

THE CHALLENGES AND BENEFITS OF POLICY NETWORKS:  
A CASE STUDY OF LABOUR POLICY IMPLEMENTATION  
AT THE CENTRE FOR CRIMINAL JUSTICE

By


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## DECLARATION

I, OBAJE TIMOTHY ADUOJO, declare that this dissertation is my own unaided work. All citations, references and borrowed ideas have been duly acknowledged. It is being submitted for the degree of Master of Social Science (Policy and Development Studies) in the Faculty of Humanities, Development and Social Sciences, University of KwaZulu-Natal, Pietermaritzburg, South Africa. None of the present work has been submitted previously for any degree or examination in any other University.

Student Signature: .....  ..... Date: 18 March 2011

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## **Abstract**

This study investigates the challenges and benefits of policy networks. It focuses specifically on the experiences of the Centre for Criminal Justice, examining the challenges and benefits it experiences in its networks.

In spite of the widely applauded benefits of networks in this study and in other publications, findings from this study still highlight the challenges of networks in labour policy implementation. The study reveals that the element of diversity and the complicated nature of networks' management threaten networks' ability to realize their objectives. The lack of binding regulations and managerial structures in certain networks reveals the drawback in networks' management. Firstly, it raises questions about the legitimacy of any self-initiated coordination in networks since such might not be formally accepted by network members. Secondly, the thesis argues that the lack of binding regulations in some networks deepen the likelihood of uncooperative attitude among actors, especially when it suits them, given that there are no defined consequences for their actions.

Other findings in this study draw attention to the operational conflict between the vertical and lateral-minded members of a network. This discusses the question of methodological disagreement between actors of contrasting view points in the execution of certain tasks. Finally, the thesis looks at the question of actors' autonomy in a network. It argues that threats to actors' autonomy or dignity could promote lack of commitment from network members, neglect of responsibility and the possible breakdown of the network if such issues are not properly addressed.

In summary, though networks are ideal tools for policy implementation and service delivery in contemporary society, they nevertheless have their challenges. Hence the study concludes with an invitation for proper acknowledgement of the challenges in the process of networks and the need for further studies in this field to enhance the effectiveness of networks in implementation processes.

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## List of Acronyms

CCJ Centre for Criminal Justice

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CCMA Commission for Conciliation, Mediation and Arbitration

KPCA Keep Pietermaritzburg Clean Association

LSSN Legal Support Services Network

SSSN Social Support Service Network

UKZN University of KwaZulu-Natal

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## **Chapter One: Introduction and Background**

### **1.1 Background and Outline of Research Topic**

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Public policies are often designed and implemented by a mixture of actors including private and non-governmental institutions. This interplay amongst different actors is seen as a network. Peterson (2003: 1) depicts networks as clusters of actors linked together in political, social and economic life. Agranoff (1999: 20) defines such networks as “structures of interdependence involving multiple organizations, or parts thereof, where one unit is not merely the formal subordinate of the others, in larger hierarchical arrangements.” Different definitions emphasise different aspects of networks. Networks often develop in response to, or in anticipation of, a specific issue and are often subdivided into different types including social networks, policy networks and organizational networks.

This paper centres on policy networks. A policy network, is “a cluster of actors, each of which has an interest or “stake” in a given policy sector and the capacity to help determine policy success or failure” (Peterson 2003: 1). Mintrom and Vergari (1998: 128) provide a similar delineation of a policy network as “a group of actors who share interest in some policy area and who are linked by their direct and indirect contacts with one another”.

This study explores the challenges and benefits policy networks through the examination of a case study of one such network in the Centre for Criminal Justice, with particular reference to its use in labour policy. Unfair labour practice is a policy issue that is dealt with in Chapter 8: Sec 185 – 188 of the Labour Relation Act 66 of 1995 and entails “any unfair act or omission, that arises between an employer and employee, involving unfair conduct by the employer relating to: (i) the promotion of an employee, (ii) demotion of an employee, (iii) probation of an employee, except when the dispute is about dismissal for a reason relating to probation etc” (Kubayi 2003 13 – 15). In this study, the understanding of unfair labour practice includes unfair dismissal as understood in Chapter 8: Section 186 of the Labour Relation Act 66 of 1995. Implementing this section of the Act is a complex process that requires the collaboration of various actors and units. This study supports the idea that most forms of human interaction involve a number of conflicting interests and inconsistencies and sees networking as a process that is challenging to manage.

The Centre for Criminal Justice's (CCJ)<sup>1</sup> partnership with the police, courts, Social Welfare, Labour Department and other departments in the protection of human rights makes it a useful case study for in this thesis. Hence, this study will use CCJ's labour policy implementation network to examine the benefits and challenges associated with policy networks and the extent to which these benefits and challenges impact on the process and outcome of policy implementation.

## **1.2 Research Problems and Objectives**

Issues to be explored in this study revolve around the challenges and benefits of policy networks. Some of such issues relate to difficulties in the coordination of network members, the challenge of ensuring members' commitment to the goals and objectives of networks, and conflicts of interest between members of the same network. The research questions to be resolved by the study are as follows:

- i. What is the nature of policy networks? Is it formal or informal?
- ii. What are the forms of relationship that exist between members of these policy networks? Are they structured or unstructured?
- iii. How long has such the relationship existed?
- iv. What are the issues pertaining to the effective management of the network?
- v. How does this policy network contribute towards the implementation of fair labour practice?
- vi. What are the benefits that CCJ derives from its policy network?
- vii. What are the contributions of the different members of this policy network towards the realization of CCJ's objectives and the objectives of the labour policies?
- viii. What are the challenges experienced by members of this policy network?

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<sup>1</sup> CCJ is a research centre intended for the reformation and restructuring of South African criminal justice system.

Although other issues will be discussed, this study will take, as its focus, the examination of these elements within CCJ's implementation network and their implications for the wider implementation processes.

### **1.3 A Brief Background to the Case Study: The Centre for Criminal Justice.**

CCJ is a nongovernmental organization that was established in 1989 as a research centre intended for the reformation and restructuring of the criminal justice system in South Africa. CCJ has its head office at the University of KwaZulu-Natal and its Support Centres are spread around fourteen communities in KwaZulu-Natal. Its primary objectives are the promotion and protection of human rights within the criminal justice system.

In 1997, the Centre for Criminal Justice introduced its Community Outreach Programme. This was established in the form of Outreach Centres within different communities. The programme enables the Centre for Criminal Justice to realize its objective of facilitating easy access to the criminal justice system. The Outreach Centres are managed by professionally-trained paralegals that collaborate with other departments to ensure effective and efficient services to their clients. The objectives and nature of the Outreach Centres necessitates the combined effort of various sectors, both governmental and private, for the realization of their goals. The resultant policy network is considered a vital tool through which the Outreach Centres promote and protect the rights of the disadvantaged communities that they serve. This study seeks to explore the challenges and benefits encountered by CCJ in the course of its interaction with other actors in this network.

Some of the problems that CCJ confront using these centres are labour related issues. These include problems relating to unemployment, insurance and unfair labour practice. This study exclusively looks at CCJ's involvement in the implementation of labour policies relating to unfair labour practice as stated in Chapter 8: Sec (185) – (188) of the Labour Relation Act 66 of 1995.

## **1.4 Rationale for the Study**

Policy networks have attracted significant levels of interest from scholars since the late 1970s, with authors such as Anderson (1975), Lindblom (1979), and Cobb & Elder (1983) leading the field. In the last five decades scholarship has focused on the relevance and importance of these networks. Kenis and Schneider (1991), for instance, contemplate the idea of policy network and policy analysis as a new analytic toolbox in policy-making and implementation. Irrespective of the depth of research on this theme, there is still a lot to be discovered and learnt about it. The bulk of the literature on policy networks deal with the theoretical understanding of networks rather than empirical investigation of the factors responsible for the different outcomes of policy networks. It is against this backdrop that this study seeks to use a case study to explore the challenges and benefits of policy networks.

This study will, in addition to other publications, enhance the understanding of the intricacies of policy networks. It emphasises the empirical dimension of a network, looking at its practicalities and challenges and deepening the understanding of what policy networks entail.

## **1.5 Research Approach**

This study will begin with a literature review of policy networks. This will be based on existing literature on networks in general and policy networks in particular. The review aims at the theoretical understanding of networks and policy networks in the strict sense of the word. It will dwell upon the different features and characteristics of a policy network, such as the nature of policy networks and their contribution towards implementation of certain policies. This part of the study will significantly rely on published materials on policy networks, including books and journal articles. A qualitative approach to research will be employed in this study because of its ability to facilitate in-depth interpretation and understanding of the research subject. This thesis will utilize information acquired from the literature review to make sense of CCJ's experiences within its networks. Some of the authors that will play a significant role in this section are Agranoff, R & McGuire, M (1999), Parsons (1995), Lipsky M. 2010, Mendizabal, E. 2006, Sabatier, P. A. and Jenkins-Smith, H. 1993 and Klijn (1997). The sampling method and method of analysis will be explained in the fourth chapter.

## **1.6 Structure of the Dissertation**

This thesis is organized into five chapters, with each chapter focuses on a distinct component of the dissertation.

### **Chapter Two: Theoretical Framework**

This chapter reviews the academic background of public policy studies. Focussing on Allison's (2008: 64) work, it relates the emergence of public policy in academics. The chapter progresses to explore the theory of policy networks.

### **Chapter Three: Centre for Criminal Justice and the Implementation of South African Labour Policies**

This focuses on the case study: the Centre for Criminal Justice and labour policies. It spells out the historical development of the Centre for Criminal Justice and its contributions towards effective implementation of the labour policies.

### **Chapter Four: Findings and Analysis**

The fourth chapter examines data gathered through semi-structured interviews. It begins with the presentation and analysis of data. This presents significant findings relating to the benefits and challenges of policy networks. Some of such findings include the problem of diversity and network management, operational conflicts within networks and threats to actors' autonomy.

### **Chapter Five: Conclusion**

This chapter sums up the thesis. It does this through its rundown of findings. The chapter ends this dissertation by acknowledging the need for further study in the field of policy network, especially areas that are beyond the scope of this thesis.

## **Chapter Two: Conceptual and Theoretical framework**

### **2.1 Introduction**

This chapter begins with the exploration of Policy Studies as a discipline and then examines public policy as a concept. The policy cycle will be introduced to locate the study in the policy process. The chapter will conclude with an explication of the role of policy networks in the implementation of public policy. This necessarily includes a review of the nature of policy networks and the elements needed for their effective use.

### **2.2 Contextualising Public Policy Studies**

In the nineteenth century, training in public administration was considered an area of importance in American society. This concern was heralded by Wilson (1886) in his recognition of the need for more practical knowledge on the systematic execution of public law (cited in Allison 2008: 61). Consequently, the academic discipline of public administration emerged as a means to understand “what government can properly and successfully do and how it can do these proper things with the utmost possible efficiency” (Allison 2008: 61). However, the succeeding century, particularly the 1960s and 1970s, saw the need to move beyond this shallow understanding of policy, to a fuller comprehension of the “complex social and political environments within which policy is shaped and implemented” (Allison 2008: 64). This development in academia led to a shift of focus from public administration to the study of public policy. Accordingly, effort was directed at equipping students with the analytic techniques necessary for the development and evaluation of particular public policies and programs (Allison 2008: 65), marking the commencement of the public policy as a discipline<sup>2</sup>.

This research paper deals with the complexities in the implementation stage of the policy making process – an area that is yet to be exhaustively explored. It does this through its focus on the challenges and benefits of networking as a tool for effective policy implementation.

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<sup>2</sup> It is worthy of note that the dawn of public policy as a discipline never led to the desertion of public administration; rather they are complementary of each other in their value and services.



