An exploratory study on how policy guidelines of the right to development in South Africa are advanced through cultural relativism

by

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Abstract

An assessment of how the constitutional guidelines and policies of the right to development are advanced through cultural relativism in South Africa could give a perspective on how the actual policies are applied and implemented as well as how policies could be improved. This explorative research investigation did not seek to clarify only whether the policy guidelines exist, but also in what forms and manifestations such influences appear. The importance of this lies in the fact that the form and shaping of policy is a matter of public interest in the sense that the policy-creation process involves the interface between government and citizens.

In light of the fact that the Declaration on the Right to Development is a universal instrument that a number of state parties are signatory to, its application through policy deserves an assessment for a number of reasons. Firstly, universal declarations, protocols and conventions ought to be given spirit in domestic policies. Secondly, the application of national policies may or may not follow a historical and domestic frame of thought, which could be influenced by cultures or the state of being of a country. Domesticating policy as a result of international instruments requires that such policy be reflective of the aspirations of a country and be reviewed and applied to address domestic priorities and cultural aspects.

The study found that the relative influence of cultural aspects on the right to development manifests in various policies and in diverse ways. The study herein brought about knowledge and information on the existence of the right to development in South Africa. The study also found that South Africa applies the right to development from Constitutional provisions, which are also given effect by macro policies. South Africa's past and current macro-policy frameworks were and are aimed at advancing the right to development. Through this study, the Reconstruction and Development Programme and the National Development Plan are proven to be the key policies that advance the right to development in South Africa.

Furthermore, policies on the right to development are advanced through cultural relativism in South Africa and cultural relativism is therefore found in the Constitution (1996), provincial government policies and strategies and other governmental texts. Issues of historical particularity may be given

spirit in domestic policies. Such a phenomenon could explain the extent to which issues that are particular to a country are framed within the national policy. This could be important since policy should be a reflection of the needs and aspirations of people. The idea of implementing policy with an outlook that is not commensurate with the general outlook of particularity of a populace could be problematic. It is in this instance that it may be worthwhile to assess whether the policies of the right to development in South Africa are inscribed with relativism on the culture(s) of the citizens.

In addition to the above findings, the study has found that the right to development forms an integral part of government in South Africa. The right to development is actually advanced through the Bill of Rights in South Africa's Constitution (1996). The excerpts of the Bill of Rights in as far as the right to development is concerned are also found in past and current macro policies. In particular, the Reconstruction and Development Programme and the New Growth Plan, as well as its policy-implementation plan, namely the National Development Plan, form part of these.

The findings of this research study have future implications for the South African policy landscape in the sense of adherence to international instruments. International instruments should serve as a guide on policy development. However, it is the countries and their governments that need to establish a policy which takes into account the localised factors that are part and parcel of the country.

Keywords: cultural relativism; National Development Plan; particularity; policy implementation; public policy; Reconstruction and Development Programme; right to development.

Opsomming

'n Assessering van hoe die beleidsriglyne van die reg op ontwikkeling in Suid-Afrika deur kulturele relativisme bevorder word, kan 'n perspektief bied op die wyse waarop die werklike beleide toegepas word asook hoe beleide verbeter kan word. Hierdie verkennende navorsingsondersoek se oogmerk is nie net om te verduidelik of die vermelde beleidsriglyne bestaan nie, maar ook in watter formaat en gestalte sulke invloede verskyn. Die belangrikheid hiervan lê in die feit dat die formaat en vorming van beleid 'n saak van openbare belang is in die sin dat die beleidsskeppingsproses die koppelvlak tussen regering en burgers is, en die betrokkenheid van burgers behels.

Aangesien die Verklaring op die Reg op Ontwikkeling 'n universele staatsdokument is, waarvan 'n aantal staatspartye ondertekenaars is, verdien die toepassing van die verklaring deur beleide 'n assessering vir 'n aantal redes. Eerstens behoort universele verklarings, protokolle en konvensies huisvesting te vind in binnelandse beleid. Tweedens mag die toepassing van beleide dalk 'n historiese of plaaslike denkraamwerk volg wat deur kulture of die toestand van 'n land beïnvloed kan word al dan nie. Om internasionale instrumente deur beleid aan te pas by die plaaslike opset vereis dat welke beleid die aspirasies van 'n land reflekteer en hersien en aangepas moet word om plaaslike prioriteite en kulturele aspekte aan te spreek.

Die studie het bevind dat die relatiewe invloed van kulturele aspekte deur die reg op ontwikkeling gestalte verkry in verskeie beleide en op verskeie maniere. Die studie het gegronde kennis en inligting bewerkstellig oor die bestaan van die reg op ontwikkeling in Suid-Afrika. Die studie het ook bevind dat Suid-Afrika die reg op ontwikkeling toepas uit Grondwetlike bepalings, wat ook deur makrobeleide toegepas word. Suid-Afrika se verlede en huidige makrobeleidsraamwerk was en is daarop gemik om die reg op ontwikkeling te bevorder. Dit is deur hierdie studie bewys dat die Heropbou- en Ontwikkelingsprogram en die Nasionale Ontwikkelingsplan die belangrikste beleide is wat die reg op ontwikkeling in Suid-Afrika bevorder.

