

**TITLE**

**An investigation of the Children's Bill Working Group's networking  
and advocacy around the Children's Bill between 2003- 2004.**

**By**

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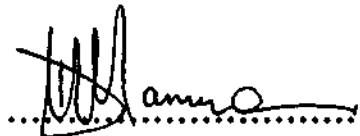
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## Abstract

This study reviewed how networks, entrepreneurs and narratives were intertwined in keeping a policy process moving and preventing it from stagnating. By applying Roe's narrative analysis theory (as developed in *Narrative Policy Analysis* - 1994), along with Kingdon's theory of entrepreneurs (as developed in *Agendas, Alternatives and Public Policies* - 1995) and Kickert's explanations of networks (as developed in *Managing Complex Networks* - 1997) the study attempted to uncover how a complex policy issue is managed by the stakeholders involved.

The Children's Bill was the case study used to show the usefulness of these three theories in understanding the intricate engagements and relations of participation around a complex policy. By applying qualitative data collection and analysis techniques, the case study illustrated how a complex policy is able to move through the policy and legislative processes despite the conflict and difficulties encountered. The dominant narratives were identified, the narrative of the Working Group (WG) (to hold the Bill over to the next parliament and to include a National Policy Framework), and the counternarrative of the Department of Social Welfare and Development (to fast track the Bill through parliament and to make excisions), as were the non-stories (on issues of poverty). The research also identifies the policy entrepreneurs (the WG secretariat and in particular the Children's Institute and Paula Proudlock) and the networks in which they operated. This information provided the basis to identify the meta-narrative to hold the Bill over to the next parliament for further deliberations on the excisions that had been made, which allowed the Children's Bill process to continue.

Some recommendations for further evaluation and research into this policy process are noted.

# Table of contents

Abstract.....	i
List of Acronyms.....	v
List of Tables and Figures.....	vi
Acknowledgements.....	vii
<b>Chapter 1 Introduction.....</b>	<b>1</b>
1.1 Children’s Bill: International experience.....	1
1.2 Children’s Bill: South Africa.....	3
<b>Chapter 2 Policy Context.....</b>	<b>8</b>
<b>Chapter 3 Theoretical Framework</b>	
3.1 Analytical Technique.....	15
3.1.1 Narrative analysis.....	15
3.1.2 Non-Stories and Counter Narratives.....	16
3.1.3 Meta-narrative.....	17
3.2 Policy Instruments.....	19
3.2.1 Policy Networks.....	19
3.2.2 Policy Entrepreneurs.....	20
3.3 Conclusion.....	22

## **Chapter 4 Methodology**

Research Methods.....	23
4.1 Data Collection Techniques.....	23
4.1.1 Primary data.....	23
4.1.2 Secondary data.....	24
4.2 Sample.....	24
4.2.1 Working Group.....	25
4.2.2 National Parliament.....	26
4.2.3 Departmental Staff.....	27
4.3 Data analysis techniques.....	28

## **Chapter 5 Findings and Analysis**

5.1 Narrative.....	30
5.2 Counter Narratives.....	36
5.3 Non-Stories.....	39
5.4 Meta-narrative.....	42
5.5 Policy Entrepreneur.....	46
5.6 Policy Networks.....	52
5.7 Conclusion.....	57

<b>Chapter 6 Conclusion.....</b>	<b>60</b>
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## **Appendices**

1. Interview Guide Working Group.....	63
2. Interview Guide Portfolio Committee Members.....	65
3. Interview Guide Departmental Officials.....	66

<b>Bibliography.....</b>	<b>68</b>
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## List of Acronyms

ACCESS	Alliance for Children's Entitlement to Social Security
CBO	Community Based Organisation
CHAIN	Children's HIV/AIDS's Network
CI	Children's Institute
DART	Disability Action Research Team
DICAG	Disabled Children's Action Group
DSWD	Department of Social Welfare and Development
ELRU	Early Learning Resource Centre
FBO	Faith Based Organisation
LHR	Lawyers for Human Rights
NACCW	National Association of Child Care Workers
NCOP	National Council of Provinces
NGO	Non-governmental Organisation
NPF	National Policy Framework
RAPCAN	Resources Aimed at the Prevention of Child Abuse and Neglect
SALRC	South African Law Reform Commission
SASPCAN	South African Society for the Prevention of Child Abuse and Neglect
WG	Working Group

## List of Tables

Table 1:	Timeline of Activity on Children's Bill.....	13
Table 2:	Grouping and Number of Respondent in study.....	34
Table 3:	Grouping and Number of Respondent, Interviews obtained from Children's Institute, University of Cape Town.....	35

## Figures

Figure 1:	An illustration of the process of legislation.....	17
Figure 2:	An illustrative narrative structure.....	25

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Finally, thank you to my family, for reminding me I could do it, and to my best friend; it is now done.



# Chapter 1

## Introduction

The South African history of governance is one that has undergone dramatic changes; in 1994 the first free and fair elections were held to elect the first democratic government in the country. Thereafter began the process of overhauling the South African legal framework, this reform process is ongoing and is evident in the number of pieces of legislation that have been amended or repealed<sup>1</sup>. Many pieces of legislation were amended or repealed as they were in contradiction to the new Constitution of the Republic of South Africa Act 108 of 1996.

To amend or repeal legislation meant that the South African government would have to draft legislation that would redress inequalities for a diverse population in geographical, economic, social and political terms. This is a complex process due to the nature of some pieces of legislation, in particular legislation pertaining to children's rights. This study addresses this complexity by investigating the advocacy and lobbying techniques that civil society used in engaging with the process in South Africa. This complexity is not unique to South Africa and has been experienced in a number of countries.

### 1.1 Children's Bill: International experience

The notion that child protection is a complex area of policy has been recognised in a number of countries. In Australia it was highlighted that “[c]hild protection, however, is still conceptualised as a contested field with multiple complexities.”<sup>2</sup> The United Kingdom has also recently undergone a law reform to their children's legislation and has experienced how complex and time consuming the issue is. “Given the breadth of this bill we are disappointed more time wasn't given over to debating the issues in committee stage because they are very important.”<sup>3</sup> Part of the difficulty experienced in the UK was compounded by the ‘rush’ to pass the legislation. “In its haste to push the Children's Bill through parliament, the government has dispensed with essential

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<sup>1</sup> South African Government Website – accessed 24/05/2005 <http://www.search.gov.za>

<sup>2</sup> Farrell, A. (2004) p 241

<sup>3</sup> Taylor, A. (2004) p 18

*debate and detail.*"<sup>4</sup> In the UK the pressures to pass the legislation led to mixed feelings in both government structures and Non-Governmental Organisations (NGOs) about its progress, it was felt by the NGOs that "[t]he Children Act 2004 is the best opportunity that most of us will have in our careers to transform the lives of children. But while there is a great deal we can be pleased about there are also significant problems."<sup>5</sup>

That was the experience in the United Kingdom in 2004, after an earlier overhaul of their child welfare legislation that had occurred in the 1980's. During the 1980's the legislative reform process in both the United Kingdom and France, was one where NGOs and government utilised policy networks or communities as a means of developing and participating in the legislative process. This was done by the NGOs and government so as to ensure that there was representation and influence from the stakeholders, Daguerre, for example, holds that "*the description of English and French networks enables us to specify the influence of groups in mediating or initiating policy change in the child care sector in 1980-89.*"<sup>6</sup> This network style of organisation around a policy issue in the United Kingdom was characterised in the 1970's by "*a strong degree of ideological cohesion, a high frequency of interaction and continuity of membership*"<sup>7</sup>. However Daguerre goes on to highlight that the English legislation reform was driven more by "*exogenous shocks from the political and economic environment.*"<sup>8</sup>

Policy networks may have had a role to play in the legislative reform process, but the political factors were viewed as the driving force. This highlights the idea raised by Carlsson, "*that the policy network approach would benefit from incorporation into a broader analytical framework.*"<sup>9</sup> Using the policy network as a tool for analysis in conjunction with narrative analysis has proved useful in identifying other contextual factors, such as policy entrepreneurs, influencing the network and therefore the policy process.

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<sup>4</sup>Taylor, A. (2004) p 18

<sup>5</sup>Dawson, H. (2004) p 24

<sup>6</sup>Daguerre, A. (2000) p 248

<sup>7</sup>Daguerre, A. (2000) p 250

<sup>8</sup>Daguerre, A. (2000) p 245

<sup>9</sup>Carlsson, L. (2000) p 502

## 1.2 Children's Bill: South Africa

South African history was characterised by social, political and economic inequality and discrimination. During the Apartheid era, discrimination was built into the lives of citizens through legislation and policy, which was aimed at supporting and strengthening the Apartheid government. The Child Care Act of 1983 was no different; it favoured the white minority and addressed issues that were only of relevance to them. For example; the Act defined children according to race, which was later deleted by the Amendment Act 96 of 1996<sup>10</sup>, the Act dealt with issues such as maintenance, parental rights and adoptions for white children separately to black children, for example in the long title of the Act it specified that the Act was for '*the protection and welfare of certain children.*'<sup>11</sup> In line with the need to amend the legislation that was in contradiction with the new Constitution, the South African Law Reform Commission (SALRC) investigated and reviewed, the Child Care Act and made recommendations to the Minister for Social Welfare and Development (DSWD)<sup>12</sup>.

In 1997, the SALRC was tasked with investigating the Child Care Act of 1983 and to make recommendations to the Minister for Social Welfare and Development for the reform of this particular legislation<sup>13</sup>. The Commission in its report of December 2002 to the Minister of Social Welfare and Development and the Chair of the Portfolio Committee on Social Welfare and Development highlighted the supremacy of the Constitution and how it gives protection to children in section 28, and they also noted that, South Africa had international obligations as a signatory to the United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child<sup>14</sup>.

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<sup>10</sup> Child Care Act 74 of 1983

<sup>11</sup> Child Care Act 74 of 1983

<sup>12</sup> South African Law Commission (2002) p1

<sup>13</sup> South African Law Commission (2002) p 1

<sup>14</sup> South African Law Commission (2002) p3

In 1998 a long and comprehensive consultative process was begun by the SALRC. The process included a number of activities including; research, the drafting of a number of discussions documents, reports, and the running of participatory workshops with children as well as workshops with stakeholders. After extensive consultation with many stakeholders from NGOs, Community Based Organisations (CBOs), Faith Based Organisations (FBOs) and other Government Departments, including “143 Respondents to the Discussion Paper on the Review of the Child Care Act”<sup>15</sup> and “17 Workshops, Conferences, Consultative meetings etc, 18 Briefings, Lectures, Discourses etc.”<sup>16</sup> the SALRC submitted the seventh draft of the Children’s Bill to the Minister for Social Welfare and Development and to the Chairperson of the Portfolio Committee by June 2002.

The Children’s Bill was then presented to stakeholders from the Children’s sector in South Africa, in January 2003, at a meeting at the Holiday Inn, De Waal Drive, Cape Town<sup>17</sup>. The Minister for Social Welfare and Development then tabled the Bill in Parliament in 2003. At the time of the tabling, the Children’s Bill had in excess of 300 clauses (362 clauses, and 277 pages)<sup>18</sup> and was considered to be close to the most comprehensive and holistic Bill, in that it covered all aspects of childhood for example; maintenance; support grants; access to medical treatment; support systems and structures for children affected and infected by HIV/AIDs; adoption and fostering; for all children in South Africa.

The original draft included sections on; intersectoral implementation; best interest of the child principles; a child rights chapter; a chapter on parental rights and responsibilities; child and family courts and all aspects of the processes in, and compositions of these courts; early childhood development; protection of children, including a national register of perpetrators; a section on protective measures relating to health of children; partial care; prevention and early intervention services; children in need; contribution orders; alternative care for children; foster care and care by relatives; child and youth care centres; children in especially difficult circumstances; shelters and drop-in centres; adoption; inter-country adoption; child abduction;

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<sup>15</sup> South African Law Commission (2002) Annexure A

<sup>16</sup> South African Law Commission (2002) Annexure B

<sup>17</sup> Minutes of the Children’s Bill meeting January 2003, Children’s Institute

<sup>18</sup> Children’s Bill [B –2002] South African Law Reform Commission

trafficking of children; a children's protector; funding, grants and subsidies<sup>19</sup>. By including all of these chapters, and particular sections, the Bill ensured that there would be one piece of legislation to comprehensively address all issues affecting all children, as opposed to the previous Child Care Act, which was amended 7 different times by; the Special Courts for Blacks Abolition Act 34 of 1986.; Child Care Amendment Act 86 of 1991; Abolition of Restrictions on the Jurisdiction on Courts Act 88 of 1996; Child Care Amendment Act 96 of 1996; Welfare Laws Amendment Act 106 of 1997; Adoption Matters Amendment Act 56 of 1998; and the Child Care Amendment Act 13 of 1999<sup>20</sup>.