### 2.3 Conceptualization of Public Policy

A public policy can be understood as a guide, rule or law that is formally designed and accepted to govern practices and programmes of a particular society in pursuit of defined goals and objectives. The concept “*public*” in this context signifies the relevance of such policies to everyone in the society as opposed to “*private*” that concerns individuals or a particular group (Parsons 1995: 3). Public policies<sup>3</sup> are designed in response to identified issues in a particular society. Identification of policy issues is always influenced by a variety of factors ranging from individual interest to societal, political or economic factors (Hanekom 1987: 14-15).

Dye (1995: 2) presents a somewhat broad definition of public policy as being “whatever governments choose to do or not to do”. Dye’s definition considers actions of individuals in government position as a policy. This line of reasoning stems from the fact that some government officials’ and politicians’ actions (decisions or speeches) and “non-action<sup>4</sup>” sometimes carry the significance of public policy. Page (2008: 220-222) reiterates this view in his deliberation on *Policies without Agendas*. In this article, Page argues in favour of the possibility of enacting policies without any form of conscious deliberation on such issues. In his view, the enactment of such policy occurs when “high-level officials and politicians” in their capacity as government personnel, “approve arrangements without debate” (Page 2008: 222). It is worthy of note that Dye’s definition is highly controversial, though it will not be explored here due to the limited scope of this thesis.

There are more comprehensive definitions of public policy by other scholars. Anderson (1975: 4) defines public policy as the pursuit of goals. The assumption here is that policy is a purposeful course of action. Lasswell and Kaplan (1970: 71) define policy as a projected program of goals, values and practices, while Bridgman and Davis (2006: 6) define policy as a course of action by government designed to achieve certain results. Reservations with respect to Dye’s definition of public policy as highlighted above, show that there is no comprehensive definition of public policy, each definition has its limitations or inadequacies, but Parsons’ (1995: 14) definition as “an attempt to define and structure a rational basis for

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<sup>3</sup> In this dissertation, the term *public policy* will be used interchangeably with the term *policy* except when specifically stated otherwise.

<sup>4</sup> When government or individual personnel deliberately retreat from taking an action on certain issues.

action and inaction” will be adopted for this thesis. This is chosen over other definitions because, unlike Dye’s definitions that consider public policy merely as government’s action or inaction, Parsons’ appropriately considers public policy as an effort to identify and outline action or inaction that would adequately address policy issues or problems. Public policies are better understood as governments’ established stance regarding a policy issue, while the implementation of such policy often entails a series of actions aimed at realizing such stance. They are governments’ plans of action intended for public good (Martins 2002: 351). They are expressed in constitutions, statutory law, court decisions, administrative rules and orders, budgets etc. They provide government administration with authority and direction to spend money, supply personal services and restrict business practices... (2002: 351). Parsons’ (1995: 15) assertion that “policies offer a kind of theory upon which a claim for legitimacy is made” sums up this understanding of public policies.

#### **2.4 Theoretical Approaches to Policy-Making**

Various theoretical approaches to policy-making have been presented. Key examples, as noted by Hanekom (1994: 45-46), are the classical theory approach, the liberal democratic approach, elite theory and systems theory.

Classical theory account holds that different authorities represented in government i.e. the legislature, the executive and the judiciary are the sole source of policy-making. Elite theory considers policy to be designed by a small elite group acting as leaders of a larger body. In practice, they decide on what they consider beneficial to the society (1994: 45). Unlike the classical and elite accounts of policy-making, the liberal democratic approach claims that a political party assumes the position of primary force in policy-making, because it represents the individual voter and is thus superior to other sources of authority. Though these different accounts centre on various actors in the society, they are, however, not mutually exclusive. It is for this reason that this paper sees the *systems* account of policy-making, which holds that policies are made out of interrelated forces of various actors (Hanekom 1994: 46) as being particularly useful. This account examines how different interest groups contribute to public policy-making. This view is affirmed by Dye’s (1995: 298) assertion that “different political actors and institutions – politicians, interest groups, party lobbyists and legislators ... – may be engaged in different processes at the same time, even in the same policy area”. A detailed discussion of such theories is beyond the scope of this study. Suffice it to say that the

recognition of policymaking as occurring with the input of multiple actors allows the consideration of policy networks as a useful area of analytical concern.

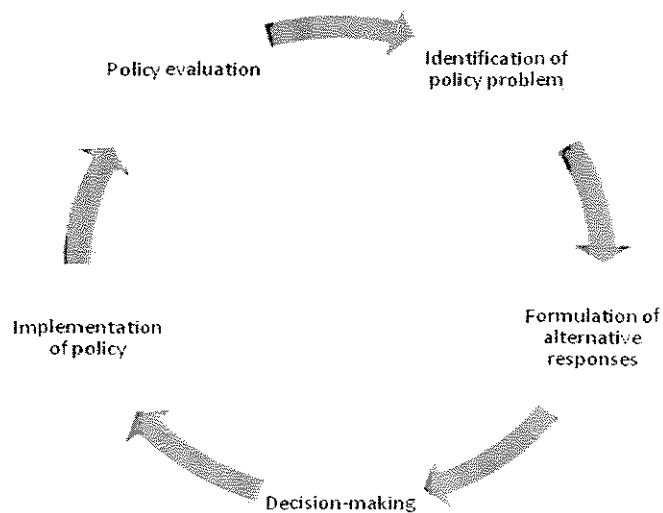
### 2.4.1 Policy-Making Process

As with policy-making theories, a variety of models or stages have been put forward in the attempt to understand how policies are made. Many of these models present policy-making as a step-by-step sequence of successive stages. The commonly-accepted stages in the policy-making process include:

- Identification of a policy problem
- Formulation of alternative policy responses
- Selection of best policy response
- Implementation of policy
- Evaluation

The concept of a “policy cycle” as used by Parsons (1995: 80) is a useful way of understanding the relationship and interaction between the different stages. It is often depicted as a cyclical process as presented in Figure 1 below.

**Figure 1: Policy Cycle**



As shown in *Figure 1*, the policy-making process begins with the identification of policy issues or problems. This comes about through demands for government action by interest groups, citizen initiatives, mass media etc.

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The next phase is the formation of alternative policy or response. This always takes place through interactions between interest groups, policy planning organizations, government bureaucrats etc.

In the decision-making phase, a new policy is selected to address the policy problem through a comparison of the various pros and cons of the policy alternatives.

The next stage, policy implementation, is the actualization of the newly enacted policy. This stage is an area of interest for this thesis, and it will be further discussed in a subsequent chapter of this study.

The final stage in the policy cycle model of policy-making process is policy evaluation. This creates a space for the assessment of the implementation procedure, including the outcome and impact of the policy on the people and of course activities of the government officials or policy implementers.

Such descriptions of policy-making process have been reviewed and it is argued that they are often not true representations of the reality of policy-making. Dye (1995: 298), for instance, holds that the different components of the policy-making process can occur simultaneously, with each stage collapsing into the others. Meanwhile, Sabatier and Jenkins-Smith (1993: 1-4) claim that the step-by-step notion of policy process ignores the real world of policy-making which involves multiple levels of governments' and actors' interaction.

In spite of these criticisms, policy analysts and scholars such as Parsons (1995: 80) and others still consider the policy cycle or the stages models useful for purposes of analysis since dissecting the policy-making process into composite units can provide a better understanding of how policies are made. The stage form of analysis enables researchers to ask some pertinent questions about the effectiveness of the policy-making process and facilitates the review of the different developments and occurrences in the various stages.

It is important to note that this thesis focuses on the policy implementation stage. In the exploration of this stage, this paper primarily draws attention to the component of policy networks in the process of implementation. Issues regarding the benefits and challenges experienced by policy networks are the central points of this thesis.

## **2.5 Policy Networks: A Brief Background**

The conceptualisation and operationalisation of networks generally has been clarified by numerous scholars from a variety of disciplines. Networks are thought of as effective instruments to demystify complexities in nature and society. The concept of a network is developed and widely used in science. As Kenis and Schneider (1991) note, microbiologists consistently refer to cells as an information network, while ecologists conceptualize the living environment as network systems. The idea of a network is more recently utilised in the Information and Communication Technology sciences to denote the connectedness of two or more computers to enhance efficient information sharing. The particular idea of policy networks, in social sciences, will serve as the analytical framework in this study.

In the social sciences, proponents such as Kenis and Schneider (1991) consider policy networks as accounts of observations made about the changing patterns of policy-making and consider such networks to be a significant tool for contemporary policy analysis. Guy and Frans (1998: 86) define a policy network as “a social system in which actors develop comparatively durable patterns of interaction and communication aimed at policy problems or policy programme”. Klijn (1997: 30), in the same vein, considers policy networks as “more or less stable patterns of social relations between interdependent actors which take shape around policy problems and/or policy programmes”. Peterson (2003: 1), as previously highlighted, understands policy networks to be “a cluster of actors, each of which has an interest or stake in a given policy sector and the capacity to help determine policy success or failure”. However different these definitions are, they have certain elements in common. Each definition in some way highlights actors’ interconnectedness through mutual interest in a certain policy issue and their interdependence in attending to such an issue

Lack of effective service delivery and other political developments after The Industrial Revolution gave rise to the search for alternative forms of governance and implementation of policy. Enquiry in this area revealed that neither government nor any other body could be

effective in service delivery or implementation of policies without the help of other sectors. Networks therefore arose as an alternative to this recognized challenge within public sector; and they have flourished in the interdependency between public and private organizations (Agranoff and McGuire 1999: 27) in the modern era. The emergence of the scholarship of policy networks developed into a strong criticism of the idea of the solitary decision-maker. Scharpf, (in Klijn 1997) reinforces this argument with the claim that “it is unlikely if not impossible that public policy of any significance could result from the choice-process of any single actor”. He holds that “policy formation and implementation are inevitably the result of interactions among a plurality of separate actors with separate interests, goals and strategies”. This view is implicit in the previous discussion of the public policy-making process. As mentioned, each stage consists of different sectors, interest groups, specialists and organizations. Therefore the outcome of the various stages of the policy cycle is the sum of the interactions between the different actors, sectors and organizations within a given stage. This is especially the case when examining policy implementation. Given the complexities of present day society, it is extremely difficult to support the idea of a solitary implementer of policy, whether in the governmental or private sector. As will be seen in the following section, implementation is consistently considered as the responsibility of the whole rather than a part of the whole. More will be said on implementation later in this chapter.

## **2.6 Some Examples from the Literature**

It is evident from the preceding conceptual exploration that several studies have been done to analyse the theoretical and empirical history of policy networks. Karemera (2004), for instance, explored the reality of policy networks within the South African context, with particular emphasis on environmental networks in Pietermaritzburg. She studied the interactions between Keep Pietermaritzburg Clean Association (KPCA) and other stakeholders. Her findings led to the conclusion that the collaboration among members of KPCA was instrumental in the implementation of the waste management policy in Pietermaritzburg (Karemera 2004: 3). Thus, she is of the view that a well managed policy network is a valuable instrument in improving implementation.

De Bruijn J. A. and Ten Heuvelhof E. F. (1997) discussed the same concept, but from a governance point of view, exploring issues of network management. Network management

according to De Bruijn and Ten Heuvelhof (1997: 120) “focuses on the characteristics<sup>5</sup> of policy networks in its attempt to create conditions under which goal-oriented processes can take place.” Thus, an effective model for network management ought to be capable of influencing the characteristics of policy networks in such a way that they work towards creating suitable environments for the realization of defined objectives. This was what De Bruijn and Ten Heuvelhof (1997) worked at in addressing the question “whether and to what extent instruments<sup>6</sup> can be used both to influence goal-oriented processes (governance) and to create the conditions which facilitate the mutual formulation of targets (network management)”.

Borzel T A (1997) took a similar path in her exploration of the importance and usefulness of policy networks in European government. She somewhat differed though from the common approach of using policy networks as an analytical concept or model in the comprehension of policy making and the policy implementation process. The analytical use of policy networks, in her view, only describes “the contexts of, and factors leading to, joint policy making (Borzel 1997: 5). Borzel’s approach considers policy networks as a particular form of governance in the modern political system. This approach to policy networks conceives networks as “inter-organizational relationships which focuses on the structures and processes through which joint policy-making is organized i.e. on governance” (Borzel 1997: 5).

