose their lives is, in the view of its leadership, one reason for its limited size.²⁴ An activist suggests also that the stigma of being identified as HIV positive is a deterrent to membership: “some people who are not HIV positive will avoid hanging around with me or joining TAC because they are afraid that they will automatically be assumed by their community to be HIV positive.”²⁵ TAC

¹³ Interview, Khwaza

¹⁴ Interview Syndi Blose, TAC Treatment Project Coordinator, KwaZulu Natal, January 28 2004 Durban

¹⁵ Interview Nondumiso Mvinjelwa TAC Western Cape Provincial Administrator February 18 2004 Khayelitsha; Interview Gugu Mpongose Deputy Chairperson TAC KZN Provincial Executive Committee and KZN provincial representative to the TAC NEC, Dec 12 2003, TAC KZN office Durban; Interview Sfiso Nkala TAC KZN Organiser Dec 3 2003 TAC KZN office Durban

¹⁶ Interview Ralph Berold TAC Human Resource Manager February 19 2004 Muizenberg

¹⁷ Interview Thabo Cele TAC KwaZulu-Natal Co coordinator Dec 3 2003 TAC KZN office Durban

¹⁸ Observation of TAC University of KwaZulu Natal TAC branch meeting October 15 2003 Durban

¹⁹ Interview Cele

²⁰ Interview, Jacqui Mpolokeng HIV/AIDS Co-Coordinator COSATU 17 May 2004 Johannesburg

²¹ Interview Nkala

²² Interview, Zackie Achmat TAC Chairperson February 19 2004 Muizenberg; Interview Nathan Geffen TAC National Manager February 19 2004 Muizenberg. A communication from TAC in early January gave a membership of 7 698 but with the rider that it had increased since this count by an unspecified amount. Rukia Cornelius to Shauna Mottiar, 6 January, 2004

²³ Personal Communication, Geffen, 23 July, 2004

²⁴ Interview, Achmat

²⁵ Interview, Mpongose

activists point out that the numbers participating in its marches – which they estimate at between 8 000 and 15 000 – indicate an ability to mobilise people well in excess of its membership.²⁶ TAC officials insist that its strength is not based on numbers – a view strongly endorsed by activists in other social movements who insist that influence stems from assets other than the size of membership.²⁷ But TAC leaders recognise that the size of its base does constrain it by ensuring that it cannot undertake some campaigns and cannot win issues by organised strength alone.²⁸

TAC has grown in size, scope of activities and funding. Unlike most social movements, it has become an organisation with substantial full-time staff, administration, and donor-funded programmes – features more often associated with non-governmental organisations than social movements. Thus it currently employs 40 people and has a budget of R18m²⁹ - roughly double the income for the 2002-2004 financial year. Predictably, since it does not charge membership fees, all revenue is sourced from donations. In the 2002- 2003 financial year, the last for which audited statements have been published, 98% of income was derived from grants from ten donor organisations – the rest from individual donations to, for example, the treatment campaign.³⁰ The largest donors were the church aid programme Bread for the World and Atlantic Philanthropies, a US-based private foundation.³¹ Previous donors have included the European Union's Foundation for Human Rights and current new grantors include the Open Society Foundation of South Africa, Swedish International Development Agency, Belgian and Norwegian governments and the Ford Foundation. The presence of several official donor governments as funders despite TAC's opposition to government policy and its civil disobedience campaign suggests a growing "respectability" but this does not mean that official donor misgivings have disappeared - "some are nervous of TAC because they see us as too critical of government".³² Funding is donated both for core costs (used as general funding) and specific purposes. The largest donation, from Bread to the World, is core funding whose only condition is a stated preference that some be used on workshops.³³ TAC does not accept donations from the South African government or pharmaceutical companies³⁴ - or from some official international donors such as USAID because "it is seen to promote the interests of the US government".³⁵

The bulk of TAC activity remains concentrated in the provinces which house the country's three largest urban centres – Gauteng, Western Cape and KwaZulu Natal. Within those provinces, the metropolitan areas are the prime focus of membership. However, it does have active branches in smaller towns in KwaZulu Natal and Western Cape particularly, and is seeking to build a presence in provinces which are further removed from the major urban centres.³⁶ The Eastern Cape rural town Lusikisi is, for example, the site of an active branch.

Political Loyalties

²⁶ Interview, Geffen

²⁷ Interview, Ashwin Desai, Researcher and activist, May 19 2004, Durban; Interview Dale McKinley, Anti-Privatisation Forum, May 25 2004, Johannesburg

²⁸ Interview, Siphon Mthathi TAC Deputy Chairperson and National Treatment Literacy Coordinator February 19 2004 Muizenberg

²⁹ Interview, Heywood

³⁰ Interview, Nonkosi Khumalo TAC National Treatment Project Coordinator February 19 2004 Muizenberg

³¹ Other donors of grants were (in order of size of donation): Medicins sans Frontieres, Rockefeller Foundation, South African Development Fund, Kaiser Foundation, UNAIDS, an anonymous international pop star, AIDS Foundation of SA and Oxfam. "TAC Audit for Year Ending February 2003" Financial Documents *Funding and Finances* www.tac.org.za

³² Interview, Geffen

³³ Interview, Dawn Wilson, TAC Financial Manager, April 1, 2004

³⁴ *Funding and Finances* www.tac.org.za

³⁵ Interview, Geffen

³⁶ Interview, Heywood, Interview, Geffen

TAC is not affiliated to a political party and members are said to support a variety of parties.³⁷ “TAC is a political movement, but not a party political movement”.³⁸ At least one branch reports maintaining contact with several parties.³⁹ According to one interviewee, tension between African National Congress and Inkatha Freedom Party supporters surfaced in a KwaZulu Natal branch: the ANC supporters were reluctant to take ARVs, reflecting government policy at the time, while IFP supporters were more likely to take them. TAC members also arrived at branch meetings wearing party T-shirts.⁴⁰ This mirrors similar conflicts in the early days of the trade union movement⁴¹: once movements begin to recruit members on the strength of a common interest (in treatment for people living with HIV/AIDS in this case), a membership with diverse political loyalties is likely – and may become a key challenge for the organisation since leaders may have strong political loyalties which are not shared by all members. In TAC, ANC members are numerically dominant⁴² – as they probably are in most membership organisations given the size of the ANC’s electoral majority. Treasurer Mark Heywood says TAC is “neither anti-government nor anti-ANC”⁴³. It is prepared to oppose both fiercely if needs be but does appreciate that “if there is a party composed of the poor, it is the ANC”.⁴⁴ Frequent statements by Achmat that he is a “loyal member of the ANC” elicit criticism from activists in other social movements.⁴⁵ Senior officials acknowledge that, while TAC has endorsed the role in the ARV “roll-out” of the ANC-NNP Western Cape government, taking the same stance would have been very difficult – perhaps impossible – if the province was governed by the Democratic Alliance.⁴⁶ So, despite its political independence and diversity, TAC has a political identity which ensures a relationship with the government and ANC unlike that of most social movements.

Its relationship with the ANC is more complex than its critics might suggest. Achmat has called in public for the democratisation of the ANC which, he argues, largely ignores civil society. And, in an interview before the 2004 election, he suggested that “The ANC would like TAC to endorse a boycott of elections so that we can lose legitimacy”.⁴⁷ Nor did substantial ANC support within TAC dissuade it from launching a civil disobedience campaign in which, among other actions, it attempted to charge the Ministers of Health and Trade and Industry with culpable homicide. TAC’s approach to the ANC is not, therefore, straightforward loyalty.

To social movement activist Ashwin Desai, this mixture of sympathy and opposition is a legacy of Achmat and Heywood’s days in the Marxist Workers’ Tendency, which sought to remain in the ANC while criticising it from a left perspective. He suggests that this is an inappropriate stance for social movements, which should work entirely outside the party political terrain.⁴⁸ But, given that a degree of internal democracy is available to TAC members (see below), it is highly unlikely that two leaders would be able to shape the entire direction of the organisation unless their preferences were broadly consistent with membership sentiment. Attributing TAC’s political stance purely to the politics of two of its leaders therefore describes only a part of reality. The ANC is the expression of the political identity of many TAC members – but one which does not impel them into loyalty to it when it is seen to deny or obstruct treatment to people living with HIV/AIDS.

³⁷ Interview, Mithathi

³⁸ Personal Communication, Heywood, 9 July 2004

³⁹ Interview, Bulelani Mvotho TAC Khayelitsha District Organiser February 18 2004 Khayelitsha

⁴⁰ Interview, TAC Tongaat branch member, December 12, 2003, Durban

⁴¹ Steven Friedman *Building Tomorrow Today: African Workers in Trade Unions*, Johannesburg, Ravan Press, 1985

⁴² Interview, Mithathi

⁴³ Interview, Heywood,

⁴⁴ Personal Communication, Heywood, 9 July 2004

⁴⁵ Interview, Desai; Interview, McKinley

⁴⁶ Interview, Geffen

⁴⁷ Interview, Achmat

⁴⁸ Interview, Desai

The closest analogy is to TAC's ally Cosatu which is loyal to the ANC but independently pursues its interests when these conflict with ANC policy and practice – although the analogy has clear limits since Cosatu is a formal ANC ally while TAC is not.

Interests and Identities

Why do people join TAC? Because they are HIV-positive and rely on collective action to claim the medication they want the state to provide to them? Or because they are socially aware people who feel strongly about the claims of people living with HIV and AIDS? The distinction between organisations which pursue interests and those united by values can be a significant divide between associations engaged in collective action: motives for belonging can tell us something about the role, strategic challenges and survival prospects of organisations. But it would be misleading to classify TAC as an interest-based organisation or one flowing out of social concern because it is clearly both.

Discovering accurately how many people join because they are HIV positive, how many for other reasons is not possible since it is an article of faith within TAC that people should not be required to reveal their HIV status (although they are encouraged to do so). Estimates of the relative proportion of people living with HIV and AIDS and those who are active for other reasons therefore range between 50-50⁴⁹ to 70% HIV positive.⁵⁰ And, of course, it is possible for people to join for both reasons – Achmat is both HIV positive and a veteran left activist. Members or supporters who are not HIV positive are active not only as a result of a broad social commitment but, in some cases, because people in their lives – friends, family members - have been infected.⁵¹ Common sense might suggest that people at the grassroots are more likely to join because they are HIV positive, while senior leaders are more likely to be motivated by a social cause. But a crude distinction between social activists concentrated at the top and HIV positive people at the bottom does not bare scrutiny. Not only are several senior office bearers HIV positive, but grassroots activists join for a variety of reasons: motives for participation offered by a group of KwaZulu Natal branch members included parents and children who are infected with the virus and a public-spirited desire to spread awareness in their residential areas.⁵² That said, there is a divergence, again analogous to the trade union movement (in its formative years) between people at the grassroots joining for functional reasons and middle-class activists who join to pursue a social agenda. Ensuring that the gap between them does not create destructive tensions is a key TAC challenge.

Clearly, the main reason for participating in TAC remains interest rather than identity: people join because they wish to see people living with HIV and AIDS receive treatment, whether they do so because they need the medication or identify with others who do. While Achmat's identity as a gay man of Muslim background is often commented on – and TAC might remember with respect and affection Simon Nkoli, a gay human rights activists who succumbed to AIDS and is cited as one of its “catalysts”⁵³ - TAC is not primarily a vehicle for gays and lesbians, who seem to make up a

⁴⁹ Interview, Geffen

⁵⁰ Interview Pholokgolo Ramothwala TAC Gauteng Provincial Coordinator March 18 2004 Johannesburg

⁵¹ For example: 'The reason I participate in TAC is because I have 2 sisters who are ill'. Interview, Nomvula Khumalo Treasurer TAC KZN PEC Dec 3 2003 Durban; 'I participate in TAC because I believe in the need for social service – I also know someone who died of AIDS and I am angry about it because, given the appropriate treatment, it need not have happened'. Interview Kathleen Pithouse Chair TAC UND Branch Dec 4 2003 Durban; 'I joined TAC because I am a parent affected by AIDS – I am a trained councillor and received further training from TAC'. Interview, Verulam Volunteer December 12 2003

⁵² Interviews, KZN branch members, December 12, 2003

⁵³ Interview, Heywood. In a similar vein, he mentions Gugu Dlamini, who was murdered because she openly declared her HIV positive status.

fraction of participants. The fact that many in TAC identify broadly with the ANC clearly does not mean that political identity is a spur to the sort of action in which TAC engages. About the nearest we are likely to come to an identity-based rationale for TAC activities, then, is that it is more likely to attract people who identify with a broadly left-wing perspective, at least in the sense that they believe that social action to secure state provision of necessities is desirable. But in the main, interest in treatment, or identification and empathy with those who need it, is the spur rather than religious, political or social identities.

Interviewees repeatedly stressed that more was at stake for people at the grassroots than the hope of receiving medication. Many noted the sense of hope, efficacy and self-worth which people drew from TAC. “TAC approaches HIV differently. It talks and teaches positive living, that this illness is not a sin – life is not wasted or less valuable, it must go on. TAC is an organisation for the people, it works directly with people –look how closely it works with support groups like ours, people who come to us are the poorest of the poor, those with no resources, education, information- that is why they come to TAC meetings, as well as in the hope of getting treatment.”⁵⁴ . TAC also seeks to play a role in eradicating the stigma of HIV/AIDS and to “provide vital information about HIV which the ordinary person has trouble accessing- TAC is there for the man or woman at ground level”.⁵⁵ People join TAC, in one activist’s view, not only “because it is vocal about an important issues concerning them and has no political agenda” but because “it is a forum to share the experience and pain of living with HIV”.⁵⁶ “TAC’s biggest success has been that it has gone some way to ending discrimination about HIV AIDS. People are not afraid to be open about their HIV status any more”.⁵⁷ “ I would be dead by now if it wasn’t for TAC – they gave me the courage to accept my status and be open about it.”⁵⁸ To some extent, living with HIV and AIDS can itself define the identity of participants, giving TAC an identity dimension even as it pursues a cause shaped by a common interest.