The Children's Bill that was tabled was considered by the NGOs and members of the SALRC to be one of the most advanced pieces of social legislation, as it covered many aspects of childhood that previously were not addressed, such as the HIV/AIDs pandemic, issues around partial care and street children shelters, and funding and grants. It also put into place a number of mechanisms to ensure better protection of children by legislating for intersectoral co-ordination to ensure that departmental efforts are co-ordinated in the best interest of the child, as well as trying to put in place preventative measures to ensure children were kept out of the 'system'.

This was captured in an article written by Jackie Loffell, Chairperson of the Johannesburg Child Welfare who wrote that;

*"A range of preventive measures was set out in the Bill to ensure, in the first place, that children could grow and develop within healthy families and communities. Where these measures failed, various early intervention mechanisms would come into operation and, where this second level did not have the desired effect, an effective protective system would be in place, designed to safeguard children from further harm and, where necessary, ensure their reintegration into the community."*<sup>21</sup>

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<sup>19</sup> Children's Bill [B -2002] South African Law Reform Commission Draft

<sup>20</sup> Child Care Act 74 of 1983

<sup>21</sup> Loffell, J. (2003) The Children's Bill has Lost its Soul, Press release, Children's Institute

As such an extensive and comprehensive piece of legislation, the Children’s Bill required further consultation and redrafting as it moved through the governmental structures, from the lead DSWD, to parliament and cabinet.

The Bill had followed a process of drafting and comment as outlined in Table 1.

**Table 1 Timeline of Activity on Children’s Bill**

Year (Date)	Action
1996	South African Law Reform Commission (SALRC) to research and draft a new Children’s Bill - long process of consultation
2002	Gordon’s Bay conference with NGOs
2002	SALRC Draft Bill completed
2003	Workshop/presentation to NGOs, Cape Town - Holiday Inn - inter-departmental consultation.
2003 June	First departmental Draft Bill
2003 4 August	Second departmental Draft Bill
2003 12 August	Third departmental Draft Bill
2003 13 August	Summary explanation of Bill published in Government Gazette No. 25346, 13 August 2003
2003 7 September	Deadline for submissions on draft bill
2003 8 September	Deadline moved to 30 September
2003 17 October	12 August version certified by State Law advisors
2003 24 October	Unofficially sent to Parliament
2003 24 October	Programming Committee declare Bill ‘mixed’ requiring splitting into two bills a section 75 and a section 76 bill.
2003 14 November	Portfolio Committee discusses potential dates for submissions and hearings on the bill.
2003 18 November	Portfolio Committee sets dates for hearings in December
2003 December	Hearings are not held Bill is held over until after the elections
2004 January	Bill officially withdrawn

The public were asked by DSWD, through the publishing of the Bill in the Government Gazette No. 25346, 13 August 2003<sup>22</sup>, to make written submissions on the Bill, the deadline for which was 7 September 2003, which was later moved to the 30 September 2003. Thereafter the Bill was sent to Cabinet, after Cabinet had seen the Bill and had made the changes and recommendations that they felt would allow the Bill to be legally and fiscally attainable by government, the Bill was sent back to the Portfolio Committee and the Department and was certified by the State law advisors. However the draft that was certified for tabling was the 12 August 2003 version, which did not account for the submissions and recommendations made by the NGOs. It was at this point that the NGOs formed the Working Group (WG), to consolidate their lobbying activities around the Bill as they recognised that the Children's Sector was vast and fragmented by specific issues of interest.

This study looks at how this potentially conflictual piece of legislation was managed during the period January 2003 – January 2004, in particular by civil society using a network of NGOs known as the WG, and how the different stakeholders, including the WG, Government Departments and Parliament managed the engagement. By using narrative policy analysis the research gives insight into the ways in which civil society engaged with a complex piece of legislation through employing successful and unsuccessful advocacy and lobbying techniques.

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<sup>22</sup> South African Government website (<http://www.info.gov.za/gazette/bills/2003/b70-03r.pdf>)

## Chapter 2

### Policy Context

The context of governance in South Africa is one where several Departments are responsible for different aspects of everyday life of South Africans; many of these Departments are matched in the parliamentary structure by Portfolio Committees that are charged with overseeing the development of relevant policy and legislation “[A] number of portfolio committees to shadow the work of the various national government departments, [o]versee the work of the department they are responsible for, and enquire and make recommendations about any aspect of the department, including its structure, functioning and policy.”<sup>23</sup> The concern for children and their welfare falls within the Department of Social Welfare and Development (DSWD) who recognise that “Children have the right to basic needs and to grow up in a secure environment. If we fail to meet their most basic needs, the reconstruction and development of the country will be retarded. [We] have therefore made ‘Putting Children First’ the theme for the next three years. Children will be prioritised in all the main programmes of the Department.”<sup>24</sup> The DSWD have prioritised children and their needs, making the Children’s Bill a key piece of legislation for them to begin to fulfil their commitments to children.

At the level of the National Parliament the Portfolio Committee on Social Welfare works with the DSWD, as provided in the “Rules of the National Assembly” at rule “121(1)(e) Portfolio committees that must be established in terms of Rule 199.”<sup>25</sup> In addition to this Rule 199 allows that “The Speaker acting with concurrence of the Rules Committee must – (b) assign a portfolio of government affairs to each committee.”<sup>26</sup>

The functions and tasks of the Portfolio Committees are according to the South African Government Parliamentary website (2005) (<http://www.parliament.gov.za>) –

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<sup>23</sup> South African Parliament website accessed 24/05/2005 (<http://www.parliament.gov.za>)

<sup>24</sup> Department of Social Development (March 2002) Strategic Plan 2002/03 to 2004/5 p1

<sup>25</sup> National Parliament (2002) Rules of the National Assembly p31

<sup>26</sup> National Parliament (2002) Rules of the National Assembly p52



*“Different kinds of committees have one or more of the following functions: They monitor and oversee the work of national government departments and hold them accountable; they oversee the accounts of national government departments and state institutions; they take care of domestic parliamentary issues; they examine specific areas of public life or matters of public interest; they consider bills and amend them, and may initiate bills; they consider private members' and provincial legislative proposals and special petitions; they consider international treaties and agreements. Committees have the power to summon any person to appear before them, give evidence or produce documents, they may require any person or institution to report to them, and they may receive petitions, representations or submissions from the public. They play a crucial role in the lawmaking process.”<sup>27</sup>*

It is within this context the DSWD is overseen and monitored by the Portfolio Committee on Social Welfare, and legislation that emanates from the DSWD must be heard through the Portfolio Committee on Social Welfare.

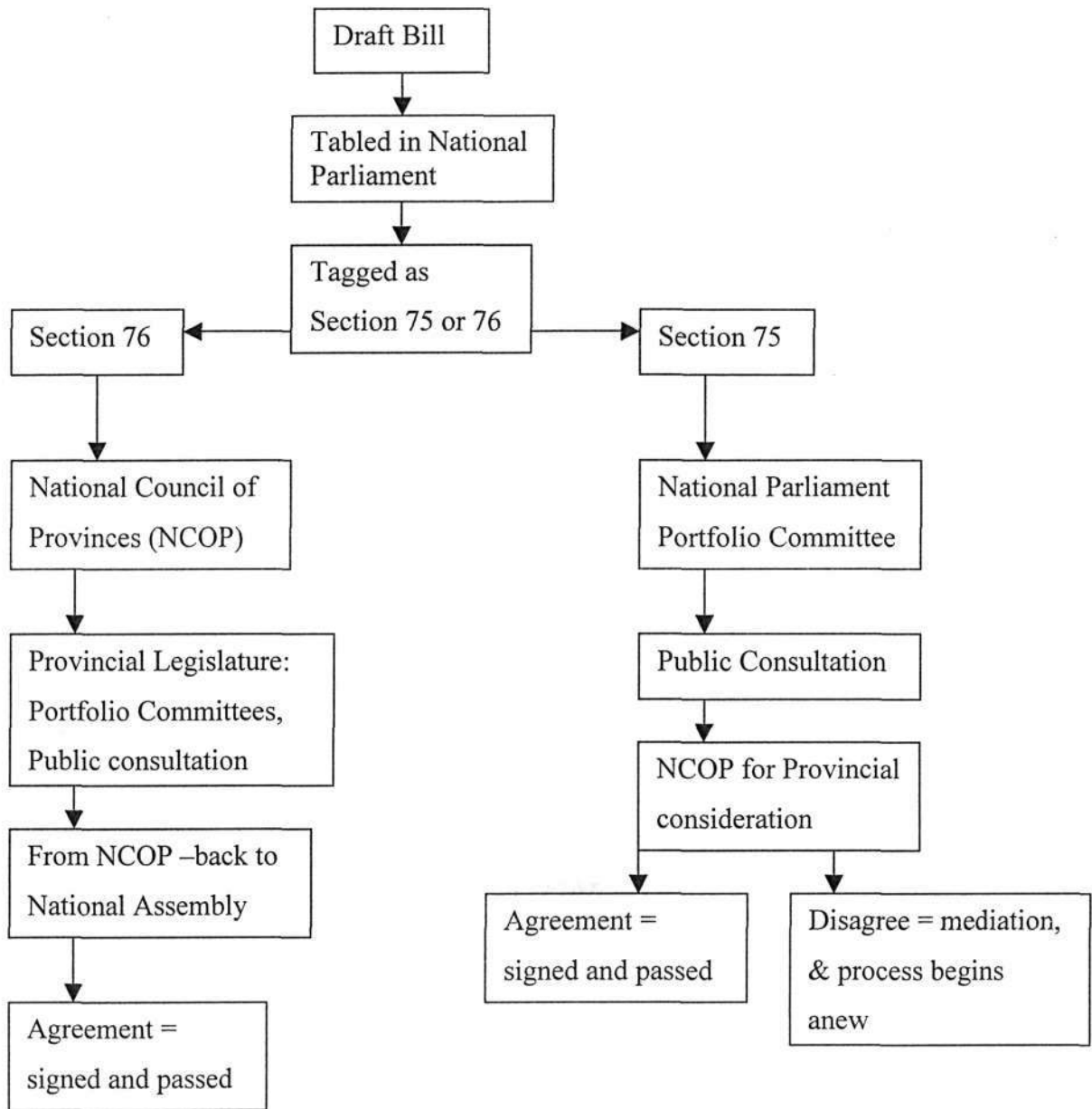
The Children’s Bill is a piece of legislation that covered social welfare and fell under the DSWD at both national and provincial levels of government due to the nature of the provisions contained in it, which range, for example, from international adoptions to early childhood development<sup>28</sup>. In addition this piece of legislation had far reaching objectives and responsibilities because it also included regulatory aspects of social welfare. The policy therefore affected all spheres of government; from national, to provincial and local.

The Bill therefore followed through the normal legislative process, which entailed consideration and drafting in parliament, consultation, agreement, and passing into law. This process is illustrated in Figure 1, which summarises the process, but is not exhaustive of all the procedures involved, in particular the process around disagreement and mediation is excluded.

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<sup>27</sup> South African Parliament website accessed 24/05/2005 <http://www.parliament.gov.za>

<sup>28</sup> Children’s Bill [B -2003] (12 August 2003)



**Figure 1 Summarised process of a piece of legislation** <sup>29</sup>

The Children’s Bill was originally drafted as a holistic piece of legislation that included all aspects of childhood. This meant that procedurally the Bill included both Section 75 and a Section 76 competency, meaning it is considered a mixed Bill and is split into two Bills a Section 75 Bill and Section 76 Bill. Section 75 Bills refer to issues that have National administration implications and section 76 Bills refer to those that include issues which have Provincial administration implications. Further,

<sup>29</sup> Figure 1 is a summarised illustration of the process of legislation, developed by the researcher and based on the process described in the Rules for the National Assembly, National Parliament (2002) and the Constitution Act 108 of 1996.

according to Schedule 4 A and B of the Constitution, functional areas that have concurrent national and provincial legislative competence, which provisions in the Children's Bill did have, include;

*Cultural matters; Education at all levels, Health services; Housing; Indigenous law and customary law; Population development; Regional planning and development; Urban and rural development; Welfare services; Child care facilities; Municipal planning; and Municipal health services*<sup>30</sup>

At schedule 5 A and B provincial competencies are listed as being;

*Provincial planning; Provincial cultural matters; Provincial recreation and amenities; Cleansing; Local amenities and Public places.*<sup>31</sup>

Due to this concurrent competency, the Children's Bill was tagged as mixed, having both Section 75 and Section 76 aspects, and therefore required splitting for it to be passed through both National and Provincial parliamentary processes. However this research focused on the stakeholders and their engagement with national parliamentary processes. The process that such Bills have to follow is laid out in detail in the Rules for National Assembly.<sup>32</sup>

These processes involve different people. Initially the drafting of the Bill involves a task team, and in this case study this was the South African Law Reform Commission. The Bill is then tagged and moves accordingly to either National or Provincial legislatures where it is assigned to the relevant Portfolio Committee. In the case study the Bill was tagged as mixed and was consequently split with the first part, the section 75, being sent to the Social Welfare and Development Portfolio Committee at national parliament. During deliberations by the Portfolio Committee there is public consultation with civil society and interested members of the public. In the case study

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<sup>30</sup> The Constitution of South Africa Act 108 of 1996 Schedule 4 and 5

<sup>31</sup> The Constitution of South Africa Act 108 of 1996 Schedule 4 and 5

<sup>32</sup> National Parliament (2002) Rules for the National Assembly

the WG was included in the consultation. The Bill is then sent to the National Council of Provinces (NCOP) for consideration. This then brought in provincial stakeholders.