Kenis and Schneider further consider the idea of policy networks and policy analysis as a new analytical toolbox in policy making and policy implementation. Mintrom and Vergari (1998) are not far from Kenis and Schneider in their studies of policy networks and innovation diffusion. Just like Kenis and Schneider’s idea of policy networks as an analytic means in policy making and policy implementation, Mintrom and Vergari consider policy networks as a vehicle for the diffusion of policy innovations. Mintrom’s and Vergari’s (1998) thesis – *Policy Networks and Innovation Diffusion* – was a response to the dominant publications of the 1990s in the United States, which advanced the idea of state-to-state policy diffusion processes. Diffusion scholars of the 1990s, according to Mintrom and Vergari (1998: 129) “had largely assumed that activities in one state influence activities elsewhere, without showing how or why this process occurs”. This loophole was the starting point of Mintrom

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<sup>5</sup> These characteristics of policy networks include (but might not be limited to) the type of relationships that exist amongst the network actors and context of the networks. Examples of such characteristics are pluriformity, self-referentiality, interdependence etc.

<sup>6</sup> An instrument for De Bruijn and Ten Heuvelhof is understood as the means to attain particular goals (1997: 120)

and Vergari's study. They explored the possible reasons for the correlation between one activity and another activity elsewhere, focusing on explaining how policy entrepreneurs develop and sell their ideas to others. The thrust of their argument is that policy networks play a role in innovation diffusions (Mintrom and Vergari 1998: 130). It is worth noting that this hypothesis follows on from their stance that policy entrepreneurs develop their ideas for policy innovation through their conversations and interactions with members of inter-states and/or external policy networks<sup>7</sup>.

The study of policy networks became popular in academia and governance through the publications of pioneer authors like Anderson (1975), Lindblom (1979) and Cobb and Elder (1983) in the mid-1970s and early 1980s (Klijn 1997: 16). However, irrespective of the number of studies done on this theme, there is still a lot to be discovered and learnt. In fact, it is interesting to note that, despite the immense level of curiosity and research in this field, not much has been said about the challenges and difficulties embedded in the processes of policy networks. A large amount of writing on policy networks, as indicated above, deals with the theoretical understanding of this concept rather than empirical investigation of the intricacies responsible for the different outcomes of policy networks. It is against this backdrop that this study seeks to conduct an empirical study, namely the exploration of the challenges and benefits in policy networking using a case study.

Hence this study will modestly seek to contribute to the understanding of the intricacies of policy networks. Its emphasis on the practicalities and challenges of networking will, I hope, deepen the understanding of policy networks.

It is apparent that the idea of networking cannot be understood in isolation from the interaction processes that constitute the network. Consequently, the comprehension of the relations between members of a policy network is an important part of this study. This chapter shall therefore proceed with an exploration of the various components of policy networks, focusing on the nature and characteristics of the members of a policy network.

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<sup>7</sup> External policy networks provide a forum in which ideas, "war stories," and strategies for selling a policy innovation are discussed.



## 2.7 The Nature of Policy Networks

Klijn (1997: 19) offers an account of inter-organizational relations and networks in the book – *Managing Complex Networks*. In his account, he acknowledges various theories (rational organization theory, contingency theory and inter-organizational theory) that have addressed questions about the interactions between organizations, their interdependencies and their strategies. This study considers one of these theories – inter-organizational theory – as a tool that facilitates the comprehension of the nature of policy networks within the policy making and implementation process.

The rational organizational theory pictures an organization as a “unit with clear purposes and with a clear authority structure which dominates all the work processes and decisions”. It is a view that considers organizations as “entities without relations with their environment” (Klijn 1997: 19). This approach to the understanding of organizations is a top-down approach to reality, with a strong hierarchical focus. As Klijn (1997) notes, this notion of organization requires the establishment of a strict and meticulous line of control by directors and managers of organizations; and all the organizational details from obligations to responsibilities ought to be clearly stated regardless of the context that an organization finds itself, if its objectives are to be met.

Contrary to this model, inter-organizational theory arose in the 1960's and 1970's with the view that there is a strong level of resource dependency between organizations (Levine and White 1961: 586-589). This implies that there is more to the effective running of organizations than outlining clear sets of objectives and purposes. The idea of resource dependency stresses the interactions between organizations in order to access resources that are beyond their immediate reach. In agreement with Levine and White, Klijn (1997: 21) describes the environment of an organization to be made up of “a set of other organisations and each controls resources such as capital, personnel, knowledge etc”. This view of organization is similar to what contemporary academics and writers recognize as networks, and empirical research reinforces this conceptual understanding. As previously mentioned, policy networks are considered as “more or less stable patterns of social relations between interdependent actors which take shape around policy problems and/or policy programmes” (Peterson 2003: 1). Klijn (1997: 27) also noted that networks are a “complex of organizations connected to each other by resources dependencies and distinguished from each other by

breaks in the structure of resource dependencies". Dredge (2006: 272) introduced another characteristic of a policy network in his assertion that "over time, network members can belong to more than one network at any given time". These qualities highlight the multifaceted nature of policy and the fact that an organization could simultaneously be a member of several networks with overlapping members, even though these networks are differentiated through the structural variations on how members of these networks interact, exchange resources and the nature of resources exchanged

The multifaceted nature of networks has been criticised by scholars for its tendency of making operational definition networks difficult and complex. Dredge (2006: 567), for instance, frowns at "networks' aptitude in their transcendence of private and public sector's boundaries and their ability to extend vertically and horizontally within and across policy domains". In his view, (2006: 567) these "boundaries (in a given network) can be opened or closed, operate across diverse spaces and over time, thus making applied network research more difficult in their operational sense". Skok (1995: 329 – 330) further highlights the same concern in his claim that "the boundaries between administrative and political roles have become increasingly obscured as politicians have lost ground to networks of policy specialists".

In spite of the significance and correctness of Dredge's contention, it is worthy of note that the complexities<sup>8</sup> entrenched in the operational understanding of networks are a positive characteristic. According to one of the acknowledged definitions of a network in this thesis, a network understood as "a cluster of different kinds of actors who are linked together in political, social or economic life". The "success" of such a relationship depends on the level of collaboration and cooperation among members. The complex nature of networks facilitates access to and collaboration amongst networks' members. The Centre for Criminal Justice (CCJ) is an excellent example of this. It participates in the networking process of the Legal Support Services Network (LSSN) and the Social Support Services Network (SSSN) in its localities. Due to the nature of the relationships amongst members of LSSN, CCJ locates its offices in the premises of its network members which are police stations and magistrate court premises. The closeness of their relationship and nature of services provided, as Skok (1995) notes, is capable of blurring the boundary and individuality of CCJ and the members of LSSN. In addition, the resources dependencies between CCJ and members of the two networks vary. As a member of the LSSN, CCJ's services and needs relating to members of

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<sup>8</sup> Networks' ability to open or close boundaries and operate across diverse spaces and over time

this network vary according to what they would offer or receive from members of the Social Support Services Network<sup>9</sup>.

Furthermore, networks, in Dredge's view "can either be formal or informal..." (Dredge 2006: 272). Although there are no conceptual definitions of formal and informal networks, formal networks are, by and large, understood as contracting arrangements between firms, governmental departments, nongovernmental organizations and the private sectors. Informal networks are mostly spontaneous and unplanned. These networks sometimes develop from accidental interactions between actors or through referrals. There are no formal agreements amongst actors even though they acknowledge the mutual dependency amongst them.

One of the primary differences between the formal and informal types of networks is that formal networks possess recognized structures that guide its members' activities and behaviours. Within the formal network members are accountable to each other and could be reproached when necessary, while informal networks, as Cloete and Wissink (2000: 41) put it, are largely ad hoc in nature. Unlike the formal networks, informal networks have no significant structure that guides its members. Actors could choose to be more or less committed to the networks' as they please. There is no binding obligation amongst members of such networks; the unifying factor within an informal network is primarily the sense of mutual dependence and need for cooperation.

## **2.8 Structural Components of Policy Networks**

It is important to note that this relationship among members of a policy network is not a self-sustaining one. It has been established time and again that certain structures need to exist to ensure the sustainability and effectiveness of a policy network. Some of these structural elements are discussed as follows:

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<sup>9</sup> It is worthy of note that this difference in resources dependencies distinguishes various policy networks from others even when members of several policy networks overlap.

### **2.8.1 Mutual Dependency**

Mutual dependency is a fundamental requirement for the establishment of networks and must be met prior to the development of any network. Organizations' acknowledgement of their mutual reliance on each other's resources will facilitate the development of networks. Elber's (2002: 13) reference of Larson's study strongly emphasises this element of mutual dependency. Exploring networks from an economic point of view, he asserts that "partners would only build a networking relationship when they perceive mutual economic advantage". This is similar to inter-organization theory which stresses dependency and the exchange process between organizations (Klijn 1997: 21). Klijn (:31) states that "networks develop and exist because of the inter-dependency between actors." In the absence of mutual dependency there would be no reason to establish a policy network. The absence of this element means that an organization or governmental sector would be capable of designing and implementing policies without the assistance of other organizations. But in reality that is not the case. As it will be noted in the next chapter, policy implementation is a responsibility that goes beyond the boundary of one unit or organization. The acknowledgement of this factor of mutual dependency is essential in the establishment of policy networks. It is also worthy of note that the nature of an organization's need determines the network(s) that the organization participates in. Thus, this factor plays a fundamental role in the establishment, sustainability and effectiveness of policy networks.

### **2.8.2 Cooperation**

Networking is a very complex process, entailing the participation and associations of several agents with their own culture, values and strategies. It is vital to be sensitive to the fact that the uniqueness of the different members of a network is capable of generating operational crises within the network. This especially happens when there is a misunderstanding of actors purpose or incompatibility of values and strategies. Kickert and Koppenjan (1997: 41) also acknowledge the fact that there are other downsides to joint action (understood as networking in this context). Such downsides include the cost of joint decision-making (investment in terms of money, time and/or energy) and the external political cost. This aspect of networks makes cooperation amongst members of a network necessary. As Klijn (1997: 41) notes, in order to achieve any joint action with a network, actors must be prepared to let go of their individual strategies for the adoption of cooperative strategies i.e. "they must recognize that

cooperation is to their advantage". In the same vein, the effectiveness of policy networks can depend on the level of cooperation amongst members of the network. Each unit or organization ought to be ready to make available its resources needed by the network members, while being simultaneously able to expect support and accept assistance from others when necessary. Such a disposition brings about the acknowledgement of mutual dependency, which facilitates cooperation amongst members.

### 2.8.3 Trust

The need for interaction, as earlier discussed, does not guarantee cooperation in a network. Although various departments or units may genuinely acknowledge the mutual dependency between themselves and others, it may however prove difficult to initiate any collaboration or networking process in the absence of trust. Irrespective of the uniqueness and importance of the mutual dependency and cooperation as discussed above, trust plays a significant role in their functionality – forming a bridge between dependency and cooperation. This makes trust another imperative element needed in the development of networks.

Trust, in this context, is understood as “an individual’s belief in, and willingness to act on the basis of, the words, actions and decisions of another” (Lewicki 2006: 94). Lewicki (2006: 93) further acknowledges the significance of trust in a relationship through his claim that “trust is considered by many people as the “glue” (sic) that holds a relationship together. If individuals or groups trust each other, they can work through conflict relatively easily. If they do not trust each other, conflict often becomes destructive, and resolution is more difficult”. Relationships amongst members of the same networks are not different from what is addressed by Lewicki. Hence, in the light of Lewicki’s (2006: 93) assertion, the presence of trust amongst networks members may not guarantee trouble-free interactions, but it definitely enhances networks’ potential in attaining their goals.