Verder is daar bevind dat die beleide oor die reg op ontwikkeling bevorder word deur kulturele relativisme in Suid-Afrika en kom kulturele relativisme dus voor in die Grondwet (1996) en in provinsiale regering- en regeringstekste. Kwessies van historiese besonderheid kan plek vind en lewe gegee word in binnelandse beleid. So 'n verskynsel kan die mate waartoe kwessies wat

spesifiek in die nasionale beleid geraam word, verklaar. Dit kan belangrik wees aangesien beleid 'n weerspieëling van die behoeftes en aspirasies van mense moet wees. Om 'n beleid met 'n uitkyk wat nie in lyn is met die algemene vooruitsigte van die besonderheid van 'n bevolking nie, te implementeer, kan problematies wees. In hierdie geval is dit die moeite werd om te bepaal of die beleide van die reg op ontwikkeling in Suid-Afrika met relativisme tot die kultuur/e van die burgers gegraveer is.

Daarbenewens het die studie bevind dat die reg op ontwikkeling 'n integrale deel van publieke administrasie in Suid-Afrika vorm. Die reg op ontwikkeling word eintlik bevorder deur die Handves van Regte in Suid-Afrika se Grondwet (1996). Die uittreksels uit die Handves van Regte sover dit die reg tot ontwikkeling betref word ook gevind in verlede en huidige makrobeleide. Spesifieke beleide wat uitstaan is die Heropbou- en Ontwikkelingsprogram en die Nuwe Groeipad, asook dié se beleidsimplementeringsplan, die Nasionale Ontwikkelingsplan.

Die bevindinge van hierdie navorsingstudie het toekomstige implikasies vir die Suid-Afrikaans beleidsontwerp wat betref nakoming van internasionale staatsdokumente. Internasionale staatsdokumente moet dien as riglyn vir beleidsontwikkeling, maar dit is die lande en hul regerings wat beleid moet vestig wat die plaaslike faktore van die land in ag neem.

Sleutelterme: beleidsimplementering; besonderheid; Heropbou- en Ontwikkelingsplan; kulturele relativisme; Nasionale Ontwikkelingsplan; openbare beleid; reg op ontwikkeling.

List of Acronyms and Abbreviations

African Charter   African Charter on Human and Peoples' Rights

AIDS   Acquired Immune Deficiency Syndrome

Asgisa   Accelerated and Shared Growth of South Africa

AU   African Union

DPME   Department of Planning, Monitoring and Evaluation

GEAR   Growth, Employment and Redistribution strategy

HIV   Human Immunodeficiency Virus

MDG   Millennium Development Goal

NDP   National Development Plan

NGP   New Growth Path

RDP   Reconstruction and Development Programme

SADC   Southern African Development Community

SDG   Sustainable Development Goals

UN   United Nations

UNDRTD   United Nations Declaration on the Right to Development

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CHAPTER 1: INTRODUCTION AND BACKGROUND OF THE STUDY

1.1 Introduction

South Africa has acceded to a number of international policy instruments and guidelines as member state of the United Nations (UN) and African Union (AU). Some of these policy declarations and instruments are non-binding, whilst others are binding in nature (Bodansky, 2015:157). The UN Declaration on the Right to Development (UNDRTD) is a non-binding document and for that reason it is referred to as a soft law, or a generally accepted non-binding international instrument (Kirchmeier, 2006:11). There is a common belief that these universal instruments and global policies present a "one size fits all" approach and are not framed in a manner that fits the local climate and cultures of non-western countries such as South Africa (Börzel & Risse, 2004).

South Africa, as well as other non-western countries, continues to adhere to these international instruments and policy guidelines. It is thus important to explore and assess whether they are adopted with the intention of advancing national policies that fit with local knowledge systems, beliefs and issues that are particular to such countries. Belief systems of a country, its particularity and knowledge systems are often framed within cultural-relativism thought (Zechenter, 1997:320). In the past, South Africa framed certain policies following this frame of thought, through which the ideals of Ubuntu and Batho Pele principles became prevalent in policies of public administration (Ingle, 2011:575).

The rationale for the study lies in the fact that the question around cultural relativity remains important (for a country such as South Africa). The study will construct some form of understanding on why non-western countries or southern countries continue to adhere to universal policy instruments when there are huge inequalities between northern and southern countries in many respects. The idea that South Africa forms part of the global south that adheres to universal instruments raises an important question: Does South Africa adhere to universal instruments on development and is therefore guided by values and ethics that are more universal in nature or values that are historically sound, based on the particularity (cultural relativity) of its citizens? South Africa remains one of the most unequal societies