The policy domain for the Children' Bill was one that covered all spheres of government from national through to provincial. It required a lengthy process of deliberation and investigation in the different spheres, which are governed by specific rules of procedure. In this context the Children's Bill is as an important piece of legislation as it dealt with all aspects of the lives of children and therefore had many implications for national and provincial government.

Another aspect of the policy domain in which the Children's Bill fell included civil society. The South African Constitution at section 59, specifically lays out that there should be public participation

*"Public access and involvement in National Assembly –*

*1) The National Assembly must –*

*a) facilitate public involvement in the legislative and other processes of the Assembly and its committees; and*

*b) conduct its business in an open manner, and hold its sittings, and those of its committees, in public ...*

*2) The National Assembly may not exclude the public including the media, from a sitting of a committee unless it is reasonable and justifiable to do so in an open and democratic society."*<sup>33</sup>

The participation of the 'public' that the South African Constitution refers to can also be considered to include civil society as described by Currie et al, *"Parliament must operate in such a way that ordinary people and institutions have access to its proceedings and have the opportunity to present their views on issues that are under consideration. In other words, Parliament must act in a manner appropriate for participatory democracy in which the legislative authority derives its legitimacy not*

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<sup>33</sup> The Constitution of South Africa Act 108 of 1996 section 59

*only from regular elections, but also from continual consultations with the electorate and relevant institutions in civil society.*"<sup>34</sup>

According to Makumbe civil society is defined as, and "*would include trade unions; professional associations; church and para-church organisations; resident, student, business and other special interest associations; the media; and various types of non-governmental organisations (NGOs).*"<sup>35</sup> In the WG there are a number of organisations represented, who match the definition, given by Makumbe for civil society. The welfare of children is of interest to a broad spectrum of people and organisations, from the Early Childhood Development (ECD) sector to child abuse organisations such as ChildLine, as well as labour and employment in the form of the Network against Child Labour. Such a broad spectrum of interest groups can lead to diverse ideas, solutions, obstacles and challenges in the provision of service to children. This diversity can lead to conflict within the group, and as not all ideas are agreed upon there is a "*tendency for network partners' objectives to shift and potentially diverge over time.*"<sup>36</sup> But it is also this very diversity that can lead to a strong grouping of people and organisations that can build on their strengths and shared resources i.e. "*an interaction process in which actors exchange information about problems, preference and means, and trade off goals and resources.*"<sup>37</sup>

The role that these organisations play and the importance of their interaction and engagement with the policy process is indicated in the CASE Report which notes that "*the political report delivered by President Mandela... raised the need to give serious consideration to the nature of organs of civil society, and deal with the issue of participation of the masses and civil society in the process of governance.*"<sup>38</sup>

Participation in the policy process in South Africa by civil society organisations is considered key to the legitimisation of the government and the strengthening and deepening of democracy. Without active participation by civil society the state is not

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<sup>34</sup> Currie, I. et al (2001) p 159

<sup>35</sup> Makumbe, J. (1998) p 305

<sup>36</sup> Brinkerhoff, D. (1999) p 127

<sup>37</sup> Kikckert et al (eds) (1997) p 9

<sup>38</sup> CASE (2003) p 2

held accountable to the electorate for their actions and/or policies.<sup>39</sup> Public participation is considered a key component for government legitimacy locally and internationally. According to Van der Walt (2001) it is recognised that *“international trends are directed towards increasing public participation in the policy process. This will hopefully improve public accountability because the public will then have insight into the operations of government”*<sup>40</sup>. In addition Turner et al raise the point that *“It is believed that governments should be generating ... initiatives which lead development. They should be pursuing these objectives through public action, cooperating with NGOs” ... and other institutions in civil society.*”<sup>41</sup>

When a state allows for participation it not only increases its legitimacy but strengthens democracy. Democracy is strengthened when the rules and procedures of the democratic institutions are routinized and are not challenged or made redundant. *“Democracy can be consolidated only when no significant collective actors challenge the legitimacy of democratic institutions or regularly violate its constitutional norms, procedures, and laws.”*<sup>42</sup> In South Africa, as highlighted, the rules and procedures for policy processes include participation by civil society; by maintaining this government increases its legitimacy and strengthens democracy.

The global governance and policy context recognises the need to include public participation in policy processes, as does the local context. The Children’s Bill process included civil society as part of the policy process.

This thesis looks at the national advocacy activities of civil society around the Children’s Bill at the National sphere of Government; National Parliament Portfolio Committee and the National Department of Social Welfare and Development.

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<sup>39</sup> Van der Walt et al (2001) p 274

<sup>40</sup> Van der Walt et al (2001) p 274

<sup>41</sup> Turner, M. et al (1997) p 57

<sup>42</sup> Diamond, L. (1999) p 67

## Chapter 3

### Theoretical Framework

#### 3.1 Analytical Technique

In this thesis Roe's (1994) narrative policy analysis, as developed in his book Narrative Policy Analysis, was used as an analytical tool in conjunction with Kingdon's (1995) theory of the policy entrepreneur, and the theories developed by Kickert et al (1997) of policy networks, so as to identify the progress and process of the Children's Bill in South Africa.

##### 3.1.1 Narrative Analysis

Roe (1994) applies the "*contemporary literary theory (narratives) to extremely difficult public policy issues.*"<sup>43</sup> Social policy is very complex and intricate and the application of narrative analysis is useful in unpacking the objectives of the policy and the actors interacting with it. The Children's Bill is a comprehensive social policy for children, which is complex and multidimensional. Narrative analysis can therefore enable us to better understand the process. Roe (1994) argues that, "*Richard Neustadt and Ernest May have advised policy analysts that the best way to find out the real problems in a complicated issue of many unknowns is not by asking directly 'What's the problem?' but rather 'What's the story?' behind the issue.*"<sup>44</sup> By this he means that this allows an understanding of what people's conceptions of the issue are by looking at the stories that they tell, which can give insight into why they are engaging with a policy issue in a certain way. The story can give insights into what is happening in the environment in which the policy process is taking place as well into the different personalities involved in the policy process that are either aiding or hindering the development of the policy.

The idea that there is more to an issue 'than meets the eye' is further supported by Ospina and Dodge (2005) who note, "*[Narrative inquiry] It is about finding meaning in the stories people tell us, tell and even live. Narrative inquiry, then, has its own*

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<sup>43</sup> Roe, E. (1994) p1

<sup>44</sup> Roe, E. (1994) p9

*theoretical perspective its own methods of analysis that are distinct from other forms, such as discourse analysis and content analysis. What distinguishes narrative inquiry from these other methods is the focus on narratives and stories as they are told, implicitly or explicitly by individuals or groups of people.*"<sup>45</sup> Ospina and Dodge (2005) also raise the point that *"Narrative inquiry is appropriate for learning about social phenomena in context because it allows people to tell stories that reflect the richness and complexity of their experience."*<sup>46</sup>

A narrative is a story where there is a beginning, the formulation of the story, a middle, the discussion or argument, and a conclusion to the story. Roe (1994) explains that the story *"start[s] with the conventional definition of stories and identifies those policy narratives that conform to this definition; they are stories, they have beginnings, middles, and ends, as in scenarios; if the stories are in the form of arguments, they have premises and conclusions."*<sup>47</sup> Narratives are then used, as Roe (1994) elaborates, to explain the issue, enable understanding and give a certain degree of stability despite the complexity of any given policy issue. *"[P]olicy narratives are stories (scenarios and arguments) which underwrite and stabilize the assumptions for policymaking in situations that persist with many unknowns, a high degree of interdependence, and little, if any, agreement."*<sup>48</sup>

### **3.1.2 Non-Stories and Counterstories**

There are also counternarratives and non-stories. A counternarrative is considered to be that which is contrary to the 'main' narrative expressed, some see it as an argument against the main narrative, some view it as an alternative narrative within the policy process. A counter story follows the same story definition as the narrative, however it poses an alternative explanation or argument to the policy issue.

Non-stories are also what Roe (1994) refers to as critiques. They appear to be stories, they follow logic, but under analysis it is discovered that they offer no clear

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<sup>45</sup> Ospina, S. and Dodge, J. (2005) p145

<sup>46</sup> Ospina, S. and Dodge, J. (2005) p 151

<sup>47</sup> Roe, E. (1994) p 3

<sup>48</sup> Roe, E. (1994) p 34



alternative solution or idea; these are rebuttals as *"they tell us what to be against without completing the argument as to what we should be for."*<sup>49</sup>

In addition there are also those stories that are viewed as circular arguments, quite simply put they are narratives that don't go anywhere; they just repeat themselves with out offering a clear alternative. As Roe (1994) puts it *"circular arguments are often cast in a story format. Yet ... [they] have no beginning or end in a strict sense."*<sup>50</sup>

These different types of narratives offer insight into the different contexts in which stakeholders are operating as well as their solutions to the policy problem, Ospina and Dodge (2005) suggest that narratives *"encourage scholars to explore and highlight the multidimensional aspects of public institutions and their administrative and policy domains."*<sup>51</sup> The narrative gives the position and solutions from one set of stakeholders, the counter narrative then offers an alternative from a different set of stakeholders, thus building up the multidimensional layers that Ospina and Dodge (2005) talk about.

### **3.1.3 Meta-narrative**

Finally, Roe (1994) recognises that there are meta-narratives, that is narratives that allow for the policy process to move forward. Given the presence of non-stories and counternarratives, the meta-narrative may be a new policy narrative, that accounts for all competing narratives, or offers a new narrative altogether, but it allows for the stakeholders to move forward on an issue that would other wise have stagnated. *"The metanarrative is, in short, the candidate for a new policy narrative that underwrites and stabilizes the assumptions for decision making on an issue whose current policy narratives are so conflicting as to paralyse decision making."*<sup>52</sup>

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<sup>49</sup> Roe, E. (1994) p 53

<sup>50</sup> Roe, E. (1994) p52-53

<sup>51</sup> Ospina & Dodge (2005) p144

<sup>52</sup> Roe, E. (1994) p 4

Peter Abell (2004) in his article Narrative Explanation: An alternative to Variable-Centred Explanation? offers a useful diagram showing the narrative, the process, through time and action.

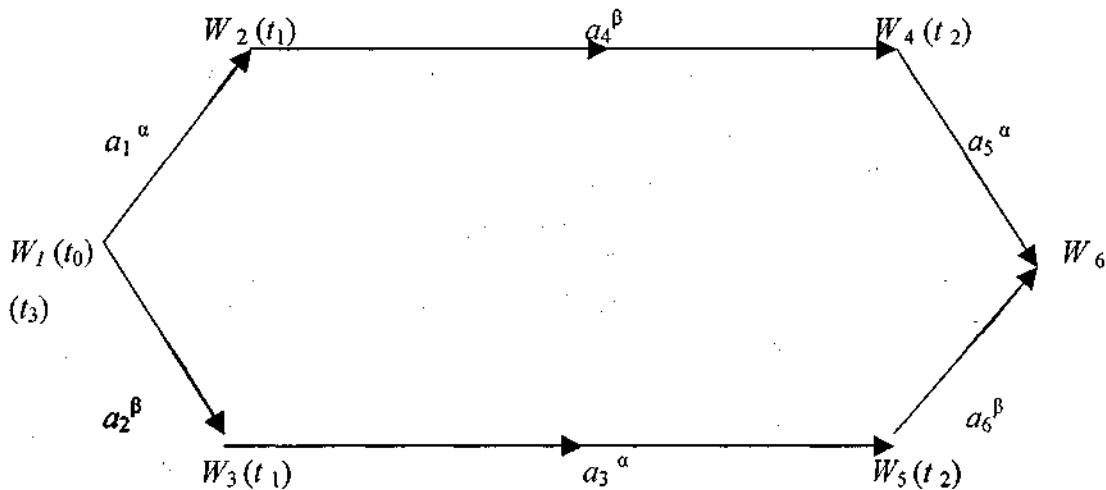


Figure 2 An illustrative narrative structure;  $W$ , states of the world;  $t$ , time;  $a$  actions;  $\alpha$  and  $\beta$ , actors<sup>53</sup>

Figure 2 shows that there is a state of the world at  $W_1(t_0)$ , in which actors  $\alpha$  and  $\beta$  act, which leads to a new state of the world at  $W_2(t_1)$  and  $W_3(t_1)$ , two states indicating two different actions or narratives, at the same time. The actors then act on each other's action;  $a_3^\alpha$  and  $a_4^\beta$ , creating a further state of the world;  $W_5(t_2)$  and  $W_4(t_2)$ . Again the actor's act, (the figure shows the action converging, a metanarrative?) and a final state of the world appearing  $W_6(t_3)$ .<sup>54</sup> The diagram shows how as the narratives and actors interact, there is a counter narrative operating at the same time, and there is a new state of the world after a process of interactions. This could be explained as the development of a metanarrative.