This is because it promotes an efficient running of networks. With network members’ ability and readiness to rightly predict each others’ intentions and actions, members are disposed towards effective and efficient collaboration. As indicated in the definition above, members’ belief in, and willingness to act on the basis of, the words, actions and decisions of others is a significant step towards easy collaboration and cooperation amongst network members.

Secondly, further analysis of Lweicki's (2006: 92) definition suggests that trust brings about the appreciation of other actors' actions and decisions. Such appreciation has the ability to facilitate easy understanding and reconciliation in moments of conflict. The presence of trust amongst members of a network makes them capable of working through conflict relatively easy. They would be able to acknowledge and accommodate each other's shortcomings rather than allowing conflict to become destructive and resolution more difficult.

Unlike in a less trusting environment where energy is directed towards the building of trust amongst network members, the element of trust, rather, promotes the actualization of goals and service delivery through collaboration amongst networks' members.

In spite of the significance of the highlighted structural elements in the design or formulation of policy networks, it must, however, be noted that these elements are not sufficient for the smooth functioning of policy networks. Mutual dependency, cooperation and trust were singled out due to their unrivalled importance in networks, and the neglect of these elements strongly threatens the sustainability and effectiveness of policy networks.

Policy networks are always developed in response to various needs at the different stages of the policy cycle. The implementation stage of policy cycle is an of area interest in this thesis; as a result, the next section attempts to comprehend the significance of networks in the implementation process.

## **2.9 Implementation**

Implementation is an important aspect of policy process which has attracted attention since the early 1970s: scholars such as Derthick (1979), Van Meter and Van Horn (1975), and Sabatier and Mazmanian (1979) are examples of authors that dealt with this issue in the 1970s before the emergence of other scholars in subsequent years. There are two widely propagated approaches to implementation: these are the "top-down" and the "bottom-up" approaches. These are promoted by different understandings of a political system, which are the orthodox (traditional) and the contemporary understandings.

### **2.9.1 The Orthodox (Traditional) Understanding of the Political System and the Top-Down Approach to Implementation**

The traditional understanding of the political system as expressed by Parsons (1995: 462) significantly impacted on the earliest approach to implementation. This traditional concept of the political system separates policy (or the policy formulation process) from its administration (implementation). In accordance with this viewpoint, “administration (implementation) takes over from where policy formulation ends” (1995: 462). This implies that administrators (policy implementers) are confined to the execution or administration of policies without much involvement in the policy-making process. This conception of implementation removes administrators from the policy-making process and *vice versa*, resulting in the loss of interaction between policy-makers and administrators. Parsons (:462) asserts that “the interplay and interaction between politicians, administrators and service providers has, until recently, been a neglected area of analysis and research and that such neglect portrays a deceptive view of implementation as a process separate from the phase of policy design.”

The “top-down” (rational system) approach to implementation was based on an orthodox conception of a political system. Deeply rooted in the top-down model of implementation is the need for clearly defined hierarchical strata and chains of command. This approach to implementation, bordering on the traditional understanding of policy system, is characterised by the understanding that policies designed at the top by policy-makers are to be implemented at the bottom by the public or implementers (Parsons 1975: 464). Proponents of this model of implementation consider dissemination of policies from the top (policy-makers) to the bottom (administrators or implementers) and strict adherence to rules or orders as the means through which policies are implemented. This implies that the success of this model depends on the clarity of the defined policy objective, availability of resources and the effectiveness of chains of command. Parsons (1995: 465) sums this up in his reference of Pressman and Wildavsky (1973: xiii) that the “rational model is imbued with the ideas that implementation is about getting people to do what they are told and keeping control over a sequence of stages in a system; and about the development of a programme of control which minimizes conflict and deviation from the goals set by the initial policy hypothesis”.

## **2.9.2 Contemporary Understanding of the Political System and Bottom-Up Approach to Implementation**

Contrary to this traditional understanding of the political system, Anderson (1975) rejects the distinction between policy-making process and implementation. He is of the view that “policy is being made as it is being administered and administered as it is being made” (Anderson 1975: 98). Consistent with this view, Lipsky (1980: xii) argues that “the decisions of the street level bureaucrats, the routines they establish and the devices they invent to cope with uncertainties and work pressures effectively become public policies they implement”. Examples that reinforce this viewpoint are magistrates’ rulings in court. In some situations, a magistrate’s ruling on a certain case becomes a yardstick for subsequent cases of such nature. This is what scholars mean when they argue that certain actions or inactions by service providers, politicians and top government officials sometimes bear the reputation of a policy even though such actions may not have been deliberated upon in any agenda. This argument is made explicit in Anderson’s (1975: 98) claim that they (the bureaucrats, including the magistrates) design new policies as they execute their duties to the state. The question of street-level bureaucrats and policy-making revolves around the exercise of bureaucrats’ discretion. It is about the relationship between the political environment and department, organization or individual implementing the policies (Lipsky 2010: 14). The interaction with or understanding of the environment is significant in their response to the situation. The police, for instance, have got a lot of mandated responsibility that cannot be adhered to. They cannot act on all the infractions they observe; rather, they determine their priorities and how to go about their intervention (Lipsky 2010: 14). This understanding of a political system clearly considers the involvement and activities of street-level bureaucrats as an important component in the policy-making processes. Implementation within this school of thought is therefore considered an integral part of the policy-making process.

The bottom-up approach to implementation follows from this understanding of the political environment. It is a model that acknowledges implementers as key players in the policy formulation process. The model supports the view that, during implementation, policies are constantly reviewed and reformulated through negotiation and consensus-building (Parsons 1995: 469). This implies that the idea of strict control and adherence to rules is not favoured in this model; rather, individual adaptability to situations is encouraged. Sabatier’s (1986: 32) reference of Hjerm et al. further indicates that the bottom-up approach to implementation



acknowledges the network of actors involved in service delivery in one or more local areas, including the goals, strategies, activities, and contacts employed in execution of relevant government or non-government programs and policies. According to Hjern (1978), “the success of program implementation depends upon the skills of specific individuals in local implementation structures more than upon the efforts of central government officials” (cited in Sabatier 1987: 32).

The labour policy implementation network that CCJ is a part of is an example of such local implementation structure. As a body, it ensures that people’s<sup>10</sup> rights, in relation to labour issues, are protected according to South African legislation. CCJ, as a member of this network, contributes towards the implementation of these rights through its provision of mechanisms that simultaneously enhance people’s demands for their rights and the reinforcement of government’s protection of citizens’ rights. Education and direct services to the people are the channels through which CCJ realizes this objective.

The succeeding section builds on the previously discussed view of the bottom-up model of implementation in its review of CCJ’s contributions towards the implementation of South African labour policies. Different scholars’ views in favour of implementation network shall be briefly reviewed and after that CCJ’s contributions in its network will be analysed in the next chapter.

## **2.10 Implementation Network**

It is important to start by drawing attention to Schroeder’s (2002) claim that “it is the responsibility of the government to create conditions conducive for the amelioration or resolution of problems in the public interest...” Government’s prime responsibility to its people is to bring about an environment that ensures the provision and protection of the public’s interest or rights. Thus, it is expected that the actions and activities of a steadfast government should be directed towards the protection and realization of these interests. Government’s design of public policies and their effort to implement them are expressions of their endeavour to live up to this expectation, even though some policies explicitly contradict

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<sup>10</sup> The concept “people” in this context signifies people living in South Africa.

this principle<sup>11</sup>. Adequate implementation of these policies has been a cause for concern over the years. Yaziji and Doh (2009: 131) express this concern by drawing attention to governments' and companies' negligent attitude in the quality of services or products provided to the public due to lack of adequate competition. In the absence of competitive threats, they (service providers) are content with the incremental improvement of their process and products (Yaziji and Doh 2009: 131). This attitude was advanced and nourished by the central models form of governance that was notorious for government's monopoly in the 20<sup>th</sup> century. Irrespective of effort made at rectifying these challenges through decentralization and other forms of governance and implementation process, societal trends still indicate that efficiency and effectiveness of service delivery are still far from reach.

As a result, current scholarship further argues for a more holistic approach to implementation. Schroeder (2002) argues for instance that for successful implementation to occur, a concerted effort combining the disparate resources, both economic and political, of actors is required. Kicker, Klijn & Koppenjan (1997: 184) echoed a similar view in their contention that "no single actor in the network is able to bring about a policy solution on their own". And Scharpf et al. (1976, 1978) sum this up in their assertion that "no institution of government possesses sufficient authority, resources and knowledge to enact – let alone achieve – policy intentions. Instead, policies require the joint effort of multiple actors all possessing some capabilities for action but each dependent on others to solidify policy intention and to seek its conversion into action (cited in O'Toole et al 1997: 137). Joint effort of this nature not only attends to issues of resource scarcity but also encourages commitment to service delivery. The pressure for accountability and improved service delivery, in a joint venture, do not just come from service recipients, but also from network members whose resources have been invested in the service delivery process. It is, thus, expected that service providers, within a network perspective, will endeavour to live up to this expectation shall result in improved implementation process. It is to this effect that this paper agrees with the idea that an implementation network is a favourable vehicle for successful and adequate implementation and realization of policy objectives.

Using this conceptual understanding of policy networks within the context of public policy study, the next chapter discusses the case study. It explores the Centre for Criminal Justice,

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<sup>11</sup> Despite such contradictions, it is remarkable to observe that significant effort is made by some governments to sway the public into believing otherwise.

focusing on its contributions and activities relating to the implementation of South African labour policies.

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## **Chapter Three: Centre for Criminal Justice and the Implementation of South African Labour Policies**

### **3.1 Introduction**

The Centre for Criminal Justice's (CCJ) involvement in the implementation of South African labour policies is the focus of this chapter. The first part of this chapter provides an account of CCJ's work, highlighting some of its objectives, its services to the people and the role of networking in the realization of these aims.

### **3.2 Historical Background of the Centre for Criminal Justice**

The Centre for Criminal Justice (CCJ) emerged during the apartheid era, an epoch that was dominated by suppressive laws and a pronounced level of poverty amongst the majority of South Africans. CCJ was established in 1989 as a research centre intended for the reformation and restructuring of South African criminal justice system. Its location at the University Of Kwazulu Natal (UKZN), since its establishment, has facilitated a close association with UKZN's Faculty of Law (Fernandez *et al.* 2009: 7). This association is integral to CCJ's operations since it allows them the use of the University's resources and facilities. The academic orientation of the Faculty of Law, coupled with CCJ's wealth of knowledge and experiences of issues affecting the lives of the underprivileged and the destitute, adds credibility to CCJ's standing as a research unit. This view was emphasised by Fernandez *et al.* (2009: 8) in their assertion that

*“Research collaboration between CCJ and the Faculty of Law is based on the practical experience of the former and the research strengths of the latter. The collaboration promises much for both, not only in the realms of substantive criminal law and criminal procedure, but in a range of wider research areas that flows naturally from the daily work of the Outreach Centres: family law, maintenance, labour matters, social security matters, elder law...”*

### **3.2.1 Objectives of the Centre for Criminal Justice**

In the face of oppression and deprivation of justice, CCJ aims to facilitate the creation of a system that enhances access to the South African justice system. As stated in CCJ's current constitution, the centre aims at "the promotion and support of the protection of human rights through the justice system and alternative dispute resolution mechanisms, as well as the development, empowerment and support of disadvantaged communities to resolve conflicts and to achieve their rights to justice and services". In order to realize these objectives, CCJ started its Community Outreach Programme through which fourteen Support Centres have been established. The Community Outreach Programme is a mechanism through which it reaches its target community.

### **3.2.2 Establishment of the Community Outreach Programme**

CCJ embarked on various activities aimed at addressing the needs of the less privileged communities in KwaZulu-Natal. These were rural communities that lacked the ability to exercise their legal rights due to various complexities and difficulties that impeded their access to the criminal justice system. The identification of these hindrances led to the establishment of Community Outreach Program in 1997. Fourteen community Support Centres have been set up in disadvantaged communities in KwaZulu-Natal. These centres are situated either at police stations or Magistrate Courts, and each is coordinated by professionally trained paralegals.