Given that TAC’s key concern is to win effective treatment for people too poor to be able to afford it from private sources, it is perhaps inevitable that its grassroots branch membership will be composed largely of poor, black, people whose social circumstances and lack of access to the resources which make political influence possible set them apart from a middle-class activist leadership. According to Achmat: “The demographics of TAC are 80% unemployed, 70% women - the group most affected by HIV, domestic violence and violence in schools - 70% in the 14-24 age group and 90% African”.⁵⁹ So TAC does speak for some of the society’s most marginalised people who do not share any of the advantages available to middle-class activists and who therefore may be unable to shape the organisation’s strategy. This raises two dangers – that the concerns of the grassroots are not informing the agenda of the leadership and that TAC is in danger of conflict as grassroots leaders feel that their route to playing an effective role in the organisation is blocked. Again there is an analogy with the formative period of the trade union movement: initially, talented worker leaders, who had no difficulty operating effectively in the workplace, found it difficult, given their limited formal education, to graduate into leadership positions which required a grasp of technicalities usually available only to people with more schooling (and, often, familiarity with English).

The first issue is dealt with in our discussion of decision-making. The second, TAC officials and activists insist, is acknowledged as a problem and significant efforts are being made to ensure that

⁵⁴ Interviews, Grassroots activists, January 28, 2004, Durban

⁵⁵ Interview, Mvotho

⁵⁶ Interview, Mvinjelwa

⁵⁷ Interview, Nkosi Mthethwa Chair TAC KZN PEC Dec 3 2003, Durban

⁵⁸ Interview, activist

⁵⁹ Interview, Achmat

grassroots leaders are empowered to take on the task of national leadership too. There is, Heywood acknowledges, “a tension between the profile of the leadership and the base”. Effective grassroots leaders, he notes, “are often quiet at NEC meetings but active on the ground”. But he adds that an attack on him by Health minister Manto Tshabalala-Msimang who referred to him as a “white man” and accused him of manipulating black people,⁶⁰ reminded TAC leadership “of the need to “ensure that grassroots activists led the organisation at the top”.⁶¹ He says that TAC has sought to empower people to rise in the ranks through workshops and training courses - “we can’t simply promote people for being loyal”. Another technique to empower TAC members is the “parallel hiring method” in which people are promoted in staff jobs and someone is hired alongside them to train them until they can take over. TAC has a leadership programme which involves 5 workshops a year dealing with social and political issues and constantly send rising activists on courses to enhance their skills. KwaZulu Natal provincial co-ordinator Thabo Cele, who began his TAC participation as a branch member, is cited as a leader who has emerged from the grassroots: he took the podium on behalf of TAC at an international AIDS Conference in Thailand. Other examples of people who have risen through the ranks are Deputy Chair Siphon Mthathi and National Secretary Mandla Majola. National Treatment Project Coordinator Nonkosi Khumalo rose in the staff hierarchy: she was employed as TAC executive secretary, then became Women’s Coordinator before being appointed to her present position.

Mthathi, while acknowledging different layers of leadership within TAC, insists that there is no conflict between them: the real conflict in TAC, she argues, is one within individual activists as well as between them over where to locate TAC’s work within wider social concerns. She adds that the new TAC leadership is still trying to shape their political views and create a space for themselves in the new society. TAC gave them this space and it was its challenge “to bring everyone’s strengths together”.⁶² This also creates the possibility, of course, of TAC adopting differing political strategies in the future if this is the preference of its newly emerging leadership. Later generations of union leaders, emerging from the grassroots, did adopt more overtly political positions than the first generation of largely middle class leaders.

The debate over wider concerns raises the question of whether TAC participants, whether or not they are HIV positive, see it as a vehicle for winning broader social change – or simply as a means of securing treatment for people living with HIV and AIDS. One of TAC’s founders, Heywood, insists that no broader political agenda lay behind its formation, despite his and Achmat’s history of left-wing activism. It is concerned, he observes, “with the politics of health, not politics *per se*.”⁶³ Achmat is unequivocal: “We want to get medicine to people - we don’t want to cause a revolution”⁶⁴

Many activists and officials see TAC’s future purely as a participant in the fight for treatment for people living with HIV and AIDS⁶⁵ – either by taking forward the fight for treatment or by, for example, “making sure that people who are HIV positive have access to their social grants so that at least they can have sufficient nutrition”.⁶⁶ “In the next 5 years or so, if the roll out goes as

⁶⁰ The Minister said people “come with busses and go to commissions where they wait for the white man to tell them what to do...Our Africans say: Let us wait for the white man to deploy us; to say to us: toyi-toyi (protest) here.”

<http://www.massiveeffort.org/showstory.asp?id=1227>

⁶¹ Interview, Heywood

⁶² Follow-up interviews, Heywood, Mthathi, Geffen, June 2004

⁶³ Interview, Heywood

⁶⁴ Interview, Achmat

⁶⁵ For example Interview Mandisa Mbali TAC UKZN Durban Coordinator Dec 8 2003 Durban; Interview, Mpongose, Interview Johanna Ncala TAC Gauteng Treatment Literacy Coordinator March 24 2004 Johannesburg

⁶⁶ Interview Dudu Dlamini TAC Gauteng Treatment Project Coordinator March 24 2004 Johannesburg

planned, TAC will have a role as a social movement dealing with issues such as human rights related to HIV infected people, orphans and disabilities".⁶⁷ TAC is criticised by a social movement activist because it is said to refuse to place its campaign in the context of government macro-economic policy.⁶⁸ But this focus on immediate goals may accurately read the needs of many of its constituents, who see TAC as an instrument to win treatment, not of broader social change. And it may read accurately a more general reality in social movements. Thus Andile Mngxitama of the Landless People's Movement (LPM) argues that the belief among some activists that participants in social movements share their left perspectives overstates their "revolutionary" impulse: "As a LPM leader explained recently to the disappointment and chagrin of the 'revolutionary left': 'We want the government to listen to us'"⁶⁹ Nor is to focus on HIV/AIDS alone necessarily to avoid the unequal distribution of power and resources: TAC leaders are convinced that their campaign for treatment in itself addresses some of these inequalities – Heywood describes the 2000 initiative to import generic drugs in defiance of company patents as "our first campaign on a structural issue".⁷⁰

But an expectation that TAC should play a broader role is also articulated by sections of the leadership. Deputy chair Mthathi suggests that: "the HIV AIDS issue is an entry point for TAC, current problems with HIV AIDS are symptoms of an ailing health care system. We want to ensure a better society and equality."⁷¹ Achmat strikes a similar note: "TAC is not a single issue campaign– we also deal with issues of governance, corporate governance and domestic violence – our concern is wider than HIV treatment. We are aiming to reorder the health sector. We need to build a culture of complaint, we need to start asking for solutions, we need communities to become more active. There is money in the health sector- where is it going? We could redirect it to address social democratic issues. We have a progressive social democratic vision and shouldn't hide it."⁷² Similarly: "We could not win our demands if we were a single issue campaign. HIV/AIDS raises all sorts of other issues and we would not make headway if we were ignoring them."⁷³ Nor is explicit political engagement ruled out. Thus, if the ANC were to split, TAC might find itself in an alliance with that section which "offers alternatives"; even if that does not happen, the idea of TAC as part of a "social justice coalition" is attractive to its national leaders.⁷⁴

Thus leadership notes that TAC has committed itself to a People's Health Campaign: "TAC needs to start focusing on an improvement in public health care in general".⁷⁵ Part of this intention is linked to TAC's immediate concerns: "roll out can only really work in a good health care system"⁷⁶ But it is also an attempt to identify with a wider agenda for change. TAC has thus also joined a trade union campaign to oppose foreign importation of textiles⁷⁷. It also organised, with the Basic Income Grant (BIG) Coalition, the first march for a BIG.⁷⁸ Some activists believe its

⁶⁷ Int erview, Zakhele Xaba, Secretary TAC PEC KwaZulu Natal Dec 2 2003 Pietermaritzburg

⁶⁸ 'We link GEAR and its neo-liberal stance (e.g. privatisation) to the problems we are highlighting. TAC never makes any mention of the macroeconomic framework.' Interview, McKinley

⁶⁹ Andile Mngxitama "Let black voices speak for the voiceless" *Mail and Guardian* 22 June 2004

⁷⁰ Interview, Heywood

⁷¹ Interview, Mthathi

⁷² Interview, Achmat

⁷³ Interview, Heywood

⁷⁴ Interview, Heywood

⁷⁵ Interview, Cele

⁷⁶ Interview, Mthathi

⁷⁷ "TAC Newsletter: Meeting in JHB, US/SACU, SACTWU, TAC Ad, Letter to Dr. Zokufa, ALP Jobs, Health Systems Workshop, Malan, Trad. Healing" *TAC News Service* [moderator@tac.org.za] 20 February 2004

⁷⁸ http://www.tac.org.za/newsletter/news_2002.htm

focus needs to be widened to deal with social security⁷⁹ - partly because there are reportedly cases in which ill people have been denied social grants.⁸⁰ It needs, KwaZulu Natal deputy chair Gugu Mpongose suggests, to mobilise people to claim grants and monitoring access to them.⁸¹ The idea that TAC may become part of a broader social justice coalition – presumably comprising sectoral, interest and issue based organisations who might pursue their particular concerns while uniting on broader issues - is also articulated by some of its leaders.⁸² And some officials share a vision of a wider role: “We are not just advocating HIV treatment. We are concerned with healthcare in general, our role now is to assist clinics, ease the burden on healthcare workers and then start to look into issues such as wages for health care workers, the brain drain, hospital services, nurses’ attitudes.”⁸³

The perspective of TAC activists and officials shows that the dividing line between a campaign which aims to change the structure of society and one which seeks only to win immediate gains is far more complicated than a simple distinction between movements fighting for social change and ‘single issue organisations’ content with the ordering of society might suggest. Single issue campaigns may challenge the ordering of society, if their goals entail a redistribution of power and resources. It could be argued that embarking on these campaigns, winning gains and then building on these is the most feasible way to achieve social change.⁸⁴ But, as TAC leadership is well aware, the fight for treatment for people living with AIDS will not in itself end the poverty and powerlessness of many of TAC’s participants. Whether an organisation such as TAC is capable of playing a role in addressing these wider inequalities is still far from clear – to its leadership as well as to those of us who observe it. And, while TAC is led by people who harbour a vision of social change which goes well beyond treatment for people infected by AIDS, it does seem likely that, for the foreseeable future, the demands on its time and resources placed by HIV/AIDS alone is likely to be so great that active engagement in a wider agenda may remain a sporadic and secondary concern. TAC will continue to face pressures from outside its ranks for involvement in other issues. But it is also likely to continue to speak for participants who see progress on treatment for people living with AIDS as their reason for participation. Ensuring that it does not lose its focus on the needs and expectations of its members will be a continuing challenge as its perceived mobilising ability makes it a desirable ally for those seeking support for other campaigns.

Gender in TAC

Like most or all South African institutions and organisations, TAC is still far from being able to maintain that it has achieved full gender equality or something approximating it.

Most TAC members are women – one source estimates the proportion at 60%-70%.⁸⁵ This is not surprising, given evidence that women are far more likely to be infected by HIV than men.⁸⁶ a TAC official notes that statistics show that women aged between 15 and 30 are more vulnerable to

⁷⁹ Interview, Nkala

⁸⁰ Interview, Mbali

⁸¹ Interview, Mpongose

⁸² Interview, Heywood

⁸³ Interview Xolani Kunene TAC Gauteng Provincial Organiser March 24 2004 Johannesburg

⁸⁴ Friedman ‘Building Tomorrow Today’

⁸⁵ Interview, Mbali

⁸⁶ Department of Health (2002) ‘National HIV and Syphilis Sero-prevalence Survey of Women Attending Public Antenatal Clinics in South Africa - 2001, Summary Report’; Nelson Mandela/HSRC Study of HIV/AIDS, South African National HIV Prevalence, Behavioural Risks and Mass Media Household Survey 2002 cited by Jenni Fredriksson and Steve Berry *South Africa: HIV/AIDS Statistics* <http://www.avert.org/safricastats.htm>

the virus than any other group.⁸⁷ Organisers also say women are more active in branches: one interviewee notes that, while attendance at branch meetings differs from branch to branch in numbers and gender distribution, “overall I would say that about 50-60% are women,”⁸⁸ who are said generally to attend branch meetings in greater numbers than men and to be more active in TAC activities.⁸⁹ One speculates that men are reluctant to participate because they are more likely to fear the stigma of being known to be HIV positive.⁹⁰ Women are also subject to domestic abuse and violence compounded by the advent of HIV and this is said to give them an added incentive to participate in TAC.⁹¹ But, while some office bearers insist that gender balance has been achieved in TAC with a roughly equal gender distribution among office bearers and staff,⁹² an interviewee estimates that only about one third of office bearers and about half of staff members are women.⁹³

Measured simply by how many women occupy senior positions, TAC has made significant progress. Formally, its secretariat consists of four people – three men were elected at its last conference and one woman. However, one of the men resigned and was replaced by a woman so the split is exactly equal. In practice, the secretariat also includes senior staff members in ex officio positions and, on this measure, TAC is run by four women and three men. Most people in provincial management positions are women.⁹⁴ But its public face remains predominantly male – Mthathi, the most senior woman in the organisation, does not yet have the profile of Achmat, Heywood and other men who lead TAC. One woman activist suggests that this is a consequence both of “the patriarchal system and the fact that women don’t seem very keen to step into leadership roles “.⁹⁵

TAC’s leadership is concerned to promote gender equity – current ratios between men and women are an improvement on the past and are a result of a national strategy to address the problem expressed in a request by Achmat and by its national executive committee to “balance the gender make up” .⁹⁶ While this concern is not expressed in a formal gender policy, “TAC is very sensitive to gender. We are a diverse organisation and our structures should reflect this – TAC does empower women and give them leadership positions –in recruiting staff we also take this into account”.⁹⁷ Its leaders insist also that it is learning to handle gender with greater sensitivity. Thus, several years ago, an incident in which a male volunteer struck a female colleague was handled “inappropriately” – the man was given too light a punishment, the woman was “not handled with sufficient dignity”. But “we learned from our mistake” – subsequently, a senior national office-bearer was dismissed, partly for sexual harassment. It has also sought to educate its male members about women’s rights.⁹⁸ And despite the continued imbalance, the perception that TAC “gives women a voice” is cited as an important reason for participating in it.⁹⁹ Given the centrality of gender issues to AIDS, TAC treatment literacy workshops do address topics of particular concern to women such as violence against women, their “social problems”, sex and sexuality (gay and lesbian as well as “straight”), issues of reproduction in the context of HIV AIDS, family planning, pap smears, abortion, social security programmes such as the child support grant, the disability

⁸⁷ Interview Thembeka Majali TAC Western Cape Provincial Coordinator February 18 2004 Hout Bay

⁸⁸ Interview, Cele

⁸⁹ Interview, Majali; Interview Xaba; Interview Nkala; Interview, Pithouse; Interview, Kunene

⁹⁰ Interview, Mvotho

⁹¹ Interview, Mvotho

⁹² Interview, Mthethwa; Interview, Cele

⁹³ Interview, Xaba

⁹⁴ Personal Communication, Geffen

⁹⁵ Interview, Mbali

⁹⁶ Interview, Mthethwa; Interview, Xaba

⁹⁷ Interview, Berold

⁹⁸ Personal Communication, Geffen

⁹⁹ Interview, Kimendhri Pillay TAC UND branch Secretary Dec 8 2003 Durban

grant and the basic income grant, as well as sexually transmitted illnesses and their treatment.¹⁰⁰ Achmat and Heywood are thus concerned to stress TAC's role in giving some of the politically weakest sections of society, including grassroots women, a voice.