A policy issue may have a number of narratives, and these narratives can be used by the stakeholders themselves, to understand the complexity of the policy issues and the goals of all participants engaging with the policy issue. This idea of the narrative being used by those people involved in the process is supported by Fischer (2003) who notes that "[r]ather than social stability, the narrative is especially geared to the goals of the actors and the way changing goals and intentions causally contribute to

<sup>53</sup> Abell, P. (2004) p 287

<sup>54</sup> Abell, P. (2004) p 287

*social change.*"<sup>55</sup> This is what is being investigated in this project, how does the narrative generated by the children's sector help to advance their objective.

## **3.2 Policy Instruments**

### **3.2.1 Policy Networks**

Narratives can therefore come from a grouping of organisations, interested and affected parties and, or actors. These actors may or may not be organised around the issue area. If there is organisation it is often referred to as a network as defined by Kickert (1997), "*[t]he concept 'policy network' connects public policies with their strategic and institutionalised context: the network of public, semi-public and private actors participating in certain policy fields.*"<sup>56</sup> So there is not one single person who makes up a policy; there are a number of people involved. Policymaking is therefore a process. There are a multitude of actors or participants with their own goals and objectives.

Kickert (1997) observes that "*[i]t is unlikely, if not impossible, that public policy of any significance could result from the choices of a single unified actor. Policy formation and implementation are inevitably the result of interactions among a plurality of separate interests, goals and strategies*"<sup>57</sup> With so many possible alternative goals and interests there must be a number of different participants backing these alternative goals and interests. The key question for policy networks, is how do they interact with each other and why?

This question is complex, and how they interact in the policy process can be unpacked using network analysis. Kickert (1997) notes that "*[u]sing the concept of policy networks to analyse complex policy processes fits within the history of policy science in which concepts are developed to analyse complex decision processes.*"<sup>58</sup>

Kickert has investigated policy networks for what affects their formation and how that formation is retained. In particular he notes the presence of policy communities, a

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<sup>55</sup> Fischer, F. (2003) p163

<sup>56</sup> Kickert et al (1997) p 1

<sup>57</sup> Kickert et al (1997) p 17

<sup>58</sup> Kickert et al (1997) p 15

group of actors who share a common interest in the policy issue. Policy communities are considered to be special in the concept of networks as they are connected through resource dependency at varying stages and to varying degrees.<sup>59</sup> Within policy communities there are different types of interaction, which Kickert (1997) refers to when he notes that Aldrich and Whetton raise the idea of organisation sets and action sets. Action sets, are characterised as *“groups of organisations that have formed a temporary alliance for a special purpose and who try to coordinate their strategic actions on specific topics.”*<sup>60</sup> An action set is not permanent; organisations that do not always work together come together at a particular point in time to focus on a specific issue. Their actions are co-ordinated and strategic to achieve certain objectives. These relationships are explored using network analysis. According to Kickert (1997) policy network analysis *“focuses on the relation patterns between actors, their interdependencies and the way these patterns influence the policy process.”*<sup>61</sup>

Organisations come together and form a network; this network with numerous actors develops a narrative to achieve their objectives, or direct their strategy for achieving their goals.

### 3.2.2 Policy Entrepreneurs

For a narrative to succeed in achieving the objectives of the network it needs to be on the agenda or in a position to challenge the agenda. The question then is how does a narrative get onto the policy agenda or get to a position from which it can challenge the agenda. Kingdon's (1995) theory of the policy entrepreneur offers an explanation, by describing the policy *“entrepreneurs as advocates who are willing to invest their resources – time, energy, reputation, money – to promote a position.”*<sup>62</sup>

Policy entrepreneurs may be engaged at any stage or in any part of the policy process; they are not unique to any specific location within the policy process. They are able to come into the process at a later stage or from the beginning. In addition, Kingdon (1995) argues that an entrepreneur may be *“in or out of government, in elected or*

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<sup>59</sup> Kickert et al (1997) p30

<sup>60</sup> Kickert et al (1997) p30

<sup>61</sup> Kickert et al (1997) p30

<sup>62</sup> Kingdon, J. (1995) p179

*appointed positions, in interest groups or research organisations.*"<sup>63</sup> Narrative analysis, enables an identification who the policy entrepreneur(s) are within the process. As stories are told there may be a particular person or people whose name(s) reappears on numerous occasions and is noted as someone with the time, resources and willingness to advance the policy process.

In addition to a willingness to invest resources, Kingdon (1995) notes that a policy entrepreneur has certain qualities that put them in a position to monitor for windows of opportunity at which the agenda may be added to or challenged.<sup>64</sup> It is these windows of opportunity that allow a policy entrepreneur to advance his or her agenda, "*when a window opens, advocates of proposals sense their opportunity and rush to take advantage of it.*"<sup>65</sup>

The qualities of an entrepreneur that Kingdon (1995) refers to are firstly that, "*the person has a claim to a hearing*"<sup>66</sup> In other words, decision makers are willing to listen to what the entrepreneur has to say based on the entrepreneur having expertise that the decision makers rely on, or the entrepreneur may speak on behalf of others or the entrepreneur may hold a powerful political position. Secondly "*the person is known for his political connections or negotiating skills.*"<sup>67</sup> This is someone who has the 'right' political connections and they are able to connect with those decision makers that are involved and have weight in the particular policy process. Thirdly, Kingdon (1995) argues that, "*probably most important, successful entrepreneurs are persistent...sheer tenacity pays off...most of these people spend a great deal of time giving talks, writing position papers, sending letters to important people, drafting bills, testifying before congressional committees and executive branch commissions and having lunch, all with the aim of pushing their ideas in whatever way and forum might further the cause.*"<sup>68</sup> Entrepreneurs are able to keep going, and to find innovative spaces and opportunities to advocate for their proposal.

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<sup>63</sup> Kingdon, J. (1995) p 122

<sup>64</sup> Kingdon, J. (1995) p180-182

<sup>65</sup> Kingdon, J. (1995) p175

<sup>66</sup> Kingdon, J. (1995) p180

<sup>67</sup> Kingdon, J. (1995) p181

<sup>68</sup> Kingdon, J. (1995) p181

### 3.3 Conclusion

Narrative analysis is used to analyse and understand the multiple layers of complexity involved in a policy by looking at the stories that are told about the policy. As Ospina and Dodge (2005) highlight "*stories contain within them knowledge that is different from what we might tap into when we do surveys, collect and analyse statistics.*"<sup>69</sup> By using a narrative analysis approach instead of a discourse or content analysis approach, the different ways in which people interact with a policy and the contexts that inform their participation and engagement can be identified. A person's story gives their interpretation about their position within the process, and their direction for a policy as well as the social context of the person and the social context of the policy itself. This is unique in that it may uncover issues and motives that would otherwise not have been accounted for, by uncovering this issues and motives future policy can account for this and it may reduce the complexity in the policy process. The way in which narrative analysis does this is clearly described by Ospina and Dodge (2005), who note that;

*"Narratives have at least five essential characteristics:*

- *They are accounts of characters and selective events occurring over time, with a beginning middle and an end.*
- *They are retrospective interpretations of sequential events from a certain point of view.*
- *They focus on human intention and action – those of narrator and others.*
- *They are part of the process of constructing identity (the self in relation to others)*
- *They are co-authored by narrator and audience"*<sup>70</sup>

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<sup>69</sup> Ospina, S. and Dodge, J. (2005) p 143

<sup>70</sup> Ospina, S. and Dodge, J. (2005) p 145

# Chapter 4

## Research Methodology

### Research Methods

#### 4.1 Data Collection Techniques

Qualitative data collection and method of analysis were used. Qualitative data is *“the nonnumerical examination and interpretation of observations for the purpose of discovering underlying meanings and patterns of relationships.”*<sup>71</sup> This makes qualitative data useful when undertaking narrative analysis. Primary data was collected through interviews, in particular in-depth interviews with key informants within the Working Group and Government. In-depth interviews offer the researcher a tool that allows the information gathered to be contextualised, as it promotes the individuals being interviewed to give their perspective in relation to a specific context, Mouton (1996) notes, *“in-depth interviewing...implies a focus on ... its specific context meanings and ... analysis in these cases means reconstructing the inherent significance[of] structures and the self-understanding of individuals by staying close to the subject.”*<sup>72</sup>

A standardised interview guide was used to collect data and to ensure that all respondents received the same questions. Secondary data was also used to add depth and further background to the issues raised in the primary data. The secondary data included, raw data from the Children’s Institute Evaluation fieldwork<sup>73</sup>, minutes of the Working Group meetings and workshops<sup>74</sup>, media articles<sup>75</sup>, and letters between decision makers and the WG<sup>76</sup>

##### 4.1.1 Primary Data

According to Mouton (2001) *“Primary information sources refer to your data: whether you have to collect it yourself or whether it already exists in one form or*

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<sup>71</sup> Babbie, M. (2002) p 447

<sup>72</sup> Mouton, J. (1996) p 169

<sup>73</sup> Children’s Institute, University of Cape Town, Raw Data, Evaluation Report

<sup>74</sup> RAPCAN (2003) Minutes Working Group meetings, January 2003

<sup>75</sup> From newspapers such as the Mail and Guardian and This Day, and from journals such as ChildrenFirst, and ACCESS and CI newsletters

<sup>76</sup> Copies of correspondence with members of the Portfolio Committee and Parliamentary Staff

another.”<sup>77</sup> In this thesis primary data refers to data that was collected from key person interviews. Interviews were conducted with 10 participants, these included members of parliament, members of the WG and a member of the DSWD. These interviews were then transcribed so as to create a text for narrative analysis.

#### 4.1.2 Secondary Data

In contrast Mouton (2001) notes “*secondary information sources, on the other hand, refer to written source (including the Internet) which discuss, comment, debate and interpret primary sources of information.*”<sup>78</sup> In this thesis secondary data refers to data that contextualise the interviews by giving background information and supporting views expressed by the respondents.

In addition there were a number of documents, which documented the process, for example the South African Law Reform Commission review<sup>79</sup>, and the many drafts of the Children’s Bill<sup>80</sup>, as well as the submissions from civil society to the DSWD and National Parliament.<sup>81</sup> These documents were part of the story as were the different people involved with the process and their interaction with these documents. In addition transcribed interviews were obtained from the Children’s Institute. These were used to add supporting evidence, to validate the information gathered and to correct any bias by the researcher.

#### 4.2 Sample

To determine the sample for the interviews, purposive sampling was used, as the number of people involved in the policy issue was vast, but there were key role players who were easily identified. This method is suggested by Babbie and Mouton (2003) as “*sometimes it’s appropriate for you to select your sample on the basis of your knowledge of the population...you may wish to study a subset of a larger population in which many members of the subset are easily identifiable.*”<sup>82</sup>

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<sup>77</sup> Mouton, J. (2001) p 69

<sup>78</sup> Mouton, J. (2001) p 71

<sup>79</sup> South African Law Commission (2002) Project 110 – Review of the Child Care Act Report

<sup>80</sup> Draft Children’s Bill 2003, Government Printers, Cape Town

<sup>81</sup> Working Group documents, Children’s Institute

<sup>82</sup> Babbie, E. & Mouton, J. (2003) p 166



There are a number of stakeholders involved in the WG, in addition to the National Parliament members of the Portfolio Committee and the Departmental staff. All these stakeholders had interacted with the Bill, but they each came into the process at different times, and had different experiences of the process and engagement with other stakeholders involved in the policy process. To understand the policy process and how different policies are formulated under different contexts, there was a need to address all these different experiences. To do this, the stakeholders were first classified by their membership of a stakeholder group, either as a member of the WG, or a member of the national parliament Portfolio Committee, or as Departmental staff. This classification allowed the researcher to understand the contextual experience of the stakeholders and to identify their responses in relation to other respondents.

Once the groupings were identified, respondents were chosen according to their profile within a group, the length of time that they had been involved in the policy process; i.e. had they been involved from the time the SALRC were charged with investigating the Child Care Act, or had they become involved in the stakeholder group more recently. These selection criteria allowed for the broad range of experiences to be captured in the sample group. Using purposive sampling and grouping of respondents, also allowed that if a narrative were dominant it would be expressed by all respondents, regardless of the respondent's length of time involved in the policy process.