Various strategies are employed in the management of the Support Centres. These include empowerment of the community members and coordinators through capacity building programs, direct services to the community, education of community members, networking and partnership with stakeholders and information dissemination.

This chapter analyses the intricacies of CCJ's networks and partnerships. Networking is a component and a strategy that cannot be separated from other strategies, as it is part of the Support Centres' direct services to the people, their education of communities about their rights and their dissemination of information.

CCJ's networks with governmental departments and other NGOs that share in its aim of promoting and protecting human rights within and through the criminal justice system. Most of its network at each Support Centre begins at the establishment of the centre and members of such networks at each centre are determined by the primary issues that the centre deals with. At the time of writing, CCJ networks with Department of Labour, Police, Magistrate, Courts, Social Welfare, Schools, NGOs, Traditional Leaders and Local Councillors. Each participating unit or actor contribute in various ways to the realization of their objectives and implementation of the labour policies. The schools, for instance, play a role in creating a suitable environment for the education of students and other clients about their rights and obligations. The police and magistrate court accommodate CCJ's Support Centres in their premises. They also play a significant role in the realization of justice through the prosecution of offenders when necessary.

It is worthy of note that the discussion of this subject matter shall include other strategies in the implementation of the labour policies. Before exploring this however, the next section shall explain some of the content of South African labour policies and how CCJ contributes towards the implementation of these policies.

### **3.3 Synopsis of South African Labour Policies**

With the end of apartheid and the advent of the democratic era came the reformation of dysfunctional and undemocratic policies. This led to the birth of a new labour legislation (Bhoola 2002). The new policies were designed to address the shortcomings of previous policies; examples of such polices include:

- The Suppression of Communism Act of 1950, intended for the repression of union activism
- The Industrial Conciliation Act of 1956 designed for stringent control of industrial workers (Bhoola 2002).

Under these laws, employees and labourers were denied the right to express their dissatisfaction with their conditions of employment. Post-apartheid labour policy attempts to redress such issues.

This section draws attention to two broad areas addressed in the post-1994 labour policies. These are the Basic Conditions of Employment Act, which manages and oversees employees' relationship with their employer, and the Labour Relation Act that governs collective and industrial relations within society (Bhorat and Cheadle 2007: 5). In addition to this, the Labour Relation Act attends to some technical issues in the employer – employee relationship, which includes issues of unfair dismissal and other unfair practices.

### **3.3.1 Basic Conditions of Employment Act 75 of 1997**

The Basic Conditions of Employment Act deals with individual employment relationships. The Act sets out guiding principles for a term of any contract of employment (Act 75 of 1997). As noted in the Centre for Criminal Justice's legal series, the basic condition of employment is the agreement between employer and employee in the employment contract (Kubayi 2005: 9). This agreement relates to issues such as quality of wages, hours of work, leave, sick leave etc (Act 75 of 1997).

### **3.3.2 Labour Relation Act 66 of 1995**

Pre-1994, the Suppression of Communism Act of 1950, as noted by Stent (1994: 54), defined any person or organization resistant to government policy as a communist and banned them without the right of appeal. The Act denied unions the right to protest or strike against unsafe and unfavourable conditions of employment. The Labour Relation Act 66 of 1995 was an effort towards the rectification of the Suppression of the Communism Act. Section [4] of this Act – the Labour Relation Act 66 of 1995 – addresses freedom of association and the general protection of employees. In contrast to the Suppression of Communism Act, the Labour Relation Act stipulates both employers' and employees' right to take part in forming trade unions or a federation of trade unions, and to join a trade union.

According to Kubayi (2003: 6), Sec [5] of the Labour Relation Act protects employees and persons seeking employment from any form of unlawful discrimination. This section of the Act protects South African citizens from any form of discrimination that is not grounded in the constitution. The content of this section of the Act is summed up in the declaration that “no person may discriminate against an employee because that employee is exercising any right conferred on him/her by the Labour Relation Act” (Kubayi 2003: 6).

Chapter 8 of the Labour Relation Act protects employees against unfair dismissal and unfair labour practices. As indicated by Bhoola (2002), unfair dismissal falls into four different categories:

- i. Automatically unfair dismissal  
Dismissal unjustifiable on the basis of:
- ii. Employee's conduct
- iii. Employee's capacity
- iv. Operational requirements for the work (business).

A dismissal is considered automatically unfair "if the employer, in dismissing the employee, acts contrary to Sec. 5 of the Labour Relation Act" as previously discussed (Kubayi 2003: 15). A dismissal is considered fair when it is done on the basis of the employee's misconduct, poor work performance or lack of knowledge of the operational requirements for the work (Bhoola 2002). Outside of these grounds, dismissal or termination of contract on any account is deemed unfair. It is worthy of note that an employee's self-termination of contract of employment due to unbearable or intolerable condition of work is also considered an unfair dismissal in the Labour Relation Act.

CCJ's Support Centres have established a mechanism that facilitates easy implementation of these policies, in order to facilitate access to justice. Details relating to how the Support Centres go about this implementation will now be explored.

### **3.4 CCJ and the Labour Policy Implementation Network: Its Contributions towards the Implementation of South African Labour Policies**

Illiteracy and the dearth of a learning culture are some of the legacies of the apartheid era. This assertion aligns with Welsh's (1994: 42), observation that the 1980s marked the peak of educational decline amongst South African blacks. This decade, in accordance with Welsh (1994: 42) was marked by the call for "no education before liberation". Consequently, "more than half of African pupils dropped out of school before completing Standard 5 (seventh year of schooling), while only 16% of those who entered the school system reached Matriculation"



(:42). This legacy<sup>12</sup> of the apartheid era runs through other segments of their life in different ways. It includes a considerable lack of awareness of their rights or available mechanisms through which such rights can be protected. A member of CCJ Staff, during an interview for this study, lamented the fact that a high percentage of women in rural communities consider physical and/or emotional abuse as an affirmation of their partner's love and attention to them (Rpd – 1 ). Other participants of this study reinforce this view in their assertion that employees' ignorance of their rights has led them into being victims of unfair labour practice without the reporting or disclosure of such incidents. Examples of such unfair labour practices include unfair dismissals, non-payment of salaries, wages and retrenchment packages and poor working conditions.

CCJ, in networking with other private and governmental sectors, works towards the promotion and protection of people's rights as stated in the labour policies. CCJ, within this network, aims at the prevention of employees' (and employers') exploitation by equipping them with adequate information about their rights and obligations and how they could be demanded or protected. The measurable contributions of CCJ towards the implementation of labour policies, amongst others, express themselves in the form of education and their direct services to the people, as explored in the next section.

### **3.4.1 Education**

CCJ's preliminary studies identified people's ignorance or illiteracy as one of the fundamental factors responsible for the failures and inefficiency of the criminal justice system in rural communities. Equipping public officials with the skills necessary for effective implementation of policies, without comparable empowerment of the affected public, might be inadequate in bringing about the desired effect in the implementation processes and output. Thus decisions in favour of improved criminal justice system ought to be considered from a comprehensive outlook<sup>13</sup>. In accordance with this line of reasoning, CCJ has embarked on the education of the grassroots<sup>14</sup> about their rights and obligations. Through focus group workshops, school presentations, forum presentations and community presentations, CCJ

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<sup>12</sup> Illiteracy and absence of the learning culture

<sup>13</sup> Comprehensive outlook here signifies the consideration of both the implementers and recipients of implementation's empowerment for the enhancement of policy implementation.

<sup>14</sup> Who in most cases are the victims of the ineffective criminal justice system.

educates community members about their labour rights through a simple explanation of labour policies.

Through these educational activities, CCJ has raised the public's awareness of their human rights. People's awareness of their rights consequently results in their resistance to abuse, exploitation or ill-treatment in the work place. Such resistance is expressed in the unusual but rising call for justice by rural communities. An interviewee's account, in the course of the field study, expresses the growing trend in community members' complaints against unfair labour practices. This fact is supported by CCJ's database, which shows a consistent rise in community members' appeals for protection of their rights through regular reports of abuse or violation of these rights.

It is a widely propagated argument that "the vacuum left by weak states has allowed advocates of the market and the private sector to claim them as the prime agents of development" (Marcussen 1996: 406). In a similar way, CCJ steps into the implementation process to fill vacuums in education left by implementers of labour policies. This element has been relatively undervalued by the government in its search for better implementation of policies. The public's empowerment, through the knowledge and ability to use different channels to demand their rights, has not only led to the reduction of crimes and unfair labour practices but an improved justice system. The police and court officials, unlike before, now consider it their responsibility to do better in ensuring that reported cases are adequately handled and justice is achieved. In addition to the education of the members of the public and stimulation of other service providers, CCJ provides further training to newly recruited police officers, updating them with relevant information on the legislation and policies relating to labour issues, domestic violence etc. Knowledge gained from such trainings have also equipped police officers with better skills and aptitude in attending to reported cases, thus facilitating easy access to the justice system.

In this way, CCJ introduces a different dimension to the implementation process of labour policies. Part of the difficulties or problems prevalent in the top-down implementation processes is their neglect of the roles of the target population or recipients. Parsons (1995: 467) stresses this view in his reference of Lipsky (1976), suggesting that an ideal implementation process takes account of the interaction between bureaucrats (policy implementers) and clients (target population). O'Toole et al. (1997: 139) further stress this

view in their argument that “the degree of problem-solving success often varies greatly depending on the extent and type of involvement of targeted individuals and organizations in the co-producing the cooperative effort of networking”. In addition to its educational contributions to implementation processes, CCJ also integrates the public (target population) as active participants in the policy implementation process. Along these lines, CCJ inspires the target population to move from being passive recipients of policies to being dynamic agents of policy implementation, as described in the bottom-up model of policy implementation.

### **3.4.2 Direct Services**

As aforementioned, the establishment of CCJ was a reaction to the poor and insufficient level of service delivery in the criminal justice system. In CCJ’s view, the public’s lack of access to the justice system is the consequence of the unhelpful attitude of service providers (implementers) as much as the public’s illiteracy and ignorance. It was repeatedly emphasised in the interviews conducted for the purpose of this study that a number of cases went unreported because of the unprofessional, unfriendly and unsympathetic attitude of some police officers, court personnel and even some social workers. Many cases of unfair labour practices and other cases against employers went unattended due to civil servants’ reluctance to help. Such an apathetic approach to service delivery impedes the implementation of the labour policies.

Adequate implementation of public policies requires commitment and dynamic innovation from service providers (Lipsky 2010). The comparative absence of these elements in the South African criminal justice system makes the review and rectification of the system necessary for better service delivery. In order to contribute towards effective implementation of the labour policies and the realization of their goals<sup>15</sup>, CCJ advocates for improved service delivery through its partnership with other service providers and its direct services to the people. It does this through its provision of support services to the people in the form of legal advice, counselling, mediation and through other direct services facilitating easy access to the justice system.

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<sup>15</sup> Protection of human rights through furthering access to the justice system

Counselling and mediation are channels used by CCJ to introduce these missing elements in the implementation processes. Unlike the police or the courts, CCJ provides free counselling services to traumatised victims. Where necessary, CCJ conducts counselling as the first step in its services. This is done to help clients come to terms with their current situation and simultaneously prepare them for possible legal action that could be taken. Mediation, on the other hand, provides clients with an alternative to court action in an effort to reach an amicable resolution. Mediation stems from coordinators' awareness of clients' preference for an alternative form of resolution to court action, and has been the most used means of conflict resolution in the centres.