Clearly, the gender prejudices which inhibit women from playing a more prominent role in the organisation were not invented by TAC. Its leaders do seem set on challenging them. But, despite the advances it has made, it clearly has some way to go if it seeks to become a vehicle for gender equality. TAC is providing opportunities for women to lead attempts to tackle HIV and AIDS at the grassroots and growing openings for participation in national leadership. There is considerable potential for it to become a publicly acknowledged vehicle of women's participation in society and its leaders are not closed to this possibility. But it is not yet an organisation in which women are clearly playing a public leadership role at the national level.

Who Governs TAC?: Internal Decision-Making

Participation in social movements, like that in civil society organisations, is meant to offer participants a voice –acquiring the right to speak in a way which could lead to realisation of people's interests could be the most important rationale for participating in movements. There are two aspects to this – movements must be able to influence their social environments for, if they do not, the voices of their participants are not heard, and they must also be able to give participants a voice in the organisation to ensure that, if it does influence the environment, it is doing so on their behalf.¹⁰¹ The internal governance of social movements is, therefore, an important indicator of the extent to which they do offer participants a voice.

Despite its unconventional approach to membership, TAC has a formal structure which provides for internal representative democracy. The basic unit is the branch. Each province in which it is active also has a provincial executive committee (PEC) and the organisation has a national executive committee (NEC) which is its prime decision-making structure. National leadership is nominated at branch level and elected at a national congress every two years where 4 national office bearers are elected in a ballot supervised by the Independent Electoral Commission (IEC): chair, deputy chair, secretary and treasurer. At TAC's last conference, in August 2003, the chair and treasurer were elected unopposed while elections for deputy chair and secretary were contested.¹⁰² Each province also has a co-coordinator, organiser, treatment literacy co-ordinator and treatment project co-ordinator– these staff positions are advertised and filled according to skills and capacity. PECs and branches meet once a month. Despite the ambiguities about membership, participation at branch meetings is largely restricted to members. An innovation is the district, which was introduced because “the branches began to take on more and more tasks and there was just too much burden on the provincial office to oversee them all”. Districts have their own co-ordinator and administration; they also aim to accommodate the long physical distances between many branches and the provincial office. They co-ordinate and lead all branches in their area.¹⁰³ The three provinces in which interviews were conducted have all set up district offices but not all are yet fully operative.¹⁰⁴

¹⁰⁰ Interview, Mkhutyukelwa

¹⁰¹ See for example James S Fishkin *The Voice of the People: Public Opinion and Democracy* New Haven, Yale University Press, 1997; Carole Pateman, *Participation and Democratic Theory*, Cambridge University Press, Cambridge, 1976: Jan Aart Scholte 'Civil society and democracy in global governance' *Global Governance*, Vol. 8, 2002

¹⁰² *Report of the Second TAC National Congress 1-3 August 2003* Coastlands Conference Centre Durban

¹⁰³ Interview. Mvotoho, Interview, Xaba, Interview, Majali

¹⁰⁴ KwaZulu Natal has four districts, Gauteng six and Western Cape nine. Interview, TAC officials.

While perspectives differ on the respective roles of the various levels, there is broad agreement within TAC that major strategic decisions are initiated by the national leadership.¹⁰⁵ What is less clear is whether decision-making is concentrated at national level or whether branches have a significant influence. National proposals are passed to the provincial level and then to the districts which are meant to confer with branches and send responses to the provincial level which will communicate them to the national office. National is the ultimate decision-making authority although some compromise between its view and that of other levels does seem evident. Thus the NEC amended a district proposal that volunteers be paid: “after some haggling between provinces and national” the NEC decided to pay a low fee “which is still a point of contention among volunteers now”.¹⁰⁶

In theory provinces are able to take strategic decisions, according to one official, but in practice this seems limited. Thus Western Cape decided to hold a demonstration disrupting a speech by deputy president Jacob Zuma in Cape Town by blowing whistles. “At the last minute we had to call our plans off because of an enraged call we received from Zackie (Achmat) who claimed that we had to wait for the civil disobedience campaign. We told him we felt this was the right time and he said quite angrily that the national office would announce when the right time was – we can’t be sure how he found out about it but there was one person who didn’t agree with our plans and so perhaps he said something. We had to inform our members that they could not whistle, toyi toyi or disrupt Zuma’s speech – this caused a bit of a set back for us, it ruined the spirit and made people question how much authority we really had at the Western Cape office”¹⁰⁷ This is clearly an example of the national level countermanding a provincial decision. But the fact that national had to “find out” about the plan suggests that Western Cape was assuming that it did not have to tell national what it was doing. And relations with the national office are said to be “fine” after this incident, suggesting that the conflict has been effectively managed within TAC. But there clearly are tensions between the national leadership and the provinces: “Often there is resistance to national control: national has directed that all the treatment literacy campaigns be run in the same way in all the provinces – but we here in Gauteng have some ideas of our own and are constantly voicing our need to do things our way”.¹⁰⁸ At present, these do not seem to be a serious source of conflict. But, if internal democracy proves less effective in substance than it is in form, they could become so.

Finances are tightly controlled at the national level, a strategy justified on the grounds that it guards against wastage and corruption.¹⁰⁹ Each province is required to submit a monthly budget and, on approval, funds are transferred to the province – with a copy to the auditors to provide another safeguard. If funds are needed urgently beyond the amount budgeted for the month, they can be transferred but only in response to a detailed account of the purpose. There have, however, been few cases in the past five years in which provinces became financially ‘stranded’.¹¹⁰ Applications are usually approved¹¹¹ - indeed, a convenor of treatment literacy workshops says hers are “never turned down”. But strict financial control is exercised – down to monitoring and commenting unfavourably on the cost of catering.¹¹² This concern for tight financial controls has not entirely prevented misappropriation of funds but has, TAC officials say, enabled them to detect

¹⁰⁵ “Decisions about tactics and strategy are generally made at national level and then taken to provincial and district or branch level”. Interview, Xaba

¹⁰⁶ Interview, Mvotho

¹⁰⁷ Interview, Mvotho

¹⁰⁸ Interview, Ramothwala

¹⁰⁹ Interview, Wilson

¹¹⁰ Interview, Wilson

¹¹¹ Interview, Mpongose

¹¹² Interview, Mkhutyukelwa

it – two provincial officials and one in an outside administrative facility created to oversee spending have been dismissed in the past five years for misappropriating money (while one national official was dismissed for receiving financial inducements).¹¹³ There are concerns that financial control may become more difficult as the budget continues to grow, but there is no sign of a weakening yet – TAC is also training officials in financial management. Whatever the merits of national control, strong protections against corruption are a strategic necessity for TAC, both because of its dependence on donations and because a movement premised on retaining the “moral high ground” (see below) cannot afford financial scandal. As a means of retaining trust, financial information is publicly available on the TAC website.¹¹⁴

National is meant to be the highest decision-making level of the organisation and the civil disobedience campaign was the result of a resolution by TAC’s national conference. The question is whether members has a say in decisions. Cele implies that it does:” Strategies and tactics are suggested by the national office – provinces and branches would then be consulted. Responses and suggestions would then go back to the national office from the provinces and branches before the final decision is taken.”¹¹⁵ The civil disobedience campaign was “thoroughly discussed by all PECs” even though the final decision came from the national office. In at least one case, a strategic decision by national leadership was overturned by branch members.¹¹⁶ Concerns by branch members that they would be beaten by police or arrested did not alter the decision to embark on civil disobedience but “the PEC after consulting national told us to assure members that TAC would be there to assist should they be arrested and that if they were afraid or unhappy to participate they did not have to and it would not affect their membership”.¹¹⁷ Some TAC participants insist that there is also effective communication from branches to the national level: “Recommendations are usually made at all branch meetings and sent on to the provincial office and then to the national office ensuring that there is an awareness at national level of what is happening at branch level.”¹¹⁸ To ensure that TAC leaders stay in touch with other levels of the organisation, each province is allocated a national representative to attend provincial and district meetings. Provinces also send representatives to the NEC.¹¹⁹

Not everyone in TAC, however, shares the view that upward communication is effective. One activist says that her branch has better contact with the national than the provincial level which “does not provide us with much input – probably because of structural problems”.¹²⁰ Another says that minutes of branch meetings were sent on to the provincial office “but I am not too sure if they are ever used or sent to the national office – we as a branch definitely need to strengthen links with the province. It seems that our link with the provincial office is only strong during a crisis.” He adds that national leadership’s attempt to stay in touch with members is not very effective: “I was once invited to a TAC meeting in Durban just because I happened to know someone in national leadership: the rest of the members of my branch did not even know about the meeting – information about it was not processed through the correct channels. Our branch only found out about the civil disobedience campaign after it was decided upon”. As a result, the branch made decisions autonomously from the province or national office in accordance with its branch

¹¹³ Interview, Wilson

¹¹⁴ Interview, Wilson

¹¹⁵ Interview, Cele

¹¹⁶ Personal Communication, Geffen

¹¹⁷ Interview, Mvotho

¹¹⁸ Interview, Nkala

¹¹⁹ Interview, Cele

¹²⁰ Interview, Pithouse

constitution.¹²¹ “Communication between our branch and the province is bad – I always e-mail them all our minutes but they never respond”.¹²²

Some informants insist that this situation has improved significantly: they report improved responses from the provincial office to branches. In particular, the formation of a youth task team with representatives from all branches is said to have helped branches to form stronger links with the provincial office: “concerns are well articulated”.¹²³ More generally, complaints of a lack of liaison are a minority view: “TAC is a democratic organisation – its not as if Zackie says something and we all follow. Branches are given the opportunity to input”.¹²⁴ Or: “the PEC takes branch meeting resolutions very seriously - June was declared Youth Month as a direct result of the call from youth branch members”.¹²⁵ Similarly, issues raised in treatment literacy workshops are said to be effectively conveyed to the NEC – this is also seen as an effective way of channelling grassroots concerns: “People tend to ask a lot of questions, and we make sure that we give them clarity wherever there is confusion – all the feedback from people at workshops is recorded as recommendations and filed at the provincial office, and is the material with which I write my monthly reports to the national office”.¹²⁶ An activist suggests that communication and participation are uneven: “Relationships between various levels of TAC are never fixed – sometimes TAC works top down and other times bottom up”.¹²⁷

Over-romantic views of democracy within TAC would, therefore, be inappropriate. As our trade union comparison suggested, there are structural constraints to some expressions of democracy because some of TAC’s strategies require technical knowledge which would not be available to grassroots members who lack formal education. In some cases, concerns for desirable goals such as financial probity may also create constraints to internal democracy. In this context it is almost inevitable that at times a divide will emerge between, on the one hand, the small group of national officials whose formal education or political histories or both give them an in-built advantage in addressing technical and strategic issues and, on the other, the grassroots. In this context, rhetoric claiming that strategy is powered by the grassroots would deserve scepticism and it is to the credit of TAC’s national leadership that it did not make these claims.

However, it would be equally misleading to reject TAC’s constitutional structures as a fig-leaf for control by a small group of leaders. Certainly, TAC members are free to speak – interviewees were happy to talk openly, including those who offered frank criticism of the leadership, and this speaks to a high degree of tolerance within TAC. Interviewees agreed that members were free to speak. Those controls which do exist seem consistent with a democratic organisation’s reasonable desire to ensure that policy is conveyed accurately: “Should a TAC member say something or behave in a way that is contrary to what TAC is standing for, members of the PEC will be responsible for having a talk with that person to find out the reasons.”¹²⁸ There is no disciplinary procedure for people who hold dissenting views – it is used only to address financial mismanagement: “we have no policy on holding specific views – TAC has a culture of speaking

¹²¹ Interview, Ndlovu

¹²² Interview, Pillay

¹²³ Personal communication, Pillay, 22 July 2004; Personal Communication, Pithouse, 22 July 2004

¹²⁴ Interview Mbali

¹²⁵ Interview, Ramothwala

¹²⁶ Interview, Mkhutyukelwa

¹²⁷ Interview, Ramothwala

¹²⁸ Interview, Xaba

openly”.¹²⁹ Certainly, the reverence with which grassroots members talk of Achmat could raise concerns of a personality cult but there is no evidence that either he or the TAC leadership encourage this. And, of course, the fact that participants in TAC express strong loyalty to Achmat may simply mean that he has won the affection of the grassroots. Most importantly, the fact that TAC does have functioning democratic structures is in itself an important guarantee that members retain a voice since they build in mechanisms which force leadership to respond to membership, even if this happens in practice less often than it could.

Some features of TAC’s structure, such as the fuzziness of membership and the automatic representation of sectors at national level, could pose obstacles to democracy but there is no sign that this has happened yet. In a context in which some analysts and activists exalt the looseness of social movement organisation (see below), it is important to stress that democratic structures are not impositions by bureaucrats but means by which participants gain a say in their organisation. In TAC, the structures ensure that it remains a democratic organisation. But structure is only a necessary condition for members to exercise voice – it is not sufficient. Historical disadvantage is a substantial barrier to the exercise of voice in TAC and, as some of its leaders acknowledge, it could do more to ensure a voice for its grassroots membership.