#### **4.2.1 Working Group**

The NGOs that were involved in the setting up the WG were; the Children's Institute, University of Cape Town (CI); the South African Society for the Prevention of Child Abuse and Neglect (SASPCAN); Resources Aimed at the Prevention of Child Abuse and Neglect (RAPCAN); and Childline South Africa. These four organisations formed the core of the WG and the secretariat.

The WG further included a number of other NGOs from the children's sector who were involved in all areas of service delivery to children as well as advocacy and lobbying for children's rights. They included;

- Network Against Child Labour;
- Alliance for Children's Entitlement to Social Security (ACCESS);

- Johannesburg Child and Family Welfare Society;
- Pietermaritzburg Child and Family Welfare Society;
- Children's HIV/AIDS Network (CHAiN);
- Children's Rights Project, Community Law Centre;
- University of the Western Cape;
- National Association of Child Care Workers (NACCW);
- Lawyers for Human Rights (LHR);
- Early Learning Resource Unit (ELRU);
- Western Cape Street Children's Forum;
- National Alliance of Street Children;
- Southern African Catholic Bishops Conference Parliamentary Liaison Office;
- Disabled Children's Action Group (DICAG);
- Disability Action Research Team (DART);
- Children FIRST.

With such a large number of stakeholders, the researcher needed to identify the key persons involved. These included the secretariat, and to ensure validity and reliability, an ordinary member of the WG was also interviewed. The members of the secretariat were interviewed as some of them have a history with the Bill that dates back to the original investigation by the SALRC in 1996, and they were all part of the inception of the WG. An ordinary member of the WG was defined as a person who has an interest in the children's sector of civil society, and/or is part of a children focused NGO. The ordinary member of the WG interviewed, joined the WG during 2003, and was interviewed so as to give balance and add objectivity to the views and opinions expressed by the secretariat.

#### **4.2.2 National Parliament**

The National Parliament Portfolio Committee members interviewed included the past and the current Chairpersons of the Committee as well as ordinary members. After the 2004 elections some members of the Committee were moved to other committees. However this thesis addresses the time at which they served on the Social Welfare and Development committee and so despite their move to different committees they were interviewed, with regard to their time spent on the Social Welfare and Development Committee and their subsequent interactions with the Children's Bill.

### 4.2.3 Departmental Staff

The Departmental Staff included staff from the DSWD, as well as staff from the Department of Justice as they made extensive presentations to the committee during 2003. However the Department of Justice were unable to give any interviews due to the politically sensitive nature of the issue for their department.

The following tables give the number allocated to the respondents and their grouping. Table 2 gives the allocation and total number of respondents interviewed. Table 3 gives the number allocation to the secondary data, interviews obtained from the Children's Institute, University of Cape Town, evaluation report field work.

The respondents are identifiable by the number and grouping only, so as to protect the identity and integrity of the respondents. This also allowed the respondents to be honest in their responses, and with their opinions, with out fear of retribution.

Table 2 Grouping and number of respondent in study

<u>Grouping</u>	<u>Number allocated to respondent</u>
Working Group – secretariat (Working Group)	1,2,3,4
Working Group – ordinary member (Working Group)	5
National Parliament Portfolio Committee Members (Parliamentarian)	6,7,8,9
National Department of Social Welfare and Development (DSWD)	10

Referencing eg. (Respondent 3 – Working Group)

**Table 3 Grouping and number of respondent. Interviews obtained from Children’s Institute, University of Cape Town**

<u>Grouping</u>	<u>Number allocated to respondent</u>
CI - Working Group (CI - Working Group)	11, 12, 13
CI – Executive Government Officials (CI – Executive)	14, 15, 16
CI – Parliamentary Researchers (CI – Parl. Researchers)	17, 18
CI – National Parliament Portfolio Committee Members (CI - Parliamentarians)	19, 20, 21

Referencing eg. (Respondent 16 – CI – Parl. Researchers)

When using evidence from the interviews, the number allocation and reference grouping name will be given, so as to contextualise the comments and evidence.

The time frame addressed in the interviews and the documents used refer to the period from January 2003 to January 2004. It was during this time that there was considerable interaction by civil society, the DSWD and activity around the progress of the bill through parliament and the policy process.

### **4.3 Data Analysis**

Narrative analysis involves taking the stories people tell about their experiences, Ospina and Dodge (2005) refer to the idea that ‘*stories convey meaning about something in the world*’<sup>83</sup> this then gives the researcher data through which they can then identify the trends in those stories, who tells which story, are the stories similar or contrary to each other and what insight these stories give to the policy issue.

But how does one undertake narrative analysis so as to identify the contexts in which the stakeholders are operating as well as the issues and solutions they offer? The first approach by Roe (1994) is to look at the “*text and reading*.”<sup>84</sup> To explain this Roe (1994) uses the budget process, as an example, explaining that there is more to a budget than mere figures he notes that a budget “*is the outcome of a process*”<sup>85</sup>; a process that requires “*compilation, approval, execution ... [and] requires it’s own*

<sup>83</sup> Ospina & Dodge (2005) p145

<sup>84</sup> Roe, E. (1994) p 21

<sup>85</sup> Roe, E. (1994) p 22

*documentation.*”<sup>86</sup> Narratives appear as a means of describing the process and explaining the contents of the documentation, as well as for arguing against the information within the documents. Narratives may also be within the documentation produced. By looking at the narratives, the policy process may therefore be explained.

To make sense of the narrative analysis Roe (1994) lays out a step-by-step process, firstly the narratives need to be identified. Those accounts that have the characteristics of a narrative, and are taken up by one or more stakeholders as a means to explain their position in the process qualify as narratives. The second step is to identify the counter narratives, i.e. those that run in opposition to the dominant narratives; as well as identifying the non-stories; i.e. those that do not conform to the definition of a story, or are circular arguments. Thirdly the analyst then needs to assess the narratives and where a metanarrative may be generated, which would allow for the policy process to move forward out of the conflict of the competing narratives. And lastly if a metanarrative is generated how does it recast the issue in such a way as to move the process forward out of the controversy.<sup>87</sup>

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<sup>86</sup> Roe, E. (1994) p 22

<sup>87</sup> Roe, E. (1994) p 4

## Chapter 5.

### Findings and analysis

The theoretical framework used to analyse the data draws on Roe's (1994) concepts of narratives, Kingdon's (1995) conception of policy entrepreneurs and the theory of networks as developed by Kickert et al (1997). The data collected was analysed to see whether it was illustrative of these views or not, more specifically to explore the role of policy networks and policy entrepreneurs within the policy process and the competing narratives that emerge from policy entrepreneurs.

#### 5.1 Narratives

In trying to identify a narrative in the case study on the Children's Bill, the following questions were considered: - did a story or narrative appear, if so did it follow a coherent story pattern, was there a distinguishable beginning, middle and end to the stories that the respondents were telling? In addition, of the stories being told, which was the most dominant story that appeared throughout the research?

The beginning of the narrative indicates where the problem was defined or was taken up onto the agenda. In the case study the beginning of the story was evident when the respondents all noted, the point in time at which the issue became part of the agenda. In the case study the point at which the story starts for the respondents was when, in 1997, the South African Law Reform Commission was tasked with researching the legislation on children in South Africa, and to bring it into line with the international conventions, which South Africa has ratified, as well as the South African Constitution. The beginning was identified as; research into the need to address and re-align children's legislation in South Africa;

*"I can recall going back as early as ... 1993 there was a process of engaging the department by a whole lot of civil society entities"* (Respondent 6 - Parliament)

*"[T]he bill as produced by the Law Reform Commission ... had been based on very, very extensive consultation and so people had been talking for several years"*

(Respondent 4 - Working Group)

*"[T]he bill as is, we got it from, from, um, the commission, the South African Law Commission"* (Respondent 10 - DSWD)

*"[T]rying to get one coherent set of principles and laws for children ... [and to] come in line with the new constitutional values"* (Respondent 5 - Working Group)

The similarity in these narratives are the reference to the SALRC, and the difference is the actual dates that the respondents gave; some refer to the process as having a long history, as far back as 1993, other respondents don't put an actual date to the SALRC and the Children's Bill. This indicates that the respondents have engaged with the Bill at different times and therefore they will have different interpretations of the process.

The next step in narrative analysis was to show how the story developed. Does the story have a middle, as articulated by the theory of a narrative? The middle, of the story, was evident in the repeated 'call' about how this Bill should develop from the research undertaken by the SALRC. What became clear was a story about the need for comprehensive children's legislation in South Africa. This was repeated time and again by respondents in both the civil society sector and in government; at both parliamentary and departmental levels of government.

*"There was a clear call from the NGO sector for a comprehensive piece of legislation"*

(Respondent 1 – Working Group)

*"[A] much more holistic approach to creating a world in which children can grow up healthy in every way."* (Respondent 2 – Working Group)

*"[M]ust be a holistic statute to address the full range of needs and rights of children"* (Respondent 4 - Working Group)

But it was not only the Working Group who were in agreement that the Bill that was needed was one that should be holistic in its approach to addressing children's needs.

*"[T]o be a comprehensive statute in a number of ways"* (Respondent 8 - Parliamentarian)

*"[H]olistically look at all issues pertaining to children ...to look at a comprehensive bill"* (Respondent 10 - DSWD)

The idea of a holistic Bill was identified by a number of respondents but the difference lay in their interpretations of what was required for the Bill to be holistic. The WG's interpretation of a holistic Bill included specifically, intersectoral collaboration and a National Policy Framework (NPF);

*"[I]ntersectoral co-ordination is very important there was a general disillusionment, and there still is within the sector, that there are a number of pieces of legislation and policies are generally thought to be good but the implementation is not as successful and one of the primary reasons often cited is a lack of co-ordination at both the planning and implementation level at both National and Provincial government... With regards to the intersectoral co-ordination we, our primary call was asking for the National Policy Framework to be put back in. "*

(Respondent 1 – Working Group)

*"Issues related to intersectoral collaboration and cooperation"*

(Respondent 2 – Working Group)



*"Really think through very carefully how're we going to fill those gaps... a way of systemising the application of the bill, the obvious National Policy Framework things"*

(Respondent 3 – Working Group)

*"There was a paper called 'The Children's Bill has Lost it's Soul' and I think that showed what was mainly [the issues]"*

(Respondent 4 – Working Group)

*"Provision for an intersectoral National Policy Framework which would be binding on all government structures with responsibilities for children, and which would require that all of them plan for these responsibilities, has been removed." <sup>88</sup>*

Government recognised this narrative and what led to the WG's support for this narrative;

*"For me they [NGOs] were very strong on the National Policy Framework. And on intersectoral co-operation. And I believe the reason for this is they [NGOs] are of the view that government fails to properly, how can I put it, I think it's a view that government doesn't really effectively do what they are supposed to do with regard to the protection of children." (Respondent 13 – CI - Executive)*

[What do you think the WG's main recommendations are?]

*"The National Policy Framework. Just to ensure that state Departments do what they are supposed to do."*

(Respondent 14 – CI - Executive)

Thus for the WG a holistic approach is one that includes legislating for a National Policy Framework to guide intersectoral collaboration.

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<sup>88</sup> Loffell, J. (2003) The Children's Bill has Lost its Soul, Press release, Children's Institute

The WG's interpretation of the Bill was influenced by their previous engagements with policy and legislation. As highlighted by Respondent 1- WG, the NGOs past experience had been one of frustration by the lack of collaboration and coordination when it came to policies. Thus their narrative around this policy issue was strongly influenced by this opinion, and so in interpreting the Bill as holistic in nature they were calling for a solution to the potential frustration, due to the lack of coordination, in the form of a National Policy Framework. For the Bill to be holistic in nature according to the WG it had to include; intersectoral co-ordination; alternative care; grants and subsidies; a children's protector; and prevention and early intervention mechanisms.

The WG began to feel that there was a need to allow parliament enough time to deal with the Bill. Time however was minimal as the parliamentary term was coming to an end and elections were due, which meant that the members of parliament would not be available to discuss the Bill as they would be out electioneering. The WG's narrative then expanded to include the need to allow parliament time to deal with the Bill and that it should not be 'rushed' through parliament.

*"We were really saying that this is a really important piece of legislation, which should not be rushed and should be carefully considered by the elected representatives before it was passed and that a rushed process would not allow for that. So it should not be dealt with now, it should wait for after the elections"*

(Respondent 1 – Working Group)

*"certainly in 2003 when ... was trying to rush it [the Bill] through there was quite a lot of interaction with parliament and trying to make sure that parliament understood what its role should be"*

(Respondent 2 – Working Group)

*“There was communication going on with the Portfolio Committee from the outset ...particularly at points where there were efforts [by the Minister] to railroad the Bill through...before parliament dissolved”*

(Respondent 4 – Working Group)

It became clear that the beginnings of the narrative in the policy process of the Children’s Bill was one that referred to 1997 and the SALRC and their extensive research, engagement and interaction with the stakeholders, to develop a holistic piece of legislation that was aligned with other pieces of legislation and international conventions. To develop and ensure a holistic approach to the legislation the narrative continued further that there was a need for a National Policy Framework. This National Policy Framework was included in the SALRC draft and laid out that the Minister must prepare a guide for the implementation of the Act, that the framework would most importantly be binding on all organs of the state in national, provincial and local spheres of government and would direct co-ordination between all organs of state, the framework would be reconsidered and assessed on a regular basis and altered if need be. It would also provide for performance indicators, funds allocations, and public participation.