CCJ's provision of counselling to clients or victims of abuse adds a unique dimension to the policy implementation process. It was repeatedly emphasised by respondents in this study that some of the service providers, such as police and even social workers, were unpleasant and unfriendly when dealing with clients (Rpd – 1). In fact, clients sometimes decided against reporting certain rights violations due to the fear of secondary trauma when dealing with the police. Consequently, a number of cases went unreported, resulting in policies not being implemented. CCJ's presence in the policy implementation process contributes towards the ongoing transformation of the attitude of the service providers that CCJ networks with.

One of the benefits of networking, as will be highlighted in the next chapter, is the element of shared resources and network members' ability to learn from each other's strengths. For example, it was reported that the police and the courts are gradually treating victims of abuse more sympathetically. This steady change of attitude among service providers is evident in their recognition of clients' need for services such as counselling or mediation and their frequent referrals of such clients either to the support centres or professionally trained counsellors. CCJ's provision of counselling to its clients introduces much needed empathy and compassion into the service delivery processes.

As stated earlier, mediation provides victims of abuse with alternative means of conflict resolution. It gives them an informal but legally binding forum where issues are effectively and amicably discussed. CCJ's 2001 – 2003 evaluation document (2003: 73) indicates that 75% of clients opted for mediation as a means of dealing with conflicts both between employers and employees and between partners. In addition to this, it was also stated that mediation proves to be the most effective way of dealing with issues of conflicts and civil

disputes in communities. Some victims of abuse hesitated to report certain cases of unfair labour practices due to the fear of unemployment should the employer be arrested and detained. Mediation addresses this concern since successfully mediated cases do not lead to arrest. As a result, clients and victims of abuse choose this option by standing up for their rights in the event of abuse or violation of their rights, leading to improvement in the implementation of labour policy.

CCJ's contribution to the implementation process has been addressed in this chapter. The next chapter focuses on an analysis of CCJ's networking process and the various challenges, difficulties and benefits it experiences.

## **Chapter Four: Findings and Analysis**

### **4.1 Introduction**

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This chapter builds on the already discussed understanding of public policy, policy networks and CCJ's involvement in the labour policy implementation network. It begins with a detailed outline of the research method, explaining the methodology, sampling and method of analysis. This is followed by the presentation of findings on the basis of analysed data.

### **4.2 Research Methodology**

This study examines the benefits and challenges of policy networks through its appraisal of the networking process between CCJ and its network members. The study focuses on three of CCJ's fourteen Support Centres - Impendle, New Hanover and Bulwer. A qualitative approach to research was employed in this study. This was because of its ability to facilitate in-depth interpretation and understanding of the research subject. Corresponding to the data gathered from the respondents, this thesis also made use of information acquired through literature review to make sense of CCJ's experiences within its networks.

Primary data were collected through semi-structured interviews with the more experienced members of CCJ's staff. Respondents' experience was assessed on the basis of their duration of work with CCJ. The semi-structured interview, as Bernard (2000: 191) notes, is a form that has a written list of questions and topics for a guide, but allows the interviewer some level of discretion to follow leads in the course of the interview. This style was employed because of its flexible nature which allows the introduction of new questions and deeper probing of relevant issues necessary for this study. The primary aim of the interview was the establishment of a holistic and in-depth view of the nature and the intricacies of this policy network from CCJ's view point. Some of the questions were therefore directed at the discovery or articulation of the challenges and benefits CCJ experiences as a member of this network.

There were a total of six interviewees, though five interviews were conducted<sup>16</sup>. Of these six interviewees, four were CCJ coordinators at Impendle, Bulwer and New Hanover while the other two were members of the administrative staff at the head office in Pietermaritzburg. The choice of these respondents was informed by respondents' ability to provide relevant information for the study. Data gathered from these respondents provided the researcher with in-depth information about the challenges and benefits CCJ experiences, both from field workers' and from administrators' perspectives.

#### **4.2.1 Sampling**

The purposive sampling method was employed in the selection of respondents for this study. Purposive sampling is a method of sampling that allows researchers the use of their subjective judgement in the selection of respondents or participants for the study. Such selections are based on the information researchers need from respondents (Bernard 2000: 176). This sampling method is chosen over others because of the nature of this study. It permits researchers the privilege of selecting respondents that are effective in providing sufficient and relevant data.

#### **4.2.2 Analysis**

The grounded theory technique was used in the analysis of data. The grounded theory, in line with Bernard's (2000: 443) view, is "a set of techniques for identifying categories and concepts that emerge from text and then linking concepts into substantive and formal theories". Even though this study is not aimed at the development of new theories, it applies the inductive approach of the grounded theory in making sense of the challenges and benefits of CCJ's experiences in its network process. The rationale for the application of the inductive coding approach of the grounded theory technique is in line with Bernard's (2000: 445) assertion that "inductive coding enables research to become grounded in the data and to allow understanding to emerge from close study of the texts". By the same token, it is expected that the inductive coding approach within the grounded theory technique would facilitate an in-

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<sup>16</sup> Although there were six respondents available for the study, five interviews were conducted because two of the six respondents requested to have their interviews done together. Hence, there were four separate interviews with four of the respondents and one joint interview with two of the respondents.

depth understanding and appreciation of CCJ's experiences in networking and hopefully a broader understanding of the intricacies in the overall concept of a network.

#### **4.2.3 Data Presentation**

The interview instrument addressed various issues relating to CCJ and the Labour Policy networks. Data obtained from respondents are presented in the light of

- CCJ's perception of the importance of its network in their services to the people,
- the structural organization of their network,
- the challenges experienced by network members in the networking process.

##### **4.2.3.1 CCJ's Perceptions of the Importance of Networks in the Implementation of Labour Policies**

The research, at this juncture, aims to comprehend the significance of networks as a tool in policy implementation for CCJ. In response to the researcher's enquiries in this regard, there was a common recognition of CCJ's need for other organizations or departments for effective and efficient implementation of labour policies. Respondent (Rpd – 5) acknowledges the fact that they (CCJ's coordinators) greatly depend on other sectors' resources to be effective in the services they offer their clients. While sharing her thoughts and experiences of networking, she explains that *Most of what we (coordinators) need in dealing with labour issues are with the Department of Labour, CCMA and the Compensation Unit. We can't do anything without them* (Rpd – 5). Other respondents (Co – 1 et al) reinforced this view in their statement:

*We consider it very important to network. We have come to discover that an individual sector cannot carry out its work without the service and cooperation of other sectors. Somebody may, for instance, approach the social workers for the claim of his father's money from his previous employers, but the social workers would direct such people to me to assist them in tracing their money since they (the social workers) cannot trace such money, and in the same way I refer clients to other departments when I see that they are in the best position to assist them.*



These declarations signify CCJ's appreciation of policy networks as constructive mediums for effective and efficient delivery of service or policy implementation. They, as well, point to the fact that their participation and commitment to networks' activities is motivated by their comprehension of the values and benefits in networks regardless of the challenges and difficulties entrenched in the process.

#### **4.2.3.2 The Structural Organization of the Labour Policy Network and the Networking Processes amongst Network Members**

The networking process between CCJ and their network members develops at two different levels. At one level the network is considered formal and structured. This is owing to the fact that network members at this level (police, court officials, representatives of traditional leadership and CCJ) consider themselves as an existing body working towards a particular goal. According to Carlson (nd: 508), a network is considered formal or structured if it is regarded as an organization i.e. systems of consciously coordinated activities or forces of two or more persons explicitly created to achieve certain ends. Besides, this network was established in a formal way – formal in the sense that it was premeditated, deliberated and decision taken to collaborate. As stated by the respondent (Rpd – 1),

*... for those institutions where we have the Support Centres, it is strictly formal. It is strictly formal because we went through the formal process of negotiation to get the collaboration started. As a result we [CCJ] embark on regular monitoring to ensure that the relationship is not affected (negatively). It is in line with this that the management of CCJ sometimes meet with these institutions to address any problem or difficulty that arise in the networking processes.*

Consistent with Carlson's assertion and the declaration of Rpd – 1, the networking process between CCJ, the court, the police and representative of the traditional leadership is considered a formal network. Members of this network are guided and regulated by recognized structures and codes. Through these structures, they remain accountable to each other.

At another level, the network is less structured and informal. Network at this level is built on a gradual basis, as needs arise. This comes about primarily through referrals between CCJ and

other governmental departments or organizations. Contrary to the formal networks, the second level of Labour Policy Network in which CCJ operates is not a self-conscious system – members of this network do not consider themselves as an active unit. Consequently, they could choose to be present or absent from the network forum meetings without penalty, and they could choose to withdraw from the network at will.

Regardless of the loose and less structured nature of informal networks, there is nevertheless some level of coordination between its members. Such coordination is responsible for their collective action in organizing workshops and seminars when considered necessary. Organisations such as CCMA, Department of Labour, the Health, Department, Farmers' Association, social workers, other NGOs, and traditional councils are some of the members of this network.

#### **4.2.3.3 The Challenges and Difficulties Experienced by Network Members in the Networking Processes**

It was noted by four of the six respondents that part of the difficulties or challenges experienced in the network is members' failure to comprehend or appreciate each other's responsibilities. Such ignorance sometimes makes it difficult to collaborate with certain actors in the network. It was highlighted for instance that:

*they (social workers) do think that the coordinators are meddling in what they should not be involving themselves with. As a result, they sometimes deny us access to certain information; but as soon as they realize that this person (coordinator) knows what she is doing then they would come back to thank them and in the end you see the relationship mellowing into a friendly relationship (Rpd – 2).*

This difficulty is a consequence of inadequate knowledge of network members' responsibility and it becomes severe when a department or an actor is unsure of its responsibilities. This does not just make things difficult for the actor or department in question, but also complicates issues for other actors and the network in general. It decelerates the development of adequate trust that enhances collaboration amongst network members. According to Rpd – 2 it could be difficult for such a member to establish himself or herself in the network: *If the*

*coordinator doesn't know what she is doing, then she is going to come at loggerhead (sic) with the government departments because they will try to demonstrate to her that they know what they are doing (Rpd – 2).* It was also stressed by Rpd - 3 that their relationship with the local social worker was initially unpleasant: *social workers felt that we (coordinators) were there to take their clients, but that, over time and in the course of forum meetings, this was addressed, allowing for mutual referral of clients (Rpd – 3).* These extracts highlight the difficulties embedded in the absence of adequate understanding in networks. They as well indicate the fact that it is nonetheless possible to build an effective network if adequate effort is employed in addressing such issues.

The following section discusses relevant findings from the interviews and review of CCJ's published and unpublished documents. This is done through its reflection on:

- the benefits of policy networks in the implementation of public policies,
- the difficulties and challenges of policy networks in the implementation of public policies.

The acronyms, Rpd – 1, Rpd – 2, Rpd – 3, Rpd – 4 and Rpd – 5, denote the study's interview respondents while, Co – 1 refers to a respondent of interviews conducted with CCJ's coordinators and their network members by the same researcher though for a different study.

### **4.3 Benefits of Policy Networks in the Implementation of Labour Policies**

Mendizabal (2006: 1), in his review of the function of research policy networks, claims that networking seems to make anything and everything happens. Despite the fact that there is no consensus with regards to the definition or understanding of networks, scholars still consider it as the most effective and efficient means of getting things done. According to Kickert and Koppenjan (1997: 40), "doing things together assumes that actors see some advantages in joint action". This section of the chapter discusses some of these advantages or benefits of networks in the implementation of labour policies. It does this through a close study of the following: a network's ability to facilitate access to other actors' resources, the promotion of trust amongst network members, the correction of public sector failures in policy implementation, and finally the reinforcement and energising of network members'

commitment to policy implementation and improved service delivery. Each of these benefits will now be examined.