TAC and the Political Environment

The opportunities and constraints which face social movements are determined not only by their own organising and strategic efforts but also by an external environment which can both open and close possibilities.

A popular formulation of this reality is that of social movement theorist Sidney Tarrow who proposes the notion of a “political opportunity structure”, which he explains as “consistent – but not necessarily formal, permanent or national – dimensions of the political environment which either encourage or discourage people from using collective action”. The most salient changes in opportunity structure result from the opening of access to power, shifts in ruling alignments, the availability of influential allies and cleavages in and among elites. State structures create stable opportunities, but it is changing opportunities within states that provide the openings that “actors can use to create new movements”.¹³⁰ This helps us understand the circumstances in which social movements might flourish and those in which they might wane.

In post-apartheid South Africa, two potentially complementary dynamics could be said to offer opportunities for collective action in social movements: changes in the political environment and in social conditions. On the first score, the key change in the political opportunity structure is democratisation since 1994. This clearly opened up opportunities by removing the threat of repression from some types of collective action – and by creating potential opportunities for influence which did not exist previously, such as use of the constitutional court or engagement with government. It also ended a key reason for popular collective action, the apartheid system. Since collective action was possible under apartheid despite high levels of repression, change does not mean that what was once outlawed became possible after 1994: it means, rather, that it has become legally protected. We would nevertheless expect this to have created a new climate in which the limits and possibilities of collective action have changed. On the second score, the growth of social movements is frequently linked to government macro-economic policy which is

¹²⁹ Interview, Berold

¹³⁰ Sidney Tarrow *Power in Movement*. Cambridge, Cambridge University Press, 1994, p.18

said to have created deteriorating social conditions, creating new rationales for collective action.¹³¹ How applicable are these explanations to TAC?

The fact that TAC was not formed before 1994 probably has little to do with repression at the time and much to do with the political context. “There could have been a TAC without the transition. But we would have had a different relationship with the ANC. Our space to operate and our role would have depended on ANC politics at the time.”¹³² Because TAC would have been active mainly among people who were then victims of apartheid, the opportunity structure at the time would have been shaped by the anti-apartheid “struggle”. While issue-based activity did form part of anti-apartheid activity, there were expectations that it be pursued in a manner which could be seen to advance the fight against the system. It is therefore likely that TAC would have been expected to link its activity to the wider problem of apartheid. Also, strategy would have been affected: even if it could be demonstrated that opportunities for influence existed within an apartheid state, TAC would have faced pressure to choose tactics least likely to bestow legitimacy on the system. This does not necessarily mean that it would have been prevented from taking opportunities presented by it: the union movement did this throughout the “struggle” period. But it would have been required to adopt an adversarial attitude to the state even if, for tactical reasons, it used some of its institutions. A further source of pressure could have been a resistance to highlighting HIV and AIDS because this could have provided fuel for white racists who associated the virus with stereotypes about black sexual practices: certainly, this concern was expressed in the union movement during the 1980s. In the event, forming something like TAC does not seem to have arisen as a possibility during the anti-apartheid “struggle period” not because activists weighed the constraints and decided against the initiative but because, in the heat of the battle against apartheid, attentions were focussed elsewhere.

The environment clearly has changed, creating new opportunities and constraints. But there are continuities in as well as differences between the strategies used in the new environment. “Many of us have activist backgrounds and we are doing old things in a new environment”.¹³³ The constitutional court is seen as a strategic resource: the case in which it held that the government should supply ARV treatment to some citizens is seen as a “breakthrough” which has “forced the government’s hand” by establishing a legal precedent.¹³⁴ The court is seen as a continuing resource to be used if the promised ARV “roll out” does not materialise: “the government is afraid of the constitutional court”.¹³⁵ This would seem to be a response to a new opportunity and in one sense it is that, since the rights which make a court challenge possible now were not available before 1994. But using the courts to pursue campaigns was a strategy used during the apartheid period too – not only by unions but also by activists contesting apartheid laws such as residential segregation and influx control. And, while a social movement activist accuses TAC of over-reliance on the law, echoing criticisms that strategies which use the courts detract from popular mobilisation, he acknowledges that “TAC has managed to find a balance between the legal (in the courts) and the masses in the streets”.¹³⁶ Clearly, the use of international solidarity, of broad alliances and civil disobedience also show continuities with tactics under apartheid.

¹³¹ Interview McKinley. This does not necessarily mean that the perception of worsening economic conditions for the poor is accurate. A more nuanced view is offered by, for example, Haroon Borat *The Post-Apartheid Challenge: Labour Demand Trends in the South African Labour Market, 1995-1999*, Development Policy Research Unit, University of Cape Town, Working Paper 03/82, August. Clearly, however, many people continue to live in dire poverty, creating potential fuel for activism.

¹³² Interview, Heywood

¹³³ Interview, Heywood

¹³⁴ Interview, Mbali

¹³⁵ Interview, Geffen

¹³⁶ Interview, Desai

These tactics are obviously used in an environment in which new opportunities have opened: “We have taken advantage of the Bill of Rights to win gains”.¹³⁷ And, despite considerable conflict with the government over ARVs and AIDS more generally, TAC has allies as well as opponents within the ANC – and the government.¹³⁸ Another key asset, the support of people who are strategically placed in society albeit not in government such as former president Nelson Mandela, Anglican Archbishop Njongonkulu Ndungane and then Medical Research Council chair Malegapuru Makgoba, are also products of a post-apartheid opportunity structure. Also, apartheid’s end has presumably cleared the decks of obstructions to tackling treatment for people living with AIDS – if only because it removes the concern that the issue was secondary to, and would distract from, the battle against apartheid.

A crucial consideration, however, is that democratisation has created new strategic challenges for social movements. Thus a consequence of the new environment is that winning and retaining public opinion matters in a way which it did not during the anti-apartheid struggle when broad support could be more easily assumed. The legitimacy of the government and the popularity of the ruling party are also new realities which activists tackling government policy forget at their peril: “We need to retain the support of people. A major tactical error would be to lose support amongst our members as other social movements have done when they are seen to be threatening democratically elected leaders”.¹³⁹ TAC seems unusual among social movements in its awareness of this issue and appreciation of the need to change strategic calculations to accommodate the environment created by formal democratisation.

Whether the government’s failure to improve the social conditions of the poor prompted TAC is open to question: the answer depends on whether the initial government refusal to “roll out” ARVs is seen as a consequence of an economic policy perspective hostile to paying for the medication or of a refusal to link HIV to AIDS – “denialism”. This is a matter for debate between analysts. But a divide between TAC and the post-apartheid government on a key social policy issue has clearly been a spur to action, confirming the suggestion that TAC has grown in an opportunity structure in which enhanced democratisation has created openings for activism and perceived government failure to address social challenges has fuelled it.

To Defy or Not?

The issue on which some of these considerations crystallised is the civil disobedience campaign undertaken in 2003 in response to the government’s failure to sign an agreement at the National Economic Development and Labour Council (Nedlac) agreeing to an AIDS treatment plan.

Mthathi recalls: “Civil disobedience was a difficult decision because it is historically a tool that was used against government – but not a government most people support. There was some internal debate as to how it would work for us. There were fears that it would make us politically vulnerable if we seemed anti-government”.¹⁴⁰ The campaign also promoted tensions between the “middle class” component of TAC and the grassroots.¹⁴¹ A key TAC ally, Cosatu, did not participate. TAC’s understanding of this decision was that: “They felt it would leave a bad impression with the international community and may affect voting in the next election”.¹⁴²

¹³⁷ Interview, Heywood

¹³⁸ Interview, Mthathi, Interview, Heywood

¹³⁹ Interview, Achmat. For a critique of failure to grasp this point see Kerry Chance and Mandisa Mbali “Chance/Mbali on limits to invoking ‘false consciousness’” *CCS-l@lists.nu.ac.za* 2 July 2004

¹⁴⁰ Interview, Mthathi

¹⁴¹ Interview, Heywood

¹⁴² Interview, Nkala

Cosatu's view was that it could not participate because: "We felt that our members would see this as an attempt to overthrow the government. It also placed them at risk if they participated".¹⁴³ Both within TAC, therefore, and for a key ally, decisions which would have been straightforward before democracy's advent became complicated under democratic conditions.

The decision to undertake civil disobedience was taken ultimately because TAC leadership judged that the campaign could be justified and conducted in a way which would not lose it the moral high ground. Part of this was demonstrating that the decision to disobey was not taken lightly: "We were forced to enter into a civil disobedience campaign because we had exhausted all other means – it was an extreme step and we did not take it lightly. How can you have civil disobedience against a legitimate government? We recognise the legitimacy of the state and are fully prepared to take the consequences of breaking the law. We for example decided to rename the civil disobedience campaign mass protest to accommodate Cosatu. We also held off our first planned civil disobedience at the request of deputy president Zuma in the hope that a Nedlac meeting would resolve the dispute. But that did not work. TAC has worked through the Human Rights Commission, Gender Commission and the courts and, given that, civil disobedience was seen as a good strategy to embarrass the government and make a moral statement".¹⁴⁴ Similarly: "It was seen as the final resort. Lobbying and picketing had achieved only so much– (later) the campaign was suspended to give the government time to decide what to do."¹⁴⁵ It was essential that the campaign be conducted in a manner which would show that TAC behaved non-violently and that its activists were prepared to accept the consequences of defying a legitimate legal order. Anyone who wished to opt out could and under 18s had to have informed consent.¹⁴⁶ Later, the campaign was called off to allow the government to respond. The methods used were also consistent with TAC's concern to maintain a moral consensus in support of its concerns: "we found ourselves engaging with police officers on HIV issues in their families and communities".¹⁴⁷

The calculation appears to have been vindicated: the campaign is seen as a success within TAC and is credited with achieving the Cabinet decision to "roll out" ARVs (although the evidence in support of this is inconclusive). "The campaign was certainly very successful – it gave the people a voice and made them feel as though their message was being heard, it was an outlet for people's grief at deaths that had affected them and it was a symbolic statement – it brought allies out of the woodwork: we were offered support by the Legal Resource Centre, McCords Hospital and Amnesty International."¹⁴⁸ "It was a definite success in that it gave TAC a voice".¹⁴⁹ More than 600 people participated.¹⁵⁰

In sum, the disobedience campaign may indicate both the challenges and the potential rewards of operating in a democratic environment. It shows that far more careful strategic calculations are needed if social movements are to retain sufficient support from key allies and the broader public to maintain a successful coalition. However, it does seem to show too that, providing the need to retain the support of a key set of allies and to win a measure of public support is taken seriously, social movements can win significant gains under democratic conditions – without sacrificing the popular mobilisation which is their lifeblood.

¹⁴³ Interview, Mpolokeng

¹⁴⁴ Interview, Achmat

¹⁴⁵ Interview, Mpongose

¹⁴⁶ Interview, Achmat

¹⁴⁷ Interview, Achmat

¹⁴⁸ Interview, Mbali

¹⁴⁹ Interview, Mpongose

¹⁵⁰ Interview, Achmat

TAC and the Government

The relationship between social movements and the government depends to a degree on the nature of the political system – and of the movement’s perception of that system.

Clearly, where a political system is irrevocably hostile to social movements and their demands, the relationship will be adversarial – as were relations between the apartheid state and resistance organisations. In these circumstances, even where movements are willing to use the levers provided by the system to win incremental gains, this is unlikely to lead to a co-operative engagement with government or the state: it may equally well produce what students of the labour movement – a prime example of this phenomenon – have called “militant abstentionism”.¹⁵¹

Some current social movement approaches seem to exhibit something of this flavour. The state is not seen as a potential partner but as an opponent or enemy.¹⁵² And the system is seen not as a source of opportunity and rights to participate, but of inequity.¹⁵³ TAC’s approach, however, assumes a more complicated relationship in which both co-operation and conflict are means of engagement – in which it is possible for both to be employed at once. And behind this lies an assumption that “we can win gains from this system – far-reaching reform is possible”.¹⁵⁴

This is particularly so since the Cabinet’s decision to agree to an ARV “roll-out”. Ensuring that it is implemented is repeatedly stated as a key goal by TAC activists: “TAC’s current goal is to assist government in making the rollout a success”.¹⁵⁵ “At the moment our objective is to make sure we help facilitate the government roll out”.¹⁵⁶ “Our aim is to make sure that there really is roll out”.¹⁵⁷ “The main programmes for 2004 are making sure the ARV roll out is a success, that there are education campaigns promoting prevention of HIV, that there are literacy campaigns about HIV and that enough support groups for HIV affected people have been established”.¹⁵⁸

Much TAC activity is devoted to this task. Thus site visits are planned to hospitals ear-marked for “roll out” to see if they are equipped with staff and equipment to sustain it. Branches’ capacity is being strengthened to ensure that they can play a role in the “roll out”. A further goal is to ensure that people living with AIDS are aware of the ARV programmes, how best to access them and make use of them. A further plan is to recruit treatment practitioners from TAC branches – the aim is to train about 30 per province – who will be based at “roll out” sites to look at the quality and level of information provided to people in the area on ARV treatment and access to it, and to liaise with “community structures in the area such as schools and churches” to provide information and promote openness about HIV status and attempt to remove stigma in the hope that people will go forward to be treated. They will also make people wanting treatment aware of their rights and obligations created by the “roll out”.