The WG’s narrative therefore highlighted that if the Bill was to achieve a holistic approach to legislation for children, it needed to be given ample time for decision makers to interrogate it and all its provisions and consider the excisions and their potential re-inclusion. This indicated that the WG was operating in a context that allowed for sufficient time to interrogate the Bill. They felt that the Bill was important and was needed but they were more interested in getting a piece of legislation that would be effective and not need to be amended a number of times to address issues that had been left out or which had not been accounted for. The WG were influenced by both context and process, the context of ensuring an adequate piece of legislation, and the process of getting such a piece of legislation. But this can’t be the only narrative. Narratives move away from the start point and develop differently for different participants in the process. It is at this point that the idea of a counter narrative is addressed.

## 5.2 Counternarrative

The counternarrative according to Roe is one that follows the same story definition but gives an alternative explanation or argument to the narrative that exists on the issue. The counternarrative emerges to offer a different perspective, possibly from other stakeholders who may not be in agreement with the narrative. The counternarrative gives an alternative solution to the policy issue and further contextualises the issue. A counternarrative also has a beginning, middle and end.

When identifying the counter narrative, as developed by the DSWD, in this case study it had the same start point as the narrative, the tasking of the SALRC to investigate child legislation in South Africa as highlighted by Respondent 10 – DSWD “*[T]he bill as is, we got it from, from, um, the commission, the South African Law Commission*” (Respondent 10 - DSWD) . But the counter narrative developed in an opposite direction to the narrative; as a counter argument. The counter narrative also showed where the tensions, or differences, between the different stakeholders were. This is evidenced as the different stakeholders began to develop a position or argument for, against or as an alternative solution to, the policy issue.

*“[W]e were pushed hard to try and resolve the bill getting through cabinet before the elections. ... [We] didn't want to go into an election without, fulfilling the commitment that was made, that there would be legislation”*

(Respondent 10 - DSWD)

The Department started to take an approach that the Bill needed to be fast-tracked through the process and pressure began to be exerted on Parliament to go forward with the DSWD narrative. At the end of 2003, in September, Parliament was starting to run out of time to deal with such a large and complex piece of legislation and the elections were looming at the beginning of 2004.

*“[S]o as the second term was coming towards the end the pressure was on them to do it [to pass the bill through parliament] and they simplistically took, you know just*

*accepted the view of cabinet that it's too comprehensive.  
...So when they chopped and did all that, that bill didn't  
resemble anything we had originally produced."*

(Respondent 6 - Parliamentarian)

The counter narrative demonstrated the political imperatives of government, the need to fulfil political obligations rather than the social welfare concerns. However, the argument that they put forward was not just about rushing the Bill through to meet the commitments made, to ensure that there was legislation. This counter narrative also offered a counter direction for the policy which therefore qualified it as a narrative, and a counter narrative in particular.

*"[O]ther legislation has been put in place. ... [T]his bill  
can't address all the issues, [it] cannot replace other pieces  
of legislation"* (Respondent 10 - DSWD)

Other stakeholders also acknowledged this counter narrative even if it was not a narrative they supported;

*"[T]he law commission did have a comprehensive mandate  
to streamline and deal with all laws relating to children,  
because it took so long all those other laws took over and  
were finalised by the time it was tabled and yet when it was  
tabled it still tried to have a comprehensive approach."*

(Respondent 1 – Working Group)

*"[A]nd appropriate to the needs of children taking of  
course cognisance of the existing laws around children's  
issues."* (Respondent 9 – Parliamentarian)

The Department further developed their counter narrative, that there were other pieces of legislation in place that dealt with issues pertaining to children. Although they were also in support of the SALRC proposal for a holistic piece of legislation, they recognised that it should not be in conflict with other legislation. In addition the

counter narrative speaks to that which can and can't be legislated for it offers direction for what can be or can't be included in the policy thus giving the process a way forward. To prevent it from stagnating on issues that are not movable in the first place;

*"In fact sectoral collaboration is important but the issue of the national policy framework ...that we cannot legislate for policy"* (Respondent 12 – CI – Executive)

This illustrates how the DSWD counter narrative began to develop. Firstly, that the legislation was needed, but it was needed sooner rather than later according to their political imperatives; secondly to support the call for the legislation to be fast-tracked they argue that there was other legislation already in place and so the Bill could be reduced to enable it to move through the process more quickly. Other legislation could cover areas that were taken out of the Bill so as to reduce it and make it easier for Parliament to fast track, in addition there were aspects of the Children's Bill that should not be included as they could not be legislated for in the first place. Thus the counter narrative offered an alternative and potentially easier, way forward for the policy process.

The narrative starts at one point and then depending on who was telling the story moves in different directions. The direction of the narrative was influenced by who the stakeholders were, i.e. who was telling the story, what context they were operating in and what their positions were within the process. Abell (2004) illustrates how narratives proceed through time from point A to point B, who the actors are that take these narratives forward and how the context changes the narratives. This is indicated in the narrative from the Department that;

*"The Minister felt very strongly that ... what we, he wanted was to have, some, the bill approved ... I felt it was rushed. I felt that we were pressurised to get things finalised."*  
(Respondent 10 - DSWD)

The context in which the Department was operating was one of high pressure leading up to the elections, which brought into focus whether or not government had met their obligations, which would create a favourable response in the electorate; this meant that there was a need to fulfil commitments. This context affected their narrative. Originally the Department's counter narrative started, with the need to develop legislation and support for the role of the SALRC and for the Bill that had been produced. However political factors caused them to adjust their position to one of opposing the lengthy Bill, and offering as an alternative the position that there was already legislation in place that could and would cover many of the issues in the proposed Bill. The counter narrative then supported the changes made to the Bill, first by the Department and then the further changes made by Cabinet, and the call to push it through Parliament. In comparison the NGO sector were operating in a different context; one with less pressure around the need to fulfil political commitments. Rather the context in which the NGOs were operating was one of ensuring that the legislation that was produced created an environment that protected children, advanced their interests and addressed the needs that had been identified by the SALRC.

### 5.3 Non-Story

Roe (1994) talks not only of narratives and counter narratives but also of non-stories, what he refers to as critiques. They appear to be stories, they follow a logic, but when analysed it is discovered that they offer no clear alternative solution or idea; these are rebuttals as *"they tell us what to be against without completing the argument as to what we should be for."*<sup>89</sup> Non-stories can also be considered as empty statements or rhetoric, in that they hold no direction for the policy process but rather repeat the same information and concepts in different ways.

There was evidence in the case study which suggested that it was not only rebuttals which were offered, but that phrases were repeatedly used that had no identifiable starting point. These were phrases that were heard often and many had lost their impact due to the repetitive way in which they are used. Without having a starting point or offering a concrete alternative solution, they became statements that were empty and were not narratives that allowed the policy process to move in any direction. These statements indicated that there was a need for the legislation, but not

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<sup>89</sup> Roe, E. (1994) p 53

the means to get the legislation that was needed. Non-stories are illustrated in following statements;

*"[I]f we truly made the world fit for children"*  
(Respondent 2 - Working Group)

*"Given the history of our country ... we face a challenge in this country that is really difficult for children"* (Respondent 3 - Working Group)

*"Children are the most vulnerable of all in society and yet the most promising members of society in a sense that future of any society hinges upon its children"* (sic) (Respondent 8 - Parliamentarian)

*"[C]hildren have to be taken care of as our future, I can say future leaders and our future I can say generation"* (Respondent 7 - Parliamentarian)

These were merely statements, they didn't drive the policy process in any direction, nor did they offer an alternative solution or way of thinking. These statements were offered by respondents in both government and civil society, they were not unique to only one grouping of respondents. They were statements that could be used to build support and they didn't require people to understand the detail or choose between the competing narratives.

There is another non-story that at first appeared to be a narrative, but it didn't offer a clear alternative or solution or way forward. This was a non-story, that talked of the issue of poverty and inequality as an issue for children, which needed to be dealt with, but it didn't say how.



*“[T]he legacy of apartheid and the inequities that are built into the bones of our society ... [and so] poverty is deepening”*

(Respondent 2 - Working Group)

*“[A]nd of course we have a problem of mass poverty and a whole plethora of problems which face children”*

(Respondent 4 - Working Group)

*“[T]he problem for children is societal structures and people in society”* (Respondent 9 - Parliamentarian)

The story started with the need to address children's issues holistically poverty is one such issue, but it did not offer a way forward. Where the narrative and counter narrative called for certain action to be undertaken, or a way forward the narrative on poverty in this context didn't give a clear way forward for the policy as a whole, rather just for the issue in particular. This was indicated by some respondents for whom poverty is not a non-story and there is a way forward on the issue as suggested by a respondent from the DSWD;

*“[O]ne has to look at ...social assistance...the overall welfare, the overall protection, the overall care of children, so for me you can't divorce child poverty [from the holistic approach, and one of the best structures to deal with] child poverty is your social assistance”* (Respondent 10 - DSWD)

However with the Children's Bill this issue became a non-story as it was noted that there was other legislation that was to deal with social assistance to children. As the Department had already raised in the counter narrative, legislation could not duplicate other legislation.

*"[T]he issue of social security was not taken up ... [there was already] legislation pertaining to social security."* (Respondent 10 - DSWD)

There were many non-stories that appeared, however only two have been shown as examples of non-stories. The non-stories that were raised by a number of the respondents were; firstly statements (rather than a story) about children being the future; secondly, the issue of poverty and how to deal with it.

The non-stories in the case study offered insight into the importance of the legislation for children; the non-stories highlighted issues that should be addressed, such as poverty. Although they did not offer any solutions, they did give emphasis to the issues at hand. This emphasis lends itself to the narrative and counter narrative by adding support to the issues that were identified; that there is a need for legislation for children.

With the narrative and the counter narrative identified, as well as identifying the non-story, how did the policy process progress with the competing arguments and approaches?

#### **5.4 Meta-narrative**

With all these competing narratives there was a need to find a way for the policy to move forward and not stagnate between the narratives. For the policy to move forward Roe talks of a meta-narrative, which may be a new policy narrative, that accounts for all competing narratives, or offers a new narrative altogether, but it allows the stakeholders to move forward on an issue that would otherwise have stagnated.

The Children's Bill was caught between two narratives, one that called for it to be a holistic piece of legislation that dealt with all issues pertaining to children, for example as highlighted earlier by Loffell (2003), who goes on to explain what is required for the Children's Bill to be a holistic piece of legislation,

*'A range of preventive measures [were] set out in the Bill to ensure, in the first place, that children could grow and develop within healthy families and communities. Where these measures failed, various early intervention mechanisms would come into operation and, where this second level did not have the desired effect, an effective protective system would be in place, designed to safeguard children from further harm and, where necessary, ensure their reintegration into the community. Special attention was paid to the needs of children who experience multiple infringements of their basic human rights on a daily basis, such as those living on the streets, those displaced by war and other disasters, those caught up in child prostitution, those exploited for other forms of labour, those marginalised by disability and those in child-headed households or affected in various ways by HIV.'*<sup>90</sup>

The second narrative, the counter narrative, called for the Bill to be cut back by removing, the National Policy Framework; the section on grants; the section on children in especially difficult circumstances; the early intervention and prevention mechanisms; the concept on informal kinship care; alternative care for children and a child protector as well as significantly reducing the sections dealing with the children's courts and children's rights chapter<sup>91</sup>. These excisions and reductions were done so that the Bill could be dealt with before the elections according to the counter narrative.

The meta-narrative was needed to either account for both of these competing narratives; the narrative for a holistic piece of legislation, and the narrative for reducing the Bill and fast-tracking it through parliament before the elections. Or alternatively it needed to offer a completely new approach to move the policy process forward.

Initially it appeared that there was an alternative narrative appearing, offered by one of the stakeholders as a way to move forward, in the face of the counter narrative. The alternative was for the process to shift its focus away from that which was causing the process to stagnate and towards a new direction in which all could agree;

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<sup>90</sup> Loffell, J. (2003) The Children's Bill has lost its Soul, Press release, Children's Institute

<sup>91</sup> Loffell, J. (2003) The Children's Bill has lost its Soul, Press release, Children's Institute

*“I did get the sense that as the Working Group went onwards that there was a kind of understanding that some things one couldn't win and that one had to prioritise ... focus on what you think are really non-negotiables”*  
(Respondent 5 – Working Group)

*“[T]hrough the process we realised that [a holistic piece of legislation] was not possible given the way that government works”* (Respondent 1 – Working Group)

A meta-narrative began to take shape, calling for a focusing of the process around the Bill. The focus became the need to provide protection to children first and foremost.