#### **4.3.1 Facilitation of Access to Other Actors' Resources and Easy Information Dissemination**

This argument is built around the study of CCJ's activities within the labour policy implementation network. Field study and interviews with six members of CCJ's staff reveal frequent interaction and cooperation between CCJ and their network members, at various levels. CCJ's positioning of their support centres' offices at police stations or court premises was a strategic decision intended for the enhancement of collaboration between the police and courts, who are key members of the formal labour policy implementation network. The physical location aids CCJ's access to the courts and police, and improves information dissemination. Such close relationships also enhance access to partners' resources and organization of joint capacity building programmes. This flexible and fluid element of networks allows networks the privilege of opening or closing their boundaries to other interested organizations or new areas of concern at will. Dredge (2006) expresses his reservation towards the complicated nature of networks in his claim that the flexible and fluid nature of networks make operational definition of networks difficult to come by.. Regardless of the authenticity of this concern, it was repeatedly highlighted by some respondents that networking was an indispensable strategy for the success of their work. One of the respondents in particular stressed the fact that: *Most of what is needed in dealing with labour issues is with the Labour Department, CCMA, the Compensation Unit and others. We cannot do anything without them (Rpd – 5)*. Comments of this nature demonstrate the importance of networking in the implementation of public policies. CCJ's experience and assertion of their need to collaborate with other departments affirms scholars' claim that no single unit is capable of adequate implementation of public policies. In respect to this, network is considered beneficial since it enhances access to network members' resources needed for the judicious implementation of certain policies.

#### **4.3.2 Promotion of Trust among Network Members**

Alluding to Lewicki (2006), this dissertation, in its theoretical framework, established the significance of trust amongst members of a network. He defines trust as “an individual's

belief in, and willingness to act on the basis of, the words, actions and decisions of another” (Lewicki 2006: 94). Simpson and Weiner (1989) stress this further in their reference to trust as “having faith or confidence in someone or something”. Developing trust or confidence in a competing actor is a difficult task. This makes the concept of networking important, since one of the significances of a network is its acknowledgment of the unavoidable interactions and relations in the policy process. It appreciates the need and purpose of interactions and communication amongst various units/organizations/governmental departments in an effort to realize their shared interests and objectives. This consciousness of mutual interest creates the ambience for the development of trust in one another. The process of networking, in the form of forum meetings, communal design and implementation of strategies and strategic positioning of members organization in relation to one another, promotes the development of trust needed for the successful and efficient implementation of public policies.

Using CCJ experiences in its network as an example, it was reported that they had difficulties in their networks. There was a significant level of distrust and fear in relation to the perceived uncertainty with regards to CCJ’s roles in the implementation process. CCJ were initially considered by some of the network members as competitors, while others saw them as watchdogs rather than being accepted as colleagues. These feelings of uncertainty and distrust amongst members of this network were echoed in most of the respondents claim that *there was that fear that we (CCJ’s coordinators) are here to take their jobs and meddling ourselves in what we should not be meddling with.*

Such feelings have the potential of halting or distorting networks’ effort at reaching their objectives. To avoid these negative consequences of lack of trust in a network, they (CCJ’s coordinators) had to formally present themselves to the members of this network, introducing their vision and objectives and explaining why they consider it necessary to network with each other. From this viewpoint, a network provides actors with a favourable platform to win each other’s trust through networks’, deliberation and development of a strategic plan relating to particular cases.

### **4.3.3 Correction of Public Sectors' Failures in Policy Implementation**

The second chapter of this dissertation highlights Yaziji's and Doh's (2009) reservations towards companies and government's laissez-faire attitude in the quality of service and products provided to the public due to lack of substantial competition.

Consistent with this, this study reveals government departments' (Police, Home Affairs, Labour, social workers etc.) vulnerability to Yaziji's and Doh's criticisms. In line with Yaziji's and Doh's claim, it could as well be said of government's departments that, in the absence of severe competition, they (service providers) tend to display a nonchalant attitude to service delivery. It is important to note that the establishment of CCJ in 1989 was in response to the inadequate service delivery in the justice system. Most of the cases attended to by CCJ's staff, according to one of the respondents, are the responsibilities of other governmental departments, but the government's failure in those led to the establishment of CCJ in the effort to fill up the gap. The interaction and collaboration amongst the members of the labour policy implementation network is a mechanism through which these departments are challenged and motivated to improve their services to their clients and claim citizens' labour rights. All the respondents of this study, in some way, draw attention to issues of unfair dismissal, forced resignations and denial of due remuneration. The labour policy networks create a forum where networks members, in the interest of the public, demand justice and better services from their partnering organizations and departments. In this way, the network improves implementation of labour policies, while also addressing the limitations of the solitary implementation agent.

### **4.3.4 Energising and Reinforcement of Network Members' Commitments to Policy Implementation and Improved Service Delivery**

In addition to the correction of governments' failures in the policy implementation process, regular interaction among members of policy implementation networks increases members' commitments to their services. It was highlighted in the course of the fieldwork that network members gather on a regular basis to interact and share their experiences and expertise. In this forum, different themes are discussed and members are updated about pending or ongoing cases. It was noted by some of the respondents that the forum meeting is a medium through which network members' call for improved service delivery from co-members. In response to

questions asked about the benefits and values of their implementation network, participants of the interview stressed similar points, which are paraphrased as follows:

*The regular meeting among network member has helped. through it we have learnt to share cases and contribute in the empowerment of each other. The collaboration amongst us helps us to discover members' weaknesses and areas in need of further training. In fact, it came to a point where I had to urge them (newly recruited policemen) to be trained in the Domestic Violence Act and protection orders so that they know who qualifies for protection orders. As a result, the inspector in charge of the new students brings them here for me to update them on what the law says about domestic violence. In the same way, other members organize training programs that I participate in to get more empowered, resulting in improved services to my clients.*

As expressed by these respondents, the network is a medium through which participating actors could easily identify their areas of weaknesses and move towards the improvement of such areas.

In addition to the improvement of network member's capacity for service delivery, collaboration among members of a policy network reinforces both networks members' and other service providers' commitment to their work. This is done through mutual feedback among the network members, as well as through their interaction with other departments or units in some cases. For example, clients sometimes report their dissatisfaction relating to the quality of service provided by network members to CCJ's support centres coordinators. Such reports are always followed up to ensure individuals' commitment to service provision and the realization of improved service delivery.

#### **4.4 Difficulties and Challenges of Policy Networks in the Implementation of Labour Policies**

Networking as a system for getting things done has been applauded over the years. As indicated in the previous section of this work, there are numerous reasons for such applaud. However, the process of networking is not as smooth and free flowing as it is portrayed in most publications. This section discusses some of the difficulties and challenges in the

networking processes. It does this through its exploration of the intricacies in the networking process.

#### **4.4.1 Difficulties with Collective Action**

It is evident from the second chapter of this thesis that cooperation is central to the success of any network. Network is always a blend of actors (individuals or organizations) from different but related fields and with a common interest. To enhance the efficiency of a network, actors in a network ought to let go of their “go alone strategy for a contingent or cooperative strategies” (Kickert and Koppenjan 1997: 41). According to Carlsson (nd: 508), “this is what policy networks are all about, i.e. the distribution of tasks among different actors and the creation of an intelligent conformity, or coordination, to guide the activities performed”. Hence, absence or limited amount of cooperation from the network partner is detrimental to the realization of a network’s objectives.

One of the challenges in networking is that cooperation amongst network members cannot be guaranteed. According to Kickert and Koppenjan (1997: 41) “theories about collective action and game theories demonstrate that even though actors have an interest in cooperation, the structure of interaction situations results in actors nevertheless clinging to non-cooperative strategies”. This happens when actors believe that they have nothing to gain in being cooperative, when they consider the cost of collaboration to be high or when they are suspicious of their network partners. Some of the CCJ staff interviewed drew attention to their experiences in this respect; it was pointed out that even some of their network members still think of them as infiltrators. As earlier highlighted, a respondent firmly declared that: *what happens now is that the support centres and coordinators are being seen as watchdogs. They are seen as whistle blowers or watchdogs, while others see them as competitors rather than partners or collaborators* (Rdp – 2). Such scepticism which is a consequence of the absence of trust results in less cooperation and mutual exchange of resources.

#### **4.4.2 Issues of Diversity and Network Management**

It is the nature of networks to be composed of diverse actors, either individuals or organizations. This diversity is one of its strengths since it “increases the number of



permutations for achieving an adequate approach to problems” (Kickert and Koppenjan 1997: 54).

In spite of the significance of diversity in the implementation process, the lack of adequate managerial structure in informal or unstructured networks sometimes makes the coordination of activities amongst networks members difficult to ascertain. It is important to note that there are no defined rules or regulations guiding collaboration between CCJ and the members of the informal implementation network. Consequently, it was noted that members of this labour policy implementation network decide at will whether to attend network forums and meetings or not. In fact, it was repeatedly highlighted that members could withdraw from the network whenever they wished, without any consequences. Concerns of this nature once again raise questions about members’ commitment to the network when it may not be of immediate benefit to them. Rhodes (2008: 440) echoes similar concern but from a different dimension. He argues that “the spread of networks also undermines coordination” (2008: 440). Coordination in his view is “largely negative in networks; this is based on the persistent compartmentalization, mutual avoidance and friction reduction between powerful bureaus or ministries...” (2008: 440). Rhodes’ idea of compartmentalization and mutual avoidance is not so different from the aforementioned issue of diversity (segmentation) and evasion of activities in networks. The element of diversity makes the idea of central leadership absurd in networks; and the absence of such form of leadership in networks makes coordination amongst networks members difficult.

Another issue that is worthy of consideration, though it will not be fully dealt with in this thesis, is the question of legitimacy. In an open and unstructured network, some actors could take the initiative of leading their network even without being elected to such positions. What is the guarantee that members will consider such actor’s initiative to coordinate as legitimate? To what extent would a network member appreciate the effort of an actor to coordinate the network since it has got no structured leadership, nor was any actor elected into a leadership position? It is sometimes argued that the realization of networks’ objective is relative to the quality of networks’ management and the lack of adequate management could leave the network without direction (Kickert and Koppenjan 1997). If this assertion is correct, then the reliability and sustainability of informal and unstructured networks is threatened. As Jasay (1989: 12) notes, “this form of co-operation (*network*) has obvious weaknesses in being indefinite, uncommitted, and least formally enforceable”. This concern re-echoes the

complications in networks' aptitude at realizing its goals and objectives. It is in line with this Rhodes (2008: 440) argues that "networks make the goal ever more elusive".

It is, unfortunately, beyond the scope of this thesis to explore these questions in more depth, however, further study is encouraged in this respect.

#### **4.4.3 Operational Conflict between the Vertical and Lateral-Minded Members of a Network.**

Brinkerhoff (1996: 1504) draws attention to the fact that "most members of implementation networks belong to more than a single system" of implementation style. It is often the case, as it is with CCJ and its network members, that actors within a policy network have different approaches to implementation. Some actors operate from the vertical approach while others prefer the horizontal method. As highlighted in the previous chapters, the vertical approach is understood in terms of top-down approach to reality, while the horizontal method adopts the bottom-up idea of service delivery.

Coming together from diverse schools of thoughts, it is expected that actors will at some point differ with regards to the decision about the proper approach to be employed. A failure to agree about a particular method of handling certain cases has the potential of making actors promote their individual interest over the communal interests. The prevalence of such disputes is capable of causing resentment and the formation of cliques that could escalate into operational conflict between vertically-oriented and horizontally-minded members of the network. According to Brinkerhoff (1996: 1504), "the most common conflict of this nature is between the requirements for participating in lateral (horizontal) coordination action at the field level and in vertical sectoral hierarchies". Some of these difficulties, he claims, arise from legal barriers imposed by legislation and administrative statutes that limits an agency's room for manoeuvre. Klugman (2000: 114) echoes this in her assertion that "for NGOs to work together (with other departments or NGOs) to influence policy in a region presumes some confluence between them. ..., but they are also different in style of work, with some NGOs having little hierarchy and a team-based approach to work, while others operate along more traditional organisational lines".