¹⁵¹ See for example Sakhela Buhlungu “Trade Union Organization and Capacity in the 1990s: Continuities, Changes and Challenges for PPWAWU” in Glenn Adler and Eddie Webster (eds) *Trade Unions and Democratization in South Africa, 1985-1997* New York, St Martin’s Press, 2000, p. 90 see also Karl von Holdt *Transition from Below: Forging Trade Unionism and Workplace Change in South Africa*, Pietermaritzburg, University of Natal Press, 2003

¹⁵² Trevor Ngwane, Interview, *New Left Review* 22, July-August 2003

¹⁵³ Salim Vally “The Political Economy of State Repression in South Africa” *CCS-I digest*, Vol 1 #1169 ccs-i-request@lists.nu.ac.za 15 March 2004

¹⁵⁴ Interview, Heywood

¹⁵⁵ Interview, Mvinjelwa

¹⁵⁶ Interview, Dabula

¹⁵⁷ Interview Ramothwala

¹⁵⁸ Interview, Majali

TAC's statements on the "roll out" have repeatedly insisted that it sees itself as an enthusiastic government partner in this venture. One TAC official notes that, by ensuring that people know where to access ARVs and how to use them, TAC will be providing a service to the government.¹⁵⁹ Another talks of plans to establish an AIDS forum of NGO's, local government and provincial government to "work together to make roll out a success".¹⁶⁰ But it would be misleading to see this as a straightforward enthusiasm for co-operation. While one critic suggests that "joining with government to provide ARVs" will cost TAC its independence and turn it into "effectively a parallel structure to the state",¹⁶¹ TAC and senior government leaders are well aware that the "roll out" is not the unfolding of a voluntary government strategy but a reluctant response to pressure: "there seems to be no real political will from government on HIV treatment".¹⁶² Certainly, some in the ANC and in government favour a "roll out" and did so when official policy was opposed to it but the circumstances in which it became a reality mean that there is considerable resistance from within government to implementing the policy change. TAC activists believe this is most evident in the attitude of the Health Minister and some provincial MECs for Health.¹⁶³

Nor has the government displayed any great enthusiasm for a working partnership with TAC. It was initially excluded from the SA National AIDS Council (SANAC) established by the government. Now, several SANAC members are leaders or sympathisers of TAC but only because the government no longer appoints members but allows sectors to choose their own representatives.¹⁶⁴ (As a result, Tshabala-Msimang is said to want to close down SANAC – because it is now too sympathetic to TAC: a view in government suggests that TAC has "monopolised" SANAC).¹⁶⁵ It was - not surprisingly, in the view of TAC leaders - excluded from the government task team established to direct the "roll out": "We did send a response to their findings – needless to say we did not receive a reply".¹⁶⁶ "TAC was not part of the task team because it was a centralised plan from the department of health. Government still wants control over everything on the HIV AIDS issue and its relationship with TAC is still conflictual. TAC did try to engage with the task team but to no avail".¹⁶⁷

Given this, TAC's intention to make the roll out succeed is less an attempt at partnership than a determination to hold the government to its stated intentions. This could entail further campaigns, confrontation and court action.¹⁶⁸ "We will always have to put pressure on government to carry out its promises – if there is no roll out as promised we will explore litigation, civil disobedience, international mobilisation and embarrassing the government on this issue."¹⁶⁹ It might be accurate, therefore, to see it not as an abandonment of mobilisation for change but as an intention to pursue the same battle by other means. TAC leaders acknowledge, as many movements which have campaigned successfully for specific policy changes know, that, where concessions are reluctantly made to campaigns by governments, ensuring that the authorities do what they say they will do is as much a challenge, if not more of one, than winning the concession. Cele notes:" In the longer term TAC must have a role in making sure the ARV plan is initiated and sustained. If you look at the 2001 court case on neverapine you can see that although things happened after that, they

¹⁵⁹ Interview, Mario Claasen TAC Clinics Programme Coordinator February 19 2004 Muizenberg

¹⁶⁰ Interview, Ncala

¹⁶¹ Interview, Desai

¹⁶² Interview, Majali

¹⁶³ Interview, Geffen

¹⁶⁴ Personal Communication, Heywood, 9 July, 2004

¹⁶⁵ Discussion, Government Official, July 19, 2004

¹⁶⁶ Interview Majali

¹⁶⁷ Interview, Claasen

¹⁶⁸ Interview, Achmat, Interview, Geffen

¹⁶⁹ Interview, Mthathi

happened very slowly – TAC needs to make sure that there aren't too many delays and that the programme is expanded beyond urban areas".¹⁷⁰

That said, its strategy on the "roll out" does indicate an approach to engagement with the government unusual in South African social movements. TAC's primary goal is not to help the government but to ensure ARVs for people living with AIDS. But while this may entail a continuation of campaigning, it cannot be only that: the exercise will entail significant elements of co-operation as well as conflict for no "roll out" will be possible without that. And, when authorities do respond to the campaigning, or simply act on their own initiative, to further the "roll out", TAC's activities become an important resource to them. Just as the Ministry of Social Development has discovered that mobilising civil society organisations can be an effective way of ensuring that people access the social grants to which the law entitles them, so might a government politician concerned to ensure effective "roll out" come to see TAC as a resource.

This has two important implications. The first is that making sure that concessions won by campaigns translate into concrete gains poses significant challenges to social movements and civil society organisations concerned to win gains rather than to act only as vehicles of protest or resistance. Having committed themselves to securing a realisation of stated goals, they develop a stake in effective government implementation. The delicate strategic challenge of knowing how to combine co-operation and conflict, partnership and challenge, poses far more complicated dilemmas than the politics of winning the concession.

Second, social movement activism can be an important resource for governments – even if they do not endorse Achmat's view that "criticism is the best form of loyalty".¹⁷¹ But only, of course, if they share a desire to achieve the goals championed by the movements – in particular if they share a desire to tackle international economic inequalities – and are able to acknowledge that independent activism is not only a threat but also an asset: it is worth recalling here that one of TAC's most significant triumphs was helping the government beat back the attempt by pharmaceutical firms to overturn a law allowing the importation of cheaper generic drugs. There may be some government leaders and officials who see TAC as a useful partner as well as a some time adversary. But the lack of response from the task team shows that this is hardly a universal view. And to the extent that it is not, the government does seem to be depriving itself of an important strategic resource. There is also evidence that the government vastly exaggerates the threat posed to it by social movements – a senior government politician is said to have told TAC activists that it feared being overthrown by TAC's campaign!¹⁷² The government, suggests an activist, "sees TAC as political competition".¹⁷³ This may well reflect a wider government fear of left and "populist" movements which causes it to overstate their potential power.¹⁷⁴ While this may make it possible for movements' demands to be taken seriously even when they have little support, it is a substantial constraint to co-operation.

It is also important that, while the offer to "help" government does not eliminate the adversarial features of the relationship between the two, TAC's desire to see the "roll out" work is genuine, for it gains little if government fails and much if it succeeds. The issue-based incrementalism which TAC pursues, does, therefore, create a real and perceived interest in strengthening government which is hardly universal to social movements. Mthathi observes: "TAC's relationship

¹⁷⁰ Interview, Cele. The ruling upheld TAC's view that the ARV nevirapine should be available to prevent mother-to-child transmission of HIV

¹⁷¹ Interview, Achmat

¹⁷² Interview, Geffen

¹⁷³ Interview, Kunene

¹⁷⁴ Interview, Political Analyst, June 2004

with government will always be difficult—we are dealing with a life and death issue – it is urgent and there are no perfect solutions. But we would like to be engaging more constructively with government: we will never compromise our principles and we require that it be transparent. But it is a result of our lack of engagement with government that we have had to resort to other methods to make them listen to us such as litigation and civil disobediences and mobilising international organisations to support our cause”¹⁷⁵ Far from seeing the pursuit of treatment for people living with AIDS as a means of exposing the weaknesses of the system, TAC tends to see the weakness of government attitudes – its unwillingness to see the potential of partnership – as a constraint to the search for treatment and, therefore, as a regrettable constraint, not a political opportunity. As long as TAC relies on government delivery to achieve its goals, it and the government will remain, to a degree, mutually dependant, whatever the degree of conflict between them.

TAC does not see the government as a monolith and does have allies within it – even though Mthathi suggests that it is important to recognise that, without President Mbeki’s personal support for a policy, “nothing will happen”. But within that constraint it does enjoy better relations with some senior politicians and officials than others and it has sought to lobby sympathetic Cabinet members, even during periods of open conflict with the government.¹⁷⁶ Several interviewees suggested that relations with their provincial health departments were good “ but this is not the case in all provinces”.¹⁷⁷ KwaZulu Natal’s then premier held an AIDS Indaba which TAC was invited to address.¹⁷⁸ In some cases, provincial health departments have attended to problems brought to their notice by TAC.¹⁷⁹ Other examples of provincial governments seeking TAC’s help are also cited. In some, this is explicitly contrasted with a tense relationship with national government.¹⁸⁰ This is further evidence of a strategy based on using every possibility for engagement with the government, whether the mode is conflict, conversation, co-operation or all of these simultaneously. The strategy clearly presents challenges :”on the one hand we are offering help to the minister of health and on the other we are saying that she is mad”.¹⁸¹ But influence does seem to depend on finding the balance, not on refusing to seek it.

TAC’s mode of engagement with government, in which co-operation and conflict are, in a sense, deeply intertwined, is not simply a strategy born of convenience. It does also reflect an approach which recognises that democratic governments, while they enjoy access to power which could be used against the grassroots, are also elected by the majority of voters and so cannot simply be dismissed as “enemies of the people”. TAC’s approach does appear to recognise that alliances with democratic government are possible and co-operation and confrontation can be complementary strategies. The assumption that a democratic government is always hostile to popular aspirations neglects its need to get re-elected – a reality which creates opportunities for influence for movements able to win popular support.

The Bigger Picture: TAC and the Redistribution of Power and Resources

A key function of social movements is said to be the vehicle they offer the poor for exercising some degree of power, albeit in a limited sphere.¹⁸² To what extent does TAC realise this

¹⁷⁵ Interview, Mthathi

¹⁷⁶ Interview, Mthathi

¹⁷⁷ Interview, Xaba Also Interviews, Mpongose, Mkhutyukelwa, Ramothwala

¹⁷⁸ Interview, Nkala

¹⁷⁹ Interview, Ramothwala

¹⁸⁰ Interview, Kunene

¹⁸¹ Interview, Geffen

¹⁸² See for example Ashwin Desai. *We Are the Poors: Community Struggles in Post-Apartheid South Africa* New York, Monthly Review Press, 2002.

expectation? Does it empower the poor and marginalised, enabling them to claim their rights? Does it enhance the deepening of democracy and the redistribution of resources?

An earlier section touched on this by examining the extent to which the grassroots enjoy a voice in TAC. But, important as this is, there is more to the question since whether poor and marginalised people are empowered by participation cannot be simply reduced to internal decision-making in an organisation. As important is whether it engages in activities which give people, particularly the most powerless, a new sense of their ability to become active citizens. TAC leaders are convinced that it does this: “We are reconstituting civil society in places like Orange Farm (informal settlement): our members are not used to thinking of themselves as people with agency and power. Participation in TAC makes them aware of what they can do”.¹⁸³ TAC has also become a vehicle for grassroots initiatives which suggest willingness by people outside the activist circle to take initiative such as the Thatnusizo Support Group in Inanda, Durban, which initially consisted only of three people who had all lost children to AIDS. They attracted support by knocking on neighbours’ doors and discussing HIV.¹⁸⁴ TAC’s role in fighting the stigma of HIV/AIDS and giving people living with it a sense of efficacy is itself an important contribution to changing people’s role in society, one which one activist argues is still a priority: “We also need to do more to break the social stigma around HIV. At the moment we may have done that in homes but not in the general public.”¹⁸⁵ And basic information on the virus and how to cope with it helps participants take control of an important aspect of their lives.

Certainly, the level of grassroots participation in TAC does suggest that it is doing far more than providing a vehicle for people concerned to find medical relief from a deadly condition— although even that may be a contribution to empowering its members since it enhances their technical knowledge of the virus, enabling them to be more active citizens: “If they go to a clinic with herpes or thrush they know what to ask for”.¹⁸⁶ Its workshops and the educative functions they play, its mass mobilisation campaigns and the opportunities they offer for participation, as well as the discussion at branch level of strategic options are, in the view of many interviewees, offering grassroots TAC members an opportunity to become active citizens rather than passive subjects.¹⁸⁷ Branch treatment literacy programmes “teach people to engage as citizens, not victims”.¹⁸⁸ “I think we were a top down organisation but now our members are showing a potential to lead. We have empowered people – branch members used to just keep quiet in meetings but are beginning to participate actively – it started small with ideas for T-shirt designs but then it grew with ideas on how to deal with local clinics which did not deal adequately with opportunistic infections”.¹⁸⁹ In this way, TAC implicitly aids democratisation by ensuring not only that people are able to claim their rights but that they are better able to participate as democratic citizens.

Winning victories is also said to “facilitate empowerment” of members – including those in the courts. Thus the court order mandating ARVs to prevent mother to child transmission and the cabinet decision to agree to ARV “roll out” are said to enhance members’ belief that their actions can make a difference.¹⁹⁰ Winning gains is paramount to TAC: “We do not just want to have a voice, we want to win our demands”.¹⁹¹ At TAC as well as in the trade union movement during the

¹⁸³ Interview, Heywood

¹⁸⁴ Interview, Rosemary Mambo, Coordinator of Thatnusizo Support Group in Inanda Durban January 28 2004 Durban

¹⁸⁵ Interview, Dlamini

¹⁸⁶ Interview, Geffen

¹⁸⁷ See Mahmood Mamdani *Citizen and Subject: contemporary Africa and the politics of late colonialism* Kampala, Fountain, 1995

¹⁸⁸ Interview, Heywood

¹⁸⁹ Interview, Kunene

¹⁹⁰ Interview, Mvotho

¹⁹¹ Interview, Geffen

1970s and 1980s, winning gains is also a means by which grassroots people become more aware of their capacity to change their world.

There does, however, seem to be a widespread view among TAC activists that it needs to deepen its roots in the wider society: “we are working to make TAC more visible in the communities – this way we can take an active role encouraging people to access treatment when government makes it available.”¹⁹² “TAC needs to work on permeating itself more effectively. Many rural areas have not even heard of TAC”.¹⁹³ There are plans to launch door to door campaigns by branches “to destigmatise the HIV issue and promote people going for treatment”.¹⁹⁴ Treatment literacy is also an area in which strengthening this link is seen to be appropriate: “We are trying to encourage the building of relationships between the local community and TAC practitioners. There have only been workshops at the branches, clinics and hospitals. Community communication has been limited to presentations, but this year we are going to expand on the holding of workshops and widen our target beyond just TAC members.”¹⁹⁵ The People’s Health Summit was also meant to “give communities a voice”¹⁹⁶ and so, presumably, broaden participation in the campaign for change. Similarly, grassroots members could play a greater role: “We would like our branches to be capacitated enough to monitor clinics in their areas for capacity, treatment and medication”.¹⁹⁷ TAC is also trying to ensure that its branches can pursue local advocacy.¹⁹⁸

Clearly, TAC is also pursuing a redistributive agenda, albeit one which some of its social movement critics feel is not through-going enough. It has, with its allies, succeeded in pressing multi-national companies to make medication available at lower prices or to give up their right to exclusive supply to manufacturers of generic medicine in exchange for a royalty.¹⁹⁹ It has also prompted the government to agree to use its resources to provide ARVs to people who cannot afford them. TAC, despite its focus on an issue not automatically associated with poverty eradication, is working, with some success, towards the redistribution of social power and resources.