*“[C]hildren are at risk and need to be protected and need assistance to be put in place to make sure that children are protected”* (Respondent 10 – DSWD)

*“[T]hat general perspective was still very much focused on protection of children”*  
(Respondent 2 – Working Group)

*“[I]t addressed those issues like protecting children”*  
(Respondent 7 – Parliamentarian)

*“[I]ts a number of issues, its protection of children”*  
(Respondent 9 – Parliament)

Another aspect of the meta-narrative was that it took account of the counter narrative around legislative requirements; that legislation should not be in contradiction with other pieces of legislation such as the Constitution (in particular with regards to the chapter on Children's Rights contain in the Bill), the Education Act; the Health Act; and the Child Justice Act, nor should it impinge on the rights and responsibilities of other Ministers and their legislated responsibilities;

*“My thinking on the NPF [National Policy Framework] as it was suggested by the Law Society, and I got agreement on that from other legal sources is that, as the Law Society included it, there would have been constitutional challenges possible under Section 41 of the Constitution.”*

(Respondent 16 – CI – Parl. Researcher)

In addition the meta-narrative accounted for there being specific procedures that policy must follow when being dealt with, in particular when a policy is complex in its nature.

*“Once the Bill has been introduced, Parliament will process it in a manner that ensures that the public has a proper opportunity to input as it is the norm”<sup>92</sup>*

*“The legal advisors advised that the Bill should be split into two bits, because the constitution does not provide for mixed Bills. The Bill was made at national level and implementation of services at a Provincial level and Social services Welfare services is a Provincial competency in terms of the constitution. That delayed the process because the Bill had to be split and certified as a Section 75 Bill and the second part would be a Section 76 Bill that would be dealt with as soon as the Section 75 Bill is completed. Given all those processes and the limited time there was at the beginning of 2004 before the elections, it was simply practically not possible to deal with the Bill.”*

(Respondent 15 – CI – Parl. Researcher)

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<sup>92</sup> Mbete, B. (2003) Letter of Correspondence 24 October 2003, to Working Group, Cape Town

The case study showed that a meta-narrative did appear and that it incorporated all of the narratives, rather than being a new alternative. The meta-narrative is identified as having taken account of the issues raised by the WG and those raised by the DSWD.

The meta-narrative was that the Bill should be held over to the new parliament in 2004 and that the excisions would remain. This would allow the Portfolio Committee more time for deliberations on the content of the Bill and the excisions.

The WG narrative was, that there was a need to ensure a holistic piece of legislation and to do this the Bill should not be rushed through the parliamentary process. The DSWD counter narrative was, that the legislation was needed urgently, it had been a long process and should be concluded before the elections and certain provisions caused the Bill to be in conflict with other pieces of legislation. With the removal of these provisions the Bill could be fast-tracked through parliament. The meta-narrative has two approaches to the issue; firstly the meta-narrative focuses on the parliamentary processes that the bill needs to follow certain procedures and could not be rushed through, as it was a comprehensive and important piece of legislation that needs to be given due process. Secondly the meta-narrative addressed the point that there were certain aspects of the Bill that couldn't be included due to legislative restrictions.

These narratives however are not able to influence the agenda or the process merely by existing and the meta-narrative emerges from a process. The question then was to identify how any of the narratives get onto the policy agenda or get to a position from which they can challenge the agenda.

### **5.5 Policy Entrepreneur**

Kingdon's (1995) theory of the policy entrepreneur offers an explanation of how narratives get onto the policy agenda "*entrepreneurs as advocates who are willing to invest their resources – time, energy, reputation, money – to promote a position.*"<sup>93</sup>

One respondent from civil society identified who was able to invest their resources;

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<sup>93</sup> Kingdon, J. (1995) p 179

*"[T]he role of the Children's Institute. Because there was capacity, ability and money to do a lot of the administrative background work, so there were regular electronic updates, there was good communication and informing people about what was happening"*

(Respondent 2 – Working Group)

But policy entrepreneurs don't only appear from one sector involved in the process nor at only one point in the process. They may be engaged at any stage or in any part of the policy process; they are not unique to any specific location within the policy process. They are able to come into the process at a late stage or be with the process from the beginning in addition, Kingdon finds that an entrepreneur may be *"in or out of government, in elected or appointed positions, in interest groups or research organisations."*<sup>94</sup>

The narratives within the case study gave a clear indication as to who the policy entrepreneurs were in this policy process, in particular from civil society. As the respondents identified those that were visible, in the process and were available to drive the narratives forward.

*"[T]he CI [Children's Institute] was the main organiser of things, the main mover"* (Respondent 2 – Working Group)

*"The institute [Children's Institute] was prepared to support the process"* (Respondent 4 – Working Group)

*"We as a committee ... they thought they knew a lot but this interaction with a whole range of people, ... people from the Children's Institute, universities and all that"* (Respondent 6 – Parliamentarian)

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<sup>94</sup> Kingdon, J. (1995) p 122

*“The Children’s Institute I think it is one of the organisations that was hands on in the process”* (sic)(Respondent 8 – Parliamentarian)

*“[T]he alliance on children ... or Children’s Institute ... they were quiet prominent”* (Respondent 9 – Parliamentarian)

All respondents at some point mentioned the Children’s Institute during the interviews. Other organisations that also featured include;

*“[T]he secretariat led it, so it was the CI, RAPCAN [Resources Aimed at the Prevention of Child Abuse and Neglect], ChildLine, SASPCAN [South African Society for the Prevention of Child Abuse and Neglect] and Johannesburg Child Welfare”*  
(Respondent 1 – Working Group)

By noting the institution and not only individual people, the respondents offered a different perspective on who may be identified as an entrepreneur. In this case the entrepreneur was also identified as an organisation, the Children’s Institute who made themselves available, they invested their time and energy, and their capacity to organise (Respondent 2 and 4 – WG). The respondents having identified the organisation that was invested in the process, then went on to discuss and name particular people from the Children’s Institute, as well as other people from separate organisations who are involved and invested and have the qualities of a policy entrepreneur as identified by Kingdon. The people from the Children’s Institute that were specifically named were;

*“Solange, and Paula [from the Children’s Institute]”*  
(Respondent 2 – Working Group)

Other people who were specifically named as having a driving influence on the policy process include;



*"[A] secretariat, a four person secretariat put together from the start"* (Respondent 4 – Working Group)

*"[T]he secretariat, Paula [Children's Institute] Joan [ChildLine], Jackie [Johannesburg Child Welfare] and Carol [Resources Aimed at the Prevention of Child Abuse and Neglect], were the secretariat and so it was [their] job as head of the Working Group to spearhead the advocacy campaign"*  
(Respondent 1 – Working Group)

*"I think the secretariat ... Jackie , Paula, Joan, Carol"*  
(Respondent 3 – Working Group)

*"I saw Jackie as very influential ... Carol also at times ... but for me the connecting point and the person that I associate most strongly with the process is Paula"*  
(Respondent 5 – Working Group)

*"Jackie, oh, Jackie was actually quiet demanding ... developing children's law and a comprehensive Children's Bill for South Africa"*  
(Respondent 6 – Parliamentarian)

*"[T]here are people who were actually providing us useful information, ... Paula"*  
(Respondent 8 – Parliamentarian)

*"[T]hat structure that Paula was in ... you know Joan Jackie, Paula"*  
(Respondent 10 – Department)

There were also people from other sectors of the policy process, such as persons within the government structures who were active in driving the policy process

forward. These people were also identified by the respondents, showing that as Kingdon suggests, an entrepreneur may be “*in or out of government, in elected or appointed positions.*”<sup>95</sup> In response to the questions asked of the respondents “Who were the key people you engaged with?” the following succinctly presented the entrepreneurs from government involved in the process;

*“In the Department it was Ashley ... [in the Portfolio Committee] in 2003 it was the chairperson, Cas and it was Fernel, at that stage”*

(Respondent 1 – Working Group)

All of the people were identified as driving the process or as visible because of certain attributes that they had. In particular Kingdon (1995) notes, “*when a window opens, advocates of proposals sense their opportunity and rush to take advantage of it.*”<sup>96</sup> In the case study respondents noted that the policy entrepreneurs were always looking out for, as well as creating and using, opportunities to put forward their narratives.

*“I know at the national child protection committee Jackie and Joan tried to use every single opportunity in order to sell certain points of view and get support for the Children’s Bill Working Group and in order to influence the departments thinking.”* (Respondent 3 – Working Group)

The respondents also raised several qualities in the people they identified as entrepreneurs These were similar to those offered by Kingdon (1995): that the person is someone decision makers are willing to listen to, that they have the ‘right’ political connections, and that they are prepared to work persistently and tirelessly.<sup>97</sup> Entrepreneurs were able to keep going, and to find innovative spaces and opportunities to advocate for their proposal.

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<sup>95</sup> Kingdon, J. (1995) p 122

<sup>96</sup> Kingdon, J. (1995) p 175

<sup>97</sup> Kingdon, J. (1995) p 181

One respondent in particular gave a clear description of these qualities when discussing one of the identified entrepreneurs;

*“Jackie ...she kept herself involved ...and she worked with me very closely, ...one of the things ... I did this kind of work ... you know like a little bit of welfare ... Jackie would also be able to tell you” (sic)*  
(Respondent 6 – Parliamentarian)

The respondent indicated that the entrepreneur had a relationship with the decision maker, which meant that the decision makers would be more willing to listen to them.

Another respondent notes the work level and quality of information generated by the entrepreneurs with regards to their engagement with decision makers as being a key quality, this quality makes the entrepreneur someone whom decision makers come to rely on and therefore are willing to listen to, a quality which Kingdon (1995) notes as being valuable.<sup>98</sup>

*“I think that they got a good reputation for providing high quality information. To the extent that the Portfolio Committee almost became quite reliant on their input for decision-making and that’s the best possible position that advocates could ever be in.”*  
(Respondent 5 – Working Group)

The policy entrepreneur was also responsible for getting their narrative on to the agenda as was evident in the responses in particular from parliament, as well as from the department. Their responses were in line with the narratives of the entrepreneurs;

*“I felt it was too rushed. I felt that we were pressurised to get things finalised and that, in that way one then, you tend to over look things”* (Respondent 10 – DSWD)

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<sup>98</sup> Kingdon, J. (1995) p 181

The entrepreneurs, if not institutions, were linked to the institutions named by the respondents. These institutions and entrepreneurs do not operate in isolation of a policy process, they were an integral part of the policy process in South Africa, which has a high level of participation in accordance with the democratic principles enshrined in the Constitution.<sup>99</sup>

The entrepreneurs not only advocated and lobbied from within institutions (organisations) but often these institutions were linked and worked together. Policy networks offer an explanation, to understand these linkages and how they affect the narratives.

### 5.6 Policy Networks

The Working Group was made up of a number of organisations within the children's sector, who came together around the issue area of the Children's Bill. The relationship has continued and meets the definition of a network offered by Kickert et al (1997), as "*stable patterns of social relations between interdependent actors, which take shape around policy problems and/or policy programs.*"<sup>100</sup>

*"[T]he idea with the Working Group that there would be this group of people called the Working Group each of which was linked to a separate network which may or may not have overlap but which focused on the particular issue that this person represented."*

(Respondent 2 – Working Group)

[Was the WG organised in any way?]

*"Yes I think we all had a sense of purpose relating to how we should approach the work I think that we also looked at people's specialities in terms of knowledge and I think that was very beneficial"*

(Respondent 3 – Working Group)

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<sup>99</sup> The Constitution of South Africa Act 108 of 1996 section 59

<sup>100</sup> Kickert et al (1997) p 6

*"The networks within the Working Group already ... got to know each other and started to relate to each other so I think there was a ...willingness to co-operate and a willingness to work and to find common ground"*

(Respondent 4 – Working Group)

*"There was unity and a collective commitment and dedication to a common objective"*

(Respondent 11 – CI – Working Group)

Further to Kickert's (1997) definition of a network he specifies that "[t]he concept 'policy network' connects public policies with their strategic and institutionalised context: the network of public, semi-public and private actors participating in certain policy fields."<sup>101</sup>

In the case study it was evident that the WG was strategic in that they divided consideration of the Bill between different members of the network according to the different sections, allowing the WG to ensure that there was adequate coverage of all issues in the Bill. This was evident in a question posed by the Children's Institute during their fieldwork for their evaluation report; *"In 2003, the WG was divided into sub-groups to deal with different areas of the Bill (eg. foster care, protection, prevention, courts, children's rights, national policy framework, child protection, disability, ECD, street children, HIV, foreign children, children's protector, parenting rights and responsibilities, social security, child labour, child and youth care centres)."*<sup>102</sup>

But it is not only organisations that determine a policy network, but the type of interaction and policy issue being engaged with determines how those networks are conceptualised. In particular policy communities are considered to be special in the concept of networks as they are connected through resource dependency.<sup>103</sup> Within policy communities there are different types of interaction, described as either

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<sup>101</sup> Kickert et al (1997) p 1

<sup>102</sup> Children's Institute (2005) Children's Bill Evaluation Project Questionnaire – Working Group Members

<sup>103</sup> Kickert et al (1997) p 30

*"I think through sharing information, sharing opinions  
... I think that, that was what was really good about the  
Children's Bill Working Group"*

(Respondent 3 – Working Group)

*"Not all members had access to emails, this was bridged  
by faxes and teleconferences"*

(Respondent 11 – CI – Working Group)

The WG was characterised by respondents as a centre for sharing information and a place to learn from other organisations. Which is in line with the idea that a network occurs where there is resource dependency on a policy issue. In this case the resource dependency was one of information. Some organisations in the WG had less information on certain aspects of the policy process and were dependent on others for this information and knowledge sharing. Different organisations came with information and knowledge about specific areas or sectors within the broad sector of children and child services, which was shared.