In agreement with Klugman and likeminded scholars, this thesis believes that actors within a particular network share a common goal. This is the uniting force in the network. But irrespective of this common interest, network members differ on the operational side of their collaboration. They disagree and hold opposing positions about how issues should be addressed. Within CCJ's network for instance, the police and court personnel are always in support of the idea of making access easier for their clients. They, however, may disagree with other members about the process of realizing this common goal. Given that the police force largely operates from the vertical dimension<sup>17</sup> of service delivery, they could easily find themselves in a position that conflicts with the requirement for participation in the lateral dimensions. Events of such nature could prove difficult and challenging to a network, especially when it impacts negatively on their work.

#### **4.4.4 Threats to Actors' Autonomy and Neglect of Responsibilities**

It has been repeatedly emphasized in this thesis that networking fundamentally involves some level of interaction and collaboration between relevant actors. Jarillo & Ricart (1987: 84) refine this understanding in their assertion that networking does not just involve collaboration by relevant actors, but is a "cooperative behaviour among independent actors". The element of independence is the point of focus here.

Autonomy, understood as the ability to act and make decisions without being controlled by anyone else, is a very important element for any network member. Despite the fact that networking is a necessary strategy for adequate implementation of certain policies, network members nonetheless prioritize the protection of their sense of worth over anything else, except when they consider it favourable to let go of it. They do this through their conscious and deliberate choice of collaborating in an exercise that makes sense to them. Any threat to this independence and sense of autonomy, either through the loss of an individual actor's identity to the group or by being coerced to cooperate, could be injurious to the network. According to Brinkerhoff (1996: 1503), "a core dynamism in most organizations is to try to maintain as much independence over inputs, outputs, and operations as possible. To the extent that coordination requirements impinge upon actors' independence, an agency will be reluctant to collaborate (assuming it has a choice) unless there are clear and significant

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<sup>17</sup> The command-execution attitude without much allowance for participation nor change of set plans by external bodies.

benefits to be gained". In line with this assertion, it was highlighted by one of the respondents that some of the members of the labour policy implementation network are compelled to perform certain duties which are outside their job description. Some CCJ coordinators were identified as victims of such pressure within their network. According to one respondent, the coordinators at a certain support centre are forced to complete peace order forms, just because they are located at the court premises. Filling of peace order forms is not the responsibility of the coordinators, said the respondent – it is the duty of the court officials or the Clerk of the Court – but they (CCJ's coordinators) are compelled to do it. Such coercion denies its victim autonomy as a self-regulating agent in networks. The threat to an actor's autonomy or dignity, as expressed by Brinkerhoff (1996:1503), is a great challenge that has to be addressed by network members in order to be effective in realizing its goals. It might lead to a lack of commitment from networks members, neglect of responsibility and the possible breakdown of networks if such issues are not properly addressed.

## Chapter Five: Conclusion

The primary goal of this thesis is the appraisal of the benefits and challenges of policy networks to deepen the understanding of what a policy network entails. This study's value to the existing body of knowledge on policy networks is evident in its account of the challenges in the network process – an aspect of networks that has not been adequately studied. Most scholarly publications on networks are either inclined towards the theoretical understanding or the explication of the uses and benefits of networks. In discussing the challenges of networks, this study highlights the more difficult and somewhat unfavourable aspects of networks. The importance of this study is its positive contribution towards a holistic comprehension of the network process.

A qualitative method of research was employed in this study. Applying the techniques of literature review, semi-structured interviews and the grounded method of data analysis, the research focuses on CCJ's labour policy implementation network to make sense of the benefits and challenges experienced in a network.

This study began with the contextualization of public policy as a scholarly field. It identifies the emergence of public policy studies as resulting from the search for a full comprehension of the “complex social and political environments within which policy is shaped and implemented” (Allison 2008: 64). It continued with the location of policy networks within the wider umbrella of public policy and its conceptualization through the review of scholarly authors like Agranoff, R & McGuire, M (1999), Dye (1995), Parson (1995) and Klijn (1997). It was evident from the review of these publications that policy networks and networks in general could either be structured or unstructured. Networks are considered structured when there are distinct formal elements to the network, however open-minded the network members appear to be. Such formal elements as - in the case of CCJ - the court and police are obvious in the way the network was established. It accounts for the clearly spelt out responsibilities and duties of one member of the network to the other. It enhances the self-conscious existence of the body as an existing unit in pursuit of certain goals (Carlson's nd: 508). On the other hand, networks are unstructured when there is not significant organization. In such cases, network members do not recognize the existence of any autonomous body through which implementation is facilitated. There is no self awareness of an external entity by network members through which implementation is carried out. Interactions amongst

members, using CCJ's informal implementation network as an example, develop solely out of mutual dependence for service delivery, not for an extended purpose of making a difference through a united force. Despite the lack of self-consciousness of its coordinated activities, Carlson (nd: 508) nevertheless considers it important to regard it as a collective entity in pursuit of an end.

Focusing on the challenges of policy networks, issues of diversity and coordination were significant findings in this study. These arise from the very nature of networks. A network, as noted in this study, is a cluster of actors or organizations connected to each other through resource dependence... (Benson cited in Carlson nd: 504). It is the coming together of mutually dependent actors to realize certain goals. As indicated in the body of this study, these different actors make up a network, but each comes into the network with its own unique values and culture. Adequate coordination of these values and culture is problematic in networks. As noted, this challenge of coordination and diversity is obvious with the informal and unstructured forms of networks. This is because this form of network in most cases has no structured or well thought-out approach to their activities. There are no stipulated guidelines or consequences for choosing not to collaborate. This raises questions about the reliability and efficiency of this type of network, especially when actors fail to cooperate.

In response to this, Schroeder (2001: 129) argues for the appointment of a facilitator and the establishment of ground rules for the network. This would bring about a certain level of organization in the network and legitimize sanctions against noncompliant members.

Another identified challenge is the threat to actors' autonomy. Though a network is supposed to be a cluster of actors that consider themselves as equals, there are occasions, as noticed with some of CCJ's coordinators and some of their network members, when some actors dominate others. Such domination has serious consequences when it threatens actors' autonomy in the network. Other issues noted are cases of conflict of interest and unhealthy competition amongst network members. It was, for instance, highlighted by virtually all the interviewees of this study that CCJ's coordinators were either thought of as watchdogs or as actors that have come to deprive others of their clients. They were seen as competitors, though they were accepted and recognized as collaborators over time. Events of this nature, whether owing to misunderstanding of other actors' objectives or threats to individual actors' autonomy, have the potential of breeding distrust and suspicion among networks members,

leading to breakdown of cooperation. The challenge here, as one of the respondents puts it, is that network members ought to know what they are about and that the responsibility rests on them to make other actors understand this. If not, they will encounter conflict and difficulties with other members since they would not understand such actors either (Paraphrase of Rpd – 2).

Though networks have been acclaimed by many scholars as an ideal tool for getting things done, the weaknesses highlighted in this thesis raise questions about the correctness of this assertion in all networks. The inability of networks to adequately attend to these issues and other challenges they encounter makes such networks futile in the implementation process. This study concludes that the success or capacity of a network to succeed depends on how much it is able to address these challenges. Hence, even though a network is a desirable tool for policy implementation, its success is not guaranteed: it is contingent on the understanding of the intricacies of networks members' ability to overcome the challenges they encounter.

In conclusion, this thesis has, I hope, succeeded in exploring the benefits of networks through its focus on the labour policy implementation network as a case study. Ideally, more interviews would have been conducted with other network members to give the research a broader base. However, the scope of this study was narrowed to CCJ's experiences in its implementation network and limited by the available time for research. Further study is therefore encouraged in this regard, since it would add more credibility to the body of knowledge in this field.

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## Appendices 1

### FACULTY OF HUMANITIES, DEVELOPMENT AND SOCIAL SCIENCES

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#### In-depth Interviews Instruments

##### 1. Identification

Name: .....

Address: .....

Tel: .....

Responsibility within the Centre for Criminal Justice:

.....

2. How long have you been working with the Centre for Criminal Justice?
3. Labour related issues are among the variety of cases you attend to in this centre. What can you tell me about the process and activities you undertake in attending to such issues?
4. Is networking an important process for the centre in attending to labour related cases?  
How is such networking done?
5. Can you give me some examples of the departments or organizations that the centre networks with?
6. How did this centre develop its relationship with these organizations or governmental departments? (Formal or Informal)
7. How is this relationship sustained (what is that sustain this collaboration with other departments)? How is the network managed?
8. Why was this network originally established
  - a. Who established this network (was it you or your predecessor)?
  - b. Why is the Centre for Criminal Justice still networking with these different institutions?

9. How does this relationship or collaboration contribute towards of your objectives as a Staff in CCJ? Examples of such contributions in labour related issues.

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10. Could you describe at least three benefits that CCJ derive from these relationships? Concrete examples pls!

11. What are the challenges experienced in the networking processes?

- a. Level of cooperation between you and the network members
- b. Degree of trust among organizations and departments within the network  
What are the negative impacts of these on you and the centre?
- c. Are there members of this labour policy network that you have stopped collaborating with? If yes, why?
- d. Lack of commitment to referred cases by network members? Examples pls
- e. Negligence or referral of cases/responsibilities that would have easily been dealt with by partners?

12. How do these challenges impact on your work and on the relationship (collaboration process)

13. What would you like to see changed or improved in this network?

## Appendix 2

### FACULTY OF HUMANITIES, DEVELOPMENT AND SOCIAL SCIENCES

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Dear Participants,

#### **RE: Informed consent to participate in a research study**

I am Timothy Obaje, a registered student at the University of KwaZulu Natal. I am conducting research as part of my master's studies. The purpose of the research is the exploration of the challenges and benefits of policy networks. The Centre for Criminal Justice's (CCJ) experiences within the labour policy network at Impendle, Bulwer and New Hanover shall be the area of focus in this research. Participants will be requested to relate the processes and their experiences of CCJ's collaboration with other institutions in an effort to protect and promote the rights of community members in relation to labour practices. Questions shall be directed at the exploration of benefits and challenges that CCJ experiences in such collaborations. The supervisor for this research is Mr Mark Rieker.

You are presented with this letter because you are invited to participate in this study. Participants are selected members of CCJ's Staff. Participation in this study will require you to take part in an interview with the researcher. The interview will last for approximately 45mins. With your permission, the interview would be audio recorded to ensure accurate transcription for the purpose of analysis. Upon the completion of the study, the findings will be made available to you and will be written and presented as a research study.

Participation in this study is voluntary. Appointments for interviews will be held at a time that suits you and every care will be taken to ensure that the study inflicts no harm on you. Your identity will remain confidential throughout the study. Should you change your mind or feel uncomfortable in any way during the interview, you are very welcome to withdraw. The researcher respects your rights to do so. You will not incur any negative consequences for doing so.

It is extremely important that you understand everything you have been told before choosing to participate in the study. So, should you need further information about any aspect of the research or anything that has been said about the study or written in this letter, please do not



hesitate to contact either the researcher Mr Timothy Obaje or the supervisor: Mr Mark Rieker on the following contacts:

**Researcher:**

Mr. Timothy Obaje

Cell: 076 546 7578

Emails: [208509627@ukzn.ac.za](mailto:208509627@ukzn.ac.za) or [taobaje@gmail.com](mailto:taobaje@gmail.com)

**Supervisor:**

Mr. Mark Rieker

Office No: +27 (0) 33 260 5619 (During office hours only)

Email: [riekerm@ukzn.ac.za](mailto:riekerm@ukzn.ac.za)

Thank you so much for your time. If you wish to participate in the study, please read and sign the section on the next page.

**Informed consent:**

**Do not sign this form if you do not want to participate.**

If you wish to participate in the study, please sign the form. But note that signing the form does not mean that you have to do anything you do not want to do. You can leave the study whenever you want.

I, (Full Name)..... understand the information given to me and I agree to participate in this interview. I am aware that my identity will remain confidential throughout the study. I also permit the interview to be audio recorded for the purpose of precise transcription of the discussions and to ensure accurate analysis of the discussion.

Name of participant: .....

Signature of participant: .....

Date: .....