The Politics of the Moral High Ground

TAC’s senior leadership readily acknowledge that it has not won major gains because of organised strength in numbers. While it has a larger membership and a more organised structure than most other social movements, its leadership and activists in other movements insist that its power – and that of other social movements - lies elsewhere. But where? Often the claim that other sources of strength are more important to social movements than numbers lacks a clear statement of where that strength might lie.

Achmat, however, is specific on TAC’s prime source of strength – morality. “TAC is not a numbers game. It is more about the ability to create a moral consensus .The button we were aiming to push (in planning civil disobedience) was that the government is morally weak. Morality is usually left to the churches but we all have a duty to be moral. The left needs to give a sense of morality to politics”.²⁰⁰ Morality is thus both a desirable principle and an important strategic

¹⁹² Interview, Mvotho

¹⁹³ Interview, Mithethwa

¹⁹⁴ Interview, Dabula

¹⁹⁵ Interview, Mkhutyukelwa

¹⁹⁶ Interview, Mithathi

¹⁹⁷ Interview, Cele

¹⁹⁸ Interview, Geffen

¹⁹⁹ Interview, Kevin McKenna, Boehringer Ingelheim April 28 2004 Johannesburg

²⁰⁰ Interview, Achmat

weapon. The “politics of the moral high ground” is a key resource for TAC because winning the moral argument gains a movement and its cause substantial support and weakens the case of its opponents, in this case the government and pharmaceutical companies. A company executive notes; “Whatever we might feel about their campaign, TAC and other activist organisations did persuade us to see the need for a middle ground between our need for returns on investment and the poor’s need for medication”.²⁰¹ While he insists that the companies were persuaded by the argument, not morally embarrassed into making concessions, and the government has resolutely insisted that the “roll out” was not a change in policy,²⁰² TAC activists and most analysts assume that in both cases, moral embarrassment played a significant role in winning the change in policy and practice.

The realisation that morality is a strategic resource can be missed in assessments of the strategic resources of social movements and civil society organisations. Analyses which assume an irreconcilable conflict between those who have and those who do not, those who wield power and those over whom they wield it, imply that the weak can gain power only by forcing the powerful to concede it. Even if a compromise is considered possible, redistributive politics can be seen purely as a matter of strategic calculation, as a “game” in which actors use their strategic resources to wield power over their opponents.²⁰³ This does not automatically exclude the possibility that the powerful may be induced to give ground because they have been persuaded that their policy is morally untenable – a key tenet of the Gandhian perspective. But it tends to obscure it and to encourage a mode of thinking which sees redistributive gains purely as a consequence of the effective use of power by the powerless, or by the powerful making concessions in order to head off worse outcomes, or both. TAC’s experience suggests that the ability to persuade a range of audiences that the actions of a power-holder are immoral is itself a vital source of power.

At first glance, this is trite: all movements which make redistributive demands seek to portray the denial of these demands as immoral. The difference, however, lies in the way in which morality is understood and, therefore, the uses to which it is put. If redistribution can be gained only by rallying the powerless to seize power from the powerful, movements might see morality as a convenient “weapon” which can rally their constituency to their cause (since other social interests are assumed to be beyond moral appeal): in this case, morality would seek to persuade poor people living with HIV and AIDS that they ought to support TAC because the government for which they vote is behaving “immorally”. But in this view morality is a tactic used selectively and with a specific purpose and is not central to the movement’s manner of operating.

TAC’s objective has been far more ambitious – to create a “moral consensus” behind its demands.²⁰⁴ This assumes that it is possible to win support for a demand among a variety of constituencies, including some which may be seen as hostile to redistribution, by using moral argument. Thus a government could be morally weak because many of the important constituencies on which it relies—international business or key domestic constituencies across the political and racial divides – are

²⁰¹ Interview, McKenna

²⁰² Before the Cabinet announcement, the government repeatedly insisted that it was not opposed to distributing ARVs, but was “piloting” their use in public health facilities.

²⁰³ For an analysis which blends both perspectives see Adam Przeworski, *Capitalism and social democracy*, Cambridge, Cambridge University Press, 1987.

²⁰⁴ Interview, Achmat

persuaded that its conduct or position on a particular issue is immoral. Being seen as immoral may also be damaging not because it creates an obstacle to a strategic goal but because human beings prefer not to feel that their actions are immoral - why else would authoritarians insist on surrounding themselves with people who continually assure them that they are moral? The TAC approach advocated by Achmat assumes, therefore, that it is possible for a small organisation or movement with limited organisational power to compensate for these constraints by appealing to a sense of compassion and fairness which is held to cross many of the social barriers which are often assumed to impede a common morality. Since morality in this view is an indispensable strategic resource, it must become a permanent and indispensable element of the movement's campaign, not a tactic to be used or discarded depending on circumstance – or used to appeal to some constituencies but not others. Paradoxically, then, morality may be most effective as a strategy only when it is not seen as a strategy, but as an indispensable element of a struggle for rights or entitlements.

This perspective has important strategic implications. If morality is an integral part of how a social movement operates, then it needs to become an essential feature of all activity – from financial management and commitment to internal democracy to the way in which campaigns are designed - since losing the moral high ground would be to lose one of the movement's reasons for existence. This means accepting constraints which do not apply when morality is seen only as a useful strategic device for occasional use. One example is Achmat's decision not to take ARVs while other people did not have access to them, a decision which threatened at one stage to cost him his life. In his view this is one of a number of cases which demonstrated "a distinct tension between morality and strategy".²⁰⁵ Not taking medication obviously weakens the activist who does not take them but the decision was taken despite this to make a moral point (although this does not seem to have been followed as a consistent point of principle: a key reason why TAC introduced its national treatment project which provides a limited number of people with ARVs was "to prolong the life of TAC activists and take care of them".²⁰⁶)

The politics of the moral high ground requires that tactics be evaluated not only by whether they enhance the movement's coercive power – its ability to force others to do what it wants them to do - but also by whether they will retain the "moral consensus" which underpins TAC's work. "How do we build a moral consensus? By knocking on doors, educating and drawing people in. Tactics which show militancy but alienate people destroy that consensus".²⁰⁷ As the debate over the civil disobedience campaign shows, this does not mean that all militancy must be avoided. But it does mean that action must be morally justifiable – and to far more people and constituencies than the core of committed activists. Thus one activist notes that TAC's first step in fighting a campaign would be to communicate with government. "If this didn't work we would consider litigation and failing this we would turn to demonstrations and protest".²⁰⁸ Demonstrating that all other avenues had been exhausted and ensuring that Gandhian tactics were used – breaking the law in an open and non-violent manner and inviting arrest – are seen as essential means of retaining the moral high ground.

²⁰⁵ Interview, Achmat

²⁰⁶ Interview, Khumalo

²⁰⁷ Interview, Achmat

²⁰⁸ Interview, Mthethwa

It could be argued that this approach is not replicable beyond TAC because it was feasible only because of the nature of the issue on which TAC organises. In this view, moral consensus can be built over the denial of medication to people infected with a deadly virus –constituencies who would oppose a campaign for broader social change could be persuaded since supplying ARVs to people living with AIDS is far less likely to harm the interests of the affluent than a demand for land redistribution or subsidised electricity.

Certainly, some issues are more amenable to the politics of the moral high ground than others and health issues are among them: “Business is far more vulnerable to moral attack on medicines and health than any other issue. Many people see making a profit out of illness as immoral, no matter how much we show that without us people would not have effective medicine,” pharmaceutical executive Kevin McKenna observes.²⁰⁹ But the TAC approach may be more replicable than this criticism acknowledges.

HIV/AIDS may have considerable potential as a source of moral unity. It is relevant that even South African government “denialism” seems to have recognised the need for moral empathy for people living with the virus because it did not seek to stigmatise them – the insistence that HIV was caused by poverty or did not really exist did not impugn the morality of those who live with it just as the claim that ARVs are toxic did not undermine the moral credibility of those who wanted to be treated by them. But so broad has the moral consensus underpinning HIV and AIDS become that its considerable potential to be morally divisive has been ignored.

A moral assault on the TAC position which began by picturing the demand for ARVs as an unsustainable attack on intellectual property rights which were crucial to the fight against disease could have been accompanied by an attempt to portray people living with HIV and AIDS as sexual profligates whose lack of self control was the cause of their infection. The unspoken racial element in attitudes to HIV/AIDS - while, of course, the virus knows no racial barrier, racists have tended to stigmatise it as a “black disease” – may have given the South African government a powerful incentive not to stigmatise victims but might also have given sections of international opinion a reason to see HIV/AIDS much as many bigots see war and conflict in Africa, as a regrettable sign of the primitivism of Africans. It seems reasonable to assume, therefore, that the fact that denying treatment to people with AIDS has come to be seen by conservative as well as liberal or left world opinion as morally repugnant – a key source of pressure impelling the government to concede the roll-out – can surely be attributed to the effectiveness of the moral campaign waged by a variety of organisations and movements, a campaign into which TAC effectively tapped. It was hardly inevitable that HIV/AIDS would be seen so widely as a cause for sympathy. And, if that point is acknowledged, the potential for morality to become a key element of the campaign for extended rights and entitlements in many other areas too may be substantial.

Certainly, the TAC experience shows only that the politics of the moral high ground can be effective in winning single issue demands, not wider redistributive programmes. But there are few demands for greater equity on which moral appeals are likely to be ignored by everyone except a social movement’s constituency. The moral high ground may, therefore, be a resource available to social movements on a very wide range of issues, as long as each issue is approached separately. This also implies a need for social movements to engage in strategic thinking on potential recruits to a moral consensus – and, more broadly, to analyse potential for recruiting allies beyond their normal constituency for particular demands.

²⁰⁹ Interview, McKenna

Thinking Alliances

Allied to the politics of the moral high ground in TAC's armoury is a stress on alliances as a means of pursuing its strategic agenda.

At first glance, there seems nothing exceptional about this: deciding that a campaign would be more effective if it is fought with others seems a fairly elementary strategic step. But alliance politics is not simply a matter of gratefully accepting the support of those who happen to agree. It requires, firstly, rejection of a purism which insists on working only with natural allies: it assumes that common ground can and should be found with those who differ as well as those who agree. Secondly, it needs an acknowledgement that alliances – like morality – are rarely cost-free. Where it entails reaching out to those who have different interests or goals, the politics of alliances requires compromises to secure the alliance. In TAC's case, this is so even in the case of a like-minded ally such as Cosatu, whose unwillingness to support civil disobedience disappointed some in TAC: "It was disappointing that Cosatu did not support the civil disobedience campaign, but perhaps not surprising."²¹⁰ or "We also have a relationship with Cosatu but we were hoping they would partner us".²¹¹ "The drawback of this alliance is that there may be pressure on us to adopt different strategies than we see fit such as the civil disobedience campaign".²¹² Nevertheless, concessions were made to Cosatu to retain it as an ally. The campaign was, according to Cosatu, called a "protest" in an attempt to dispel the impression that it was a rebellion against government authority and it was agreed that Cosatu's failure to participate would not jeopardise the alliance²¹³, which continues despite the reproaches against Cosatu: "The most important of TAC's allies are from the labour sector – Cosatu with its two million members".²¹⁴

The TAC-Cosatu alliance is a natural "fit", given the similarity in approach and style of organisation and that Cosatu's members are affected by HIV/AIDS and it has a strong incentive to press for an ARV "roll out".²¹⁵ TAC activists also cite predictable allies such as NGOs and CBOs,²¹⁶ the SA Council of Churches and SA NGO Coalition (SANGOCO), the Medical Research Council which is a "technical ally" whose role is to supply information,²¹⁷ the SA Medical Association and Nursing Unions. But one ally, the counselling group ACCT based in Soweto, turned out to be financially supported by a drug company.²¹⁸ TAC's view is that, since ACCT is a service organisation, it has no objection to it taking money from the companies and will work with it despite that.²¹⁹ And there are alliances which required adjustment on each side – such as that with the Catholic Church, which is opposed to condoms, considered essential by TAC to curb the spread of HIV/AIDS. In this case, the alliance acknowledges difference rather than trying to end it, and seeks co-operation despite this. Alliance politics does not mean suppressing "controversial" opinions – Mthathi has insisted on raising the occupation of Iraq in donor meetings²²⁰ and Achmat has called for the defeat of President Bush at meetings in the United States.²²¹ But in some cases,

²¹⁰ Interview, Geffen

²¹¹ Interview, Kunene

²¹² Interview, Nkala

²¹³ Interview, Mpolokeng

²¹⁴ Interview, Nkala

²¹⁵ Interview, Mpolokeng

²¹⁶ Interview, Xaba

²¹⁷ Interview, Mithethwa

²¹⁸ Interview, Kunene

²¹⁹ Personal Communication, Heywood, July 9, 2004

²²⁰ Interview, Heywood

²²¹ Paul Schindler "South African AIDS activists share their experience and hope" Gay City News see ccs-l-request@lists.nu.ac.za
CCS-I digest, Vol 1 #1019 17 Nov 2003

it may be necessary for TAC to adjust its actions and strategies to maintain allies. Achmat insists that his activist past taught “the development of united fronts despite differing views”.²²² Co-operation with international allies, discussed below, has survived despite clear differences. The concern to form alliances seems to have become ingrained in TAC’s manner of operating: in Khayelitsha, local organisers plan to “engage the community” by seeking co-operation with youth groups, religious organisations, schools and business.²²³

The politics of alliances requires more than deciding which civil society organisations are potential partners. It was noted earlier that some politicians and officials were TAC allies, even when TAC was in conflict with the ANC and the government: “we have sympathy for our cause from some senior executives in Anglo American as well as half the cabinet”.²²⁴ These alliances may require compromises to ensure that the ally is not forced to withdraw support. The media have been a substantial resource to TAC which “makes good use of the media in terms of press releases, communiqués and public debates”. This enhances capacity to fund-raise, gather support, and “counter any propaganda”.²²⁵ The media are also seen as a potential support for the “roll out”: “We are working on educating the community, we plan to use the media”.²²⁶ The civil disobedience campaign “received a lot of media coverage both local and international and for the most part the media stayed on TAC’s side”.²²⁷ And a social movement activist who is critical of TAC on several grounds says a positive aspect of its performance has been its ability to use the media to highlight its concerns— which social movements campaigning against water and electricity cut offs have failed to do. “TAC has managed to keep the media on its side – even when they brought in those drugs illegally, they got media support for their cause”.²²⁸ While the media are not a formal TAC ally, strategy presumably does need to take into account a need not to alienate them.

A penchant for alliances does not mean working with everyone on any terms. TAC, particularly in its initial phase, fought some heated battles within the spectrum of AIDS organisations and activists gathered in the AIDS Consortium, the network which brings together all the sources of AIDS activism in South Africa, to establish treatment as a key goal against those who favoured an exclusive stress on prevention. “We had to create a demand for treatment. There were some fierce fights with people in NAPWA and some of the academic specialists”.²²⁹ TAC is also accused of refusing to work with other social movements because it fears that their militancy will jeopardise its attempts to build a winning coalition – even though they do see TAC as a social movement and support its campaign.²³⁰ TAC insists that it not afraid of their militancy but that it believes that their tactics and approach will not yield the reforms which they seek. It insists that it is it, not they, which has mobilised some 3 000 people to march in support of a Basic Income Grant.²³¹ Almost by definition, alliances entail conflict and co-operation, a strategic appreciation of who, on any given issue, is an opponent as well as an ally.

TAC leadership seem to approach issues in a way which can best be described as “thinking alliances”. This means that indispensable to the planning of any campaign is considering where support can be sought from significant constituencies, including unlikely ones. Thus, one rationale

²²² Interview, Achmat

²²³ Interview, Mvotho

²²⁴ Interview, Geffen

²²⁵ Interview, Mbali

²²⁶ Interview, Kunene

²²⁷ Interview, Geffen

²²⁸ Interview, Desai

²²⁹ Interview, Heywood

²³⁰ Interview, Desai

²³¹ Personal Communication, Geffen

behind the proposed People's Health Campaign is the expectation that the middle class has a strong interest in health reform and that the campaign will therefore attract mainstream support as well as inevitable opposition.²³² Whether or not this judgement is vindicated, it demonstrates an approach which starts from the assumption, that, without the support of key constituencies in the society, a campaign is likely to be pushed to the fringes of the policy debate. A campaign's chances of success, therefore, depends to a considerable extent on whether it can avoid relegation to the margins by attracting the support of influential social groups. Absolutely indispensable to this is a refusal to assume that a constituency is beyond the reach of a campaign unless thorough analysis indicates this - as well as the already mentioned avoidance of purism in selecting or rejecting potential allies. And this assumes a politics which does see the winning of particular issues and demands as desirable.

This propensity to "think alliances" is particularly important when we consider current constraints to redistributive politics. Mainstream development approaches, by insisting that anti-poverty programmes be targeted at "the poorest of the poor" so that "the non-poor" do not benefit, politically isolate the poor by creating conflicts over resources between them and the less poor. This prevents the formation of broad alliances in support of redistributive programmes.²³³ In a context in which the poor and marginalised lose potential influence when they are isolated from other social groups, strategies designed to strengthen the voice of the poor are likely to do this only if they can transcend isolation. The more campaigns for social equity are restricted to weak sections of society forced to act on their own, the likelier is it that they will be ignored. Since none of the constituencies pressing for equity are majorities, only alliance formation can assemble the social coalitions necessary to win gains. In principle, at least, TAC, by "thinking alliances", is opening new potential frontiers for effective social action against inequality by raising the possibility that, on most or perhaps even all issues, those campaigning for change can find allies and so make a seemingly unwinnable campaign a success. While the "classic" days in which the poor, organised into trade unions and labour parties, could win the adoption and implementation of redistributive social programmes by forming durable electoral alliances with other segments of society²³⁴ may be over, issue-based alliances may be more possible than they seem. The TAC experience also suggests that social movements who do not "think alliances" are likely to remain isolated and weakened.

Hands Across the Sea: The International Dimension

As suggested above, TAC's most strategically important alliance may well have been that with international allies.

International support seems to have been important in two ways. First, it placed pressure on multinational pharmaceutical companies because their head office abroad feared being portrayed in public as irresponsible or unsympathetic to the poor.²³⁵ Second, it may well have raised the costs to a government concerned to win foreign approval of refusing to endorse a "roll out". Unsubstantiated claims suggest that pressure from major Northern governments played a major role in promoting the Cabinet's policy shift. Whether or not that is accurate, the fact that TAC and other organisations succeeded in ensuring international opposition to government policy on ARVs must, given the government's sensitivity to international opinion, have played a role in winning the

²³² Interview, Achmat

²³³ Steven Friedman 'Equity in the Age of Informality: Labour markets and Redistributive Politics in South Africa' *Transformation* 50, 2002

²³⁴ Przeworski "Capitalism and Social Democracy"

²³⁵ Interview, McKenna

“roll out”. ”A background in Trotskyite activism taught an understanding of international solidarity”, according to Achmat.²³⁶

This dimension is important because, while globalisation is frequently seen as a constraint to collective action in pursuit of equity, it may be far more of a potential resource than a fetter. The claim that states are now unable to chart their own social and economic policy directions lacks compelling evidence.²³⁷ However, advances in communications technology have ensured that ideas and information can travel the globe more quickly than ever before and one effect is to make possible alliances between local and international civil society organisations which can cause considerable embarrassment to company executives, for example. An environment in which a company official can be faced with immediate unfavourable publicity in America and Europe because of actions in Africa is one which offers considerable scope for activists. International solidarity has also strengthened TAC by exposing it to information which it has been able to use to campaign more effectively: “International solidarity has been important because through e-mail and Internet we came to know about things like parallel importation and compulsory licensing when we came into contact with organisations like Consumer Progress and Technology USA”.²³⁸ International solidarity has also been a pressure on the government which has faced campaigning at its embassies by TAC allies.²³⁹ A key feature of international alliances in the era of electronic communication is that they can be sustained without using significant resources – “we don’t need a direct presence abroad to build international support.”²⁴⁰

TAC’s most consistent international ally has been the Belgian-based NGO *Medicins Sans Frontieres* (MSF), which, with the activist group *Act Up* “were putting (former US President) Clinton and then (SA President) Mbeki under pressure, not just about AIDS programmes but also about health issues in general. Also organisations such as *Gay Men’s Health Crisis* and the *Treatment Action Group* actually ran workshops for us, making the science of the virus user friendly”. MSF’s role was particularly significant because it runs continuing treatment programmes in South Africa: “Organisations like MSF not only began to distribute condoms but also began to run HIV programmes putting people on ARVs – this went a way to lifting the stigma of HIV/AIDS too”.²⁴¹ International co-ordinator Njogu Morgan insists that this is not a “one way relationship” – TAC is able to “share our experiences and lessons and so strengthen what our international partners are doing”.²⁴²

But international alliances are also not cost-free. Just as the anti-apartheid resistance movement discovered in the early 1990s that its international allies felt that they were entitled to a veto over strategic compromises, such as the African National Congress decision to lift sanctions in the early 1990s, so, it appears, did some of TAC’s allies. “On occasions our allies seem unaware of strategic realities here. When we agreed with two of the drug companies on a formula which made cheaper medicine available while recognising some of their concerns we were accused of compromising unnecessarily. Our allies said we should have taken them to the competition tribunal”.²⁴³ TAC leadership insists, however, that it does not allow alliances to erode its autonomy: “We are always careful in our contact with international organisations to stress that we

²³⁶ Interview, Achmat

²³⁷ See Steven Friedman “Democracy, Inequality and the Reconstitution of Politics” in Joseph S Tulchin with Amelia Brown (ed.) *Democratic Governance and Social Inequality*, Boulder, Lynne Rienner, 2002

²³⁸ Interview, Achmat

²³⁹ Interview, Nkala

²⁴⁰ Interview, Njogu Morgan, TAC International Co-Coordinator, 1 April 2004, Johannesburg

²⁴¹ Interview, Achmat

²⁴² Interview, Morgan

²⁴³ Interview, Morgan

are debating and involving ourselves in issues as equals and we are not being told what to do”.²⁴⁴ Support for this claim is provided by the fact that, like the ANC in the 1990s, TAC has ignored its international allies’ strategic perspective and has made the compromises they oppose. And, while at least one cross-national alliances did collapse as a result of strategic differences, most continue despite them.

Currently, TAC is seeking to broaden its international base by giving priority to strengthening a Pan-African network of AIDS treatment activists. Passing on experience in coalition building is one key goal since it believes that, in many other African countries, treatment activism is restricted to people living with HIV/AIDS and that this isolates it and renders it ineffective. One rationale for this is a recognition of a need to share its experience and resources with activists elsewhere on the continent: “There is an emotional bond between us. This country does owe a lot to others in Africa”.²⁴⁵ But solidarity, whatever its motive, does also enable pressure for treatment to take on a regional dimension, potentially strengthening TAC’s bargaining power. The network does not restrict itself to encouraging campaigning in particular countries, it engages the secretariat of the Southern African Development Community (SADC), as well as the African Union, potentially creating new momentum towards treatment in South Africa as well as other countries. And the regional focus does concentrate on international equity issues such as global trade regulation and its effect on the availability of anti-AIDS drugs. South African trade negotiator Xavier Carrim “says that we have made his life easier.”²⁴⁶

This last observation raises the possibility implied by TAC’s role in deterring the pharmaceutical companies from seeking legal protection against legislation allowing generics to be imported – that the activism of social movements can be an asset as well as a challenge to African governments, strengthening their ability to press for a fairer international economic order. While there are few examples of governments seeing independent activism as a resource “it is too pessimistic to say that activist-government co-operation is impossible,” Morgan insists.²⁴⁷ Activists are, for example, engaging African parliamentarians on health policy issues. Prospects of a productive relationship depend significantly on the degree of democratisation in particular countries – prospects of a “constructive” relationship with African governments are thus most pronounced in Kenya and Ghana.

In sum, international activism remains a key resource for TAC – clearly one which has won it significant gains. But cross-national activist networks, while they have won gains on specific issues such as extending treatment for people infected with HIV/AIDS, have not managed yet to make substantial inroads into what are seen as structural inequities in the international system which militate against adequate treatment for people living with AIDS in Africa. A campaign against the current US administration’s AIDS policy, which seeks to focus on AIDS within a much wider context, may indicate that these issues are being pursued with increased vigour.²⁴⁸

Beyond Race ?

To what extent is TAC able to transcend the politics of race?

It is trite to point out that race is a key divide in South African society. And, while left social movement activists might wish to insist that, in the struggle for justice, common interests override

²⁴⁴ Interview, Achmat

²⁴⁵ Interview, Morgan

²⁴⁶ Interview, Morgan

²⁴⁷ Interview, Morgan

²⁴⁸ “Invest in Health Not War” *TAC News Service* (moderator@tac.org.za) 14 June 2004

racial identity, that is not the view of the LPM's Mngxitama who complains: "To date, what has often happened in these social movements in South Africa is that historically dominant voices — primarily white-left intellectuals — have been the main mediators of the identity and aspirations of the poor... In a sense we are witnessing the re-inscription of racial domination in the service of a 'greater good' — to hold back the tide of neo-liberal attack on black bodies".²⁴⁹ Whatever the merits of his complaint, it does point to a particular reality: that, given historic disparities, many of the middle class professionals who gravitate to the top of social movement are white, while the grassroots are overwhelmingly or exclusively black.

As noted above, the possibility that this could be a source of division within TAC occurred to Tshabala-Msimang, whose attack on Heywood was, of course, meant to imply that a white leader was manipulating black followers. It appears to have occurred also to Thandoxolo Doro, national organiser of NAPWA, who, at a meeting in March, 2004, is said to have attacked Heywood and a white member of the AIDS Consortium, declaring, to the cheers of NAPWA members, that "we are sick of white people sitting at the front of the meeting; it causes us pain" and telling Heywood "we are sick of you white racists taking advantage of black people and people with HIV/AIDS" After the meeting, NAPWA members reportedly toyi-toyied, led by NAPWA Director Nkululeko Nxesi, singing "Mark Heywood the white racist has succeeded in dividing black people - that was his agenda all the time." An intervention to stop this by Mazibuko Jara, chair of the AIDS Consortium, led to a new chant that Jara was the "new black bourgeoisie." In response afterwards, Heywood charged that "the similar language used by the Minister and Nxesi and Doro, with whom she has regular contact, is no coincidence". And a subsequent statement by the consortium questioned NAPWA's motives: "These NAPWA representatives are known to have financial discrepancies and questionable business activities within their own organisations".²⁵⁰ Heywood notes that there is a certain irony to this: TAC was originally launched as part of NAPWA, because the organisation was seen as "conservative and largely white". TAC, he adds, played a role in the emergence of the black leadership which was later to attack it.²⁵¹ Whether or not NAPWA was acting on behalf of the Minister, or creating a diversion to distract attention from its business dealings, the possibility that people may have questionable motives for invoking race does not undermine its salience – indeed, it could be argued that its power lies precisely in the reality that people can use it so effectively to hide questionable motives.

Given this background, it is significant that the attempt to introduce racial division into TAC seems to have failed. Not only does Heywood insist that black members have enthusiastically supported him against these attacks.²⁵² In not one of our interviews with TAC officials and activists at all levels of the organisation did race emerge as an issue, either overtly, or in the code which South Africans tend to use to express racial sentiments in a non-racial way (in this case, complaints of excessive influence by "middle class people" might have acted as a surrogate).

This does not necessarily mean that TAC has defied the laws of South African political gravity by "transcending race". It is conceivable that, if circumstances did emerge in which grassroots frustration could be linked to the prominent role of white activists, racial sentiments which had been invisible might surface. But, thus far, like the union movement and a range of activist organisations, TAC's experience does seem to show that people in a society with South Africa's history of racial division can co-operate in search of a common interest in social equity.

²⁴⁹ Mngxitama "Let black voices speak"

²⁵⁰ "Condemn the Threats by NAPWA Against AIDS Activists" *TAC News Service* (moderator@tac.org.za) 30 March 2004

²⁵¹ Personal Communication, Heywood, 10 July, 2004

²⁵² Interview, Heywood

As Mngxitama's critique implies, however, this does not mean that TAC can afford to assume that it is operating in an environment in which "colour-blindness" is possible. The arguments are familiar but still pertinent: an approach which did not take seriously a history of racial disadvantage and simply hired "the best person for the job" could block off opportunities for black leadership by privileging whites whose access to formal education and other resources gives them a dominant position. If that was allowed to continue unfettered, black frustration and ensuing racial tension would be highly likely. TAC is aware of this – hence the commitment to develop grassroots leadership and the recognition that race must play a role in appointments: a Cape Flats organiser it was seeking to recruit "should ideally be Coloured".²⁵³ Thus rather than claiming that TAC has "transcended" race, it might be more accurate to say that it is managing it fairly effectively thus far. Continued success is likely to depend largely on continuing to recognise the need to nurture black leadership.

A Social Movement Model?

Does TAC provide a model for other social movements?

That depends partly on whether TAC can be seen as a "new social movement". For, if it is, in the eyes of some, the most successful of the new social movements, it is also different to most of the others. In the view of activists in other movements, the chief divide lies in TAC's failure to situate its campaign in a critique of the government's macro-economic policy, GEAR.²⁵⁴ On the tactical level, TAC's frequent use of the law is seen as distinguishing. It is also criticised because it "seems to work within the corridors of power – it tries to be part of the (ANC) alliance. TAC works from the inside. It is often in top level closed door meetings which may demobilise (its) base."²⁵⁵ On the organisational level, it is seen to have relied too heavily on "a bureaucracy of full time personnel who could become the decision makers,"²⁵⁶ thus eroding internal democracy. And finally, it is seen to distance itself from other social movements: "They seem to see us as wild troublemakers and law breakers – they need to recognise that we could work together".²⁵⁷

These objections to TAC's goals, political loyalties and strategies do not imply that it goes about its business in a fundamentally different way to the other movements. They suggest merely that it is a social movement which has made choices which others reject. But they may imply a more fundamental difference– that TAC is willing to engage with the post-apartheid system and to accept that real rights can be won for the poor and marginalised within it. A movement which uses the law implies that the law is not inherently biased against the poor and can offer them real gains. One which lobbies politicians implies that those who demand equity can find allies in the mainstream political system. And helping the government's "roll out", albeit in a way which may require confrontation as well as co-operation, implies that the government can, with the right prodding, meet the needs of poor people living with HIV/AIDS.

Many social movement intellectuals, however, would be more inclined to endorse this view:

²⁵³ Interview, Berold

²⁵⁴ Interviews, Desai, McKinley

²⁵⁵ Interview, McKinley

²⁵⁶ Interview, Desai

²⁵⁷ Interview, McKinley

“No doubt, there are many state bureaucrats who genuinely feel they can make a difference to poverty, unemployment, inadequate education, health services and the welfare system. As Miliband has argued... ‘The trouble does not lie in the wishes and intentions of power holders, but in the fact that the reformers are the prisoners... of an economic and social framework which necessarily turns their proclamations, however sincerely meant, into verbiage’. The post-apartheid state is primarily the guardian and protector of these dominant economic interests and the guarantor of capitalist property relations... liberals view the state as an agent of a democratic social order with no inherent bias toward any class or group. They fail to understand the elementary truism that the state in a capitalist society is not neutral in relation to different classes. This misconception is the fount from which all sorts of reformist illusions arise”.²⁵⁸

Logically, then, an activist and scholar declares: “It seems increasingly unlikely that open confrontation with the repressive power of the post-apartheid state can be avoided”.²⁵⁹ In this view, engaging with the state is futile since the problem is not that poor people have failed to assemble the power they need to influence it, but that it can never be influenced by the poor.

TAC’s strategy of engaging with and winning incremental gains from the state tends, therefore, to set it off from many other social movements. This does not make it unique,²⁶⁰ but it does beg a further question: is TAC’s experience a demonstration of how new social movements should operate in a democracy - or evidence of the limits of new social movement tactics? The question is relevant because it is not clear why TAC should be called a “new social movement” at all if by that we mean a new form of organisation somehow distinct from a conventional civil society organisation. Civil society associations have been defined by Chazan as “organisations that are autonomous from the state but interrelate with it” or “associations that interact with the state but don’t want to take it over”.²⁶¹ This describes a long-established form of citizen engagement with the democratic state which is held to enrich and support liberal democracy since it is the vehicle through which citizens claim the right to be heard promised by this form of democracy, but which must be claimed by combining in civil society associations. It also, in broad outline, describes TAC’s approach to democratic government. TAC could, therefore, be classified as a civil society organisation which seeks to make gains by mobilising grassroots people as well as by using the constitutional system. Being a social movement, then, would not imply a use of tactics different to those associated with civil society organisations. Thus one recent study of civil society simply sees social movements as particular types of civil society organisation: “When civil society networks join forces on a scale and over a time-span significant enough to force through more fundamental change, they can be classified as social movements”.²⁶²

This view that social movements are simply a variant of civil society association is, however, not the position of most who champion “new social movements” and who insist that they are, in some way, different from conventional civil society organisations. Two broad criteria are said to distinguish them – their agenda and mode of operation. On their agenda, one recent study argues that a social movement differs from an interest group or political party because its participants intentionally seek a far reaching restructuring of society.²⁶³ Similarly, a concept document designed to guide the project to which this paper contributes defines social movements as “politically and/or socially directed collectives, often involving multiple organizations and

²⁵⁸ Vally “The Political Economy of State Repression”

²⁵⁹ Desai ‘We are the Poors’ p. 147

²⁶⁰ Adam Habib “State-Civil Society Relations in Post-Apartheid South Africa” *SA Labour Bulletin* Vol 27 No 6 December 2003 p.18

²⁶¹ Naomi Chazan ‘Discussion - Governability and Compliance during the Transition in Riaan de Villiers (ed) *Governability during the Transition* Johannesburg, Centre for Policy Studies, 1993, p.14

²⁶² Michael Edwards *Civil Society* Oxford, Polity, 2004, p. 33 See also Habib “State-Civil Society Relations”

²⁶³ Cyrus Zirakzadeh *Social Movements in Politics: A comparative study*, New York, Longman, 1997

networks, focused on changing one or more elements of the social, political and economic system within which they are located”²⁶⁴ Another celebrated definition see social movements as: “Purposive collective actions whose outcome in victory, as in defeat, transforms the values and institutions of society”.²⁶⁵

Broadly, in South Africa, social movements can be seen as vehicles of fundamental social and political change - “the torch-bearers of the new socialist revolution”.²⁶⁶ This seems to be the view of activist Trevor Ngwane who decries those who “use globalisation as an excuse for avoiding the fight with your own national bourgeoisie”.²⁶⁷ Alternatively, left intellectuals may see the movements not as attempts to overthrow the existing order but to create an alternative within it.²⁶⁸ Neither view, however, sees social movements as a means of winning gains from the state by engaging with it in that mixture of conflict and co-operation employed by TAC.

The weakness of defining social movements by their aims is revealed when we try to apply it to TAC. In the view of some other social movements it does not seek to change the system, merely to win concessions from it. But, as this paper has shown, TAC does see itself as a vehicle for social change. It is unclear why, beyond the rhetoric of its leaders, a movement seeking subsidised electricity for the poor is pressing for structural change while one which wants poor people to enjoy free AIDS medication is not? In both cases, the campaign is part of a broader vision of change. And, while TAC’s vision may not be the same as that of, say, the Anti-Privatisation Forum, an understanding of social movements which defines organisations in or out of the category by deciding whether their goals are sufficiently radical is arbitrary. Using many of the definitions cited here, TAC surely is a social movement if it seeks to change the distribution of resources in society. But if that defines social movements, so much of civil society would qualify that the distinction between social movements and civil society organisations would become incoherent. If social movements are different from civil society organisations, the distinction must lie in something more fundamental than the details of their demands.

Students of and participants in social movements therefore also seek to distinguish them from civil society organisations by their mode of action. “This movement... is about creating new forms of organisation.. It is about creating and enacting horizontal networks instead of top-down structures like states, parties or corporations... it does not seek to solicit hegemony as a part of civil society...” Instead, it seeks to “reinvent daily life as a whole”.²⁶⁹ In one formulation, the use of “direct action” may help characterise social movements - “Direct action seeks to disturb the tranquillity of ‘business as usual’ whereby local government unfolds at an arm’s length from the citizenry and politicians nestle strongly in the bosom of elites”.²⁷⁰ By implication, this is a revolt against a trend in “mainstream” civil society – the “professionalization of the non-profit sector and a gradual distancing of associations from their social base”.²⁷¹ In other views, the refusal to engage in

²⁶⁴ Adam Habib, Richard Ballard and Imraan Valodia Project concept paper, p.2

²⁶⁵ Manuel Castells *The Information Age: Economy, Society and Culture. Volume II. The Power of Identity* Malden, Massachusetts, Blackwell Publishers, 1997, p.3

²⁶⁶ Mngxitama “Let black voices speak”

²⁶⁷ Ngwane, “Interview”

²⁶⁸ Desai “We Are the Poores”. See also “finding ferial’s rebellion” ccs-l@lists.ukzn.ac.za 29 June 2004

²⁶⁹ Ashwin Desai “Between the broken and the built” Interview with Holley Wren Spaulding www.nu.ac.za/ccs. Cited in Fakir “Institutional Restructuring”

²⁷⁰ Edgar Pieterse *At the Limits of Possibility: Working Notes on a Relational Model of Urban Politics* Draft 25 June 2003

²⁷¹ Edwards “Civil Society” p.35

mainstream politics is crucial: “Social movements ... result from protests against predominant social structures. This implies a natural opposition to established politics”²⁷² – or to put the same point more forcefully, “the vote is meaningless unless we can run our own economy”.²⁷³

Added to this is a suggestion that new forms of action are being employed – so new that if they are defined at all, the definition is in the negative – social movements are thus not an advocacy network, not a labour movement – indeed, not anything which the author is willing to define.²⁷⁴ Another view is more descriptive, talking of “largely atomized and prolonged mobilisation with episodic collective action, and open and fleeting struggles without clear leadership, ideology or structured organization”²⁷⁵ Others talk of multiple, hybrid, forms of action. But, while definition is often vague, the consensus in these theories is that social movements represent a new form of activism²⁷⁶ - one in which the rules of traditional civil society engagement do not apply.

If this is indeed what defines social movements, TAC clearly does not fit since it should be very clear by now that all its strategies and approaches are entirely consistent with that of civil society organisations as understood here. It too seeks to engage with the state without taking it over and it does so by employing all the standard methods of civil society engagement –lobbying and coalition-building, public protest and legal action among others. While some critics of “classic” civil society organisation see it as a substitute for mobilisation, the right to mobilise within democratic rules is guaranteed by liberal democracy and mobilisation is a frequently used civil society strategy. While civil disobedience, whether in the form of mass mobilisation or importing medication in defiance of patent regulations, might be seen as an exception, openly and non-violently breaking the law to draw public attention to a perceived injustice is compatible with the loyalty to the state and willingness to respect its rules associated with civil society. Perhaps this is why one analysis labels TAC a “nationally based association” rather than a social movement.²⁷⁷ TAC activists, it must be stressed, do tend to prefer it to be seen as a social movement since they associate the term with advocacy and are adamant that TAC will always remain “a campaigning organisation”, even while it delivers services and works with the government.²⁷⁸ But, while this definition clearly has an emotional resonance for people in TAC, for them a “social movement” is a campaigning civil society organisation.

Much more is at stake here than a debate on definitions. The view that new social movements are a departure from traditional civil society assumes that “standard” democratic modes of engagement with the state are no longer capable of delivering gains for the poor, if they ever were, and that something new is needed if the weak and marginalised are to be heard. If TAC had shown that this “something new” was delivering gains it would demonstrate that a novel form of collective action had emerged which may show the way for those who are silenced to gain a voice. But if the most successful of the social movements has achieved its gains by using the methods of conventional civil society engagement with the state, then TAC demonstrates that this form of engagement can yield real gains for the poor and marginalised. And so it demonstrates too that no profoundly new techniques are needed. While its stress on the moral high ground, its use of alliances and its

²⁷² Cited by Michael Sachs “We don’t want the fucking vote’: Social Movements and demagogues in South Africa’s young democracy” *SA Labour Bulletin* Vol 27 No 6 December 2003 p. 24

²⁷³ Ashwin Desai quoted in Paul Kingsnorth *One No, Many Yesses: A Journey to the Heart of the Global Resistance Movement* New York, The Free Press 2003, p.121 Cited by Sachs

²⁷⁴ see Peter Waterman “The International Call of Social Movements” *SA Labour Bulletin* vol 27 No 6 December 2003 p. 28

²⁷⁵ Cited by Ebrahim Fakir “Institutional Restructuring, state-civil society relationships and social movements” *Development Update* Vol 5 No 1 April 2004 p. 143

²⁷⁶ Jacklyn Cock “Local Social Movements: Some questions from the ‘Back Alleys’ of South Africa” *SA Labour Bulletin* Vol 27 No 6 December 2003 p. 21

²⁷⁷ Habib, “State-Civil Society Relations” p. 16

²⁷⁸ Interview, Morgan, Interview, Mithathi, Interview Heywood

tactical flexibility are all important assets which may provide useful pointers to more effective action for equity in the current environment, none of them suggest that a significantly new form of activism has emerged in TAC. The lesson of TAC's experience, then, is that it remains possible to use the rights guaranteed and institutions created by liberal democracy to win advances for the poor and the weak. The claim that a new form of action is needed is not vindicated by TAC's record.

But this too must be qualified, TAC's experience has much to teach about how social movements or civil society organisations can win battles for reform. It cannot point to strategies for more fundamental change because that has not – in the direct sense – yet been its goal. Whether this approach can win the sort of sustained policy changes and social programmes which will enable the poor and the marginalised to claim their place as full social and political citizens remains untested since it is yet to be tried. But, by suggesting that the possibility of winning allies across historical divides is greater than we may think, that “globalisation” provides unprecedented opportunities for cross-national action, and that the politics of the moral high ground and its assumption that all human beings have a moral sense and are vulnerable to shame can be more effective than conventional structural analysis might suggest, it has at least held out the possibility that organisations of the poor which apply these lessons can make an impact on the structure of inequality as well as its symptoms.