*"We've got a lot to learn from each other and we all  
come with differing perspectives, different areas of  
experience, we all have something to offer here."*

(Respondent 3 Working Group)

*"My expectation was to make some training around  
the Bill itself. It was the first time I was exposed to  
the Bill and some people had had experience of the  
Bill as members of the working group so they had  
knowledge and education about the Bill and secondly  
to link to other organisations that were involved in  
the Bill and debate issues around their submissions."*

(Respondent 1 – CI – Working Group)

*"When I joined in the first place I did not know anything about, the you know, formulation of the bill, you know, the procedures and how does it, how it goes about and all those things, eh my expectation was that definitely I am going to learn here. That was a learning situation for me to be able know exactly what happens when a bill is being formulated, ... coming from ... the rural areas I felt that's my opportunity for me to say something about the situation in where I come from."* [sic]

(Respondent 12 – CI – Working Group)

*"[T]here was a lot of interaction and communication between the members of that [disability] sub-group which didn't necessarily involve the Working Group, but which fed back into the Working Group, and which resulted in the development of the submissions."*

(Respondent 2 – Working Group)

*"I had thought that my work was confined to a provincial level and I did not have the skill to critique policies and identify gaps.*

[Prompt: Did the experience affect your skills or the way that you do your work?]

*I learned lessons that will benefit organisations through feedback to update and upgrade their skills."*

(Respondent 11 – CI – Working Group)

This networking and sharing of information and resources meant that NGOs that were previously unable to engage or participate in the policy making process were now able to. They now had a point of contact with NGOs that were geographically closer to parliament and were able to keep them updated on developments in parliament, as well as contact with NGOs that understood the process and the format for getting information in to the policy process.

The network and sharing of information also offered the policy entrepreneurs the background information and support to push their narrative as one that was popular and worthy of attention as instead of the narrative coming from only one organisation it was coming from an umbrella body. This was evidenced in that the submissions from the WG were endorsed by other members of the WG and correspondence and media articles went out in the names of a number of organisations.

*“What we tried to do was make sure that everybody read everybody else's submissions and that really felt we could endorse each others submissions” [sic]*  
(Respondent 2 – Working Group)

*“Most of the media went out in those names [secretariat member organisations of the Working Group]”*  
(Respondent 1 – Working Group)

The WG was an example of institutions that were not working in isolation of each other; in fact the WG was formed to try and ensure that there was an organised approach to civil society's interaction with the Children's Bill, by bringing together the different NGOs who were affected by the Bill and co-ordinating their responses to the Bill.

## **5.7 Conclusion**

The narrative, counternarrative and non-stories taken up by policy entrepreneurs were identified as leading to the development of a meta-narrative that allowed the policy process to move after it had stagnated.

The lobbying and advocacy through networks allowed the WG narrative to be included in the meta-narrative. The WG narrative was the need for a holistic and comprehensive piece of legislation that would include in particular a National Policy Framework to guide intersectoral collaboration. In addition to this, the WG wanted the policy to be held over to the new parliament to ensure that there would be adequate time to deal with the complexity of the bill. There is evidence that the



narrative to hold the Bill over was included in the meta-narrative as noted by one of the respondents;

*“Yes we have evidence that our concern that parliament ‘would not be able to apply it’s mind’ [sic] [to the Bill], we saw those little words cropping up in various funny places in parliament, it was used by the chairperson in the minutes of the committee, ...it was used by other members of parliament that we were talking to at the time about other laws ... and we used that in most of our procedural letters [to parliament]*

(Respondent 1 – Working Group)

*“we had the letter that said ‘help save the Children’s Bill’ ...and when we went up to ...office the next year in June, there was a pile on her desk of all the submissions but also all the letters that had been written at that time to the Minister and the Portfolio Committee saying ‘do not rush this Bill’”*

(Respondent 1 – Working Group)

These responses highlight that this aspect of the narrative, holding the Bill over to after the elections, from the WG was included in the meta-narrative. However the point on the holistic approach and the retention of the National Policy framework was not included. As was evident in the inclusion of the counter narrative which called for the removal of the National Policy Framework.

*“I did get the sense that as the Working Group went onwards that there was a kind of understanding that some things [National Policy Framework] one couldn’t win”* (Respondent 5 – Working Group)

*“we cannot legislate for policy, that policy comes from inside. We’ve also provided for ... but I’m sure we can*

*legislate for intersectoral collaboration, that whatever we do, we might have an integrated approach towards delivery. I think that the portfolio committee has agreed”*

(Respondent 4 – CI – Executive)

*“On intersectoral co-operation I think government realises just as well as you do that they do need co-ordination especially in service delivery and I think they've tried to achieve that in a sense, but going for something like a National Policy Framework, which has the force of law, which is supposed to be sort of an all encompassing, all covering framework for everybody to adhere to and comply with, and, that's just a no-can-do.”*

(Respondent 5 - CI- Executive)

Both narratives were used as part of the solution and formed the meta-narrative that allowed for the policy to move forward, and not stagnate.

## Chapter 6

### Conclusion

The Children's Bill was considered a mixed Bill, meaning it had section 75 and section 76 aspects. It was split into two Bills, the section 75 Bill was dealt with at National level and the section 76 Bill at Provincial level. To date the section 75 Bill has been passed, and enacted as the Children's Act but the section 76 Bill is required to amend the Act. The section 76 Bill is currently in the next stage, which involves the provincial parliaments. The Provincial Parliaments have held hearings on the section 76 Bill and are now in the process of deliberating the section 76 Bill in their provincial portfolio committees.

The process of engagement by the WG on the section 75 part of the Children's Bill has given NGOs the foundation for the next step in the complex legislative process of social policy.

The Children's Bill process, which had reached a point of stalemate (in 2003) about whether it would proceed through or be held over to the next parliament (in 2004) was helped by the direction of the entrepreneurs who took up the narratives emanating from their groupings. These narratives at times were in conflict with each other, but ultimately a meta-narrative provided the policy process with potential solutions to the direction in which the process should move and thus prevented the process from stagnating.

The political context in which the Children's Bill was processed, and in which the stakeholders acted, influenced the process of the policy. There was never complete agreement on all aspects of policy, as identified in the WG narrative which called for more time to process the Bill and for a National Policy Framework and the DWSD counter-narrative calling for the process to be fast-tracked and for certain excisions to be made. Having so many different people involved with different ideas and agendas when it came to the policy issue the political context also had an affect on the process, for example political imperatives were exerting pressure,

*"[W]e were pushed hard to try and resolve the bill getting through cabinet before the elections. ... [We] didn't want to go into an election without, fulfilling the commitment that was made, that there would be legislation"* (Respondent 10 - DSWD).

Using narrative analysis the research has uncovered the multiple narratives; the WG narrative for time and a National Policy Framework, the DSWD counternarrative to fast-track the process and make excisions to the Bill and the non-stories, and therefore the different dimensions, role players (the WG, the National Portfolio Committee and the DSWD) and solutions, in the form of a meta-narrative, to the policy issue. In particular the Children's Bill WG advocated for the interests of civil society and a narrative that developed from within the WG that the Bill should be held over until after the elections (2004) and that there were certain provisions in particular that they felt needed further deliberation as they were important. This lobbying and advocacy was co-ordinated by certain policy entrepreneurs identified within the WG.

The meta-narrative included the WG narrative that the entire process of deliberations and consultation on the Bill be held over to the next parliament in 2004. However it did not include their narrative with regards to the National Policy Framework. During the future deliberations and processing of the section 76 Bill (Which is currently being processed through the Provincial Legislatures) the WG's narratives may change as the context changes and they continue their lobbying and advocacy work.

As the legislative process continues (with the Provincial deliberations) new narratives may develop and the network advocacy and lobbying techniques may change as well. Further research would provide more information on how the policy network develops as the process continues and more insight as to whether or not the policy entrepreneurs continue to take up the narratives to try and influence the agenda.

## Appendices

## **1. Working Group - Interview guide:**

Did (and if so what was it) a meta-narrative emerge within the Children's Bill Working Group during their engagement with the policy process around the Children's Bill?

**Content:** In 2003 the Bill went before parliament. But what was it aimed at addressing and did all stakeholders feel the same or have the same understanding of the bill and what it was aimed at addressing.

1. What issue, was the bill supposed to address?
2. How would you define the problem?
3. What were the most important issues that the WG felt that the bill should address?
4. Did the bill address these issues?
  - If it did, was it adequate?
  - Which issues did it leave out?
5. Why did the WG feel these issues were important?
6. Did the WG agree or disagree on any issues?

**Process:** How did the understanding of the bill and the issues affect the approach to the policy process of engagement, by the different stakeholders during the period of 2003, when the bill first came to parliament. Did their understanding bring competing stories to the fore or was there a single story? And who were the people that were co-ordinating (policy entrepreneurs) the stories on the agenda?

7. How did the WG interact with each other to promote their work? (probe: did do anything else; problems with processes systems etc.; what facilitated?)

8. What did you as a WG do to put forward your issues to the portfolio committee?
9. Was the WG organised in any way; were different people given different duties? Why were these people given these particular duties?
10. Who was the most active and visible in interacting with the portfolio committee and department?
11. Do you think that the demands of the WG were heard by the department and the portfolio committee? What makes you say that?
12. Do you think the interaction you had on this bill was useful or not? Would you try and interact with a bill in the same way or would you try something different, why?

## **2. Members of Portfolio Committee - Interview guide:**

Did (and if so what was it) a meta-narrative emerge within the Children's Bill Working Group during their engagement with the policy process around the Children's Bill?

**Content:** In 2003 the Bill went before parliament. But what was it aimed at addressing and did all stakeholders feel the same or have the same understanding of the bill and what it was aimed at addressing.

1. What issue, was the bill supposed to address?
2. How would you define the problem?
3. What were the most important issues that the Portfolio Committee felt that the bill should address?
4. Did the bill address these issues?
  - a. If it did, was it adequate?
  - b. Which issues did it leave out?
5. Why did the Portfolio Committee feel these issues were important?
6. Did the Portfolio Committee agree or disagree on any issues?

**Process:** How did the understanding of the bill and the issues affect the approach to the policy process of engagement, by the different stakeholders during the period of 2003, when the bill first came to parliament. Did their understanding bring competing stories to the fore or was there a single story? And who were the people that were co-ordinating (policy entrepreneurs) the stories on the agenda?

7. Who, from civil society, were the people who were most active and visible in interacting with the portfolio committee and department?
8. Do you think the interaction you had on this bill was useful or not? Would you try and interact with a bill in the same way or would you try something different, why?



### **3. Departmental Officials - Interview guide:**

Did (and if so what was it) a meta-narrative emerge within the Children's Bill Working Group during their engagement with the policy process around the Children's Bill?

**Content:** In 2003 the Bill went before parliament. But what was it aimed at addressing and did all stakeholders feel the same or have the same understanding of the bill and what it was aimed at addressing.

1. What issue, was the bill supposed to address?
2. How would you define the problem?
3. What were the most important issues that the Dept felt that the bill should address?
4. Did the bill address these issues?
  - If it did, was it adequate?
  - Which issues did it leave out?
5. Why did the Dept feel these issues were important?
6. Did the Dept agree or disagree on any issues?

**Process:** How did the understanding of the bill and the issues affect the approach to the policy process of engagement, by the different stakeholders during the period of 2003, when the bill first came to parliament. Did their understanding bring competing stories to the fore or was there a single story? And who were the people that were co-ordinating (policy entrepreneurs) the stories on the agenda?

7. What did you as a Dept do to put forward their issues to the portfolio committee?
8. Was the Dept organised in any way; were different people given different duties? Why were these people given these particular duties?
9. Who was the most active and visible in interacting with the portfolio committee?

10. Do you think the interaction you had on this bill was useful or not? Would you try and interact with a bill in the same way or would you try something different, why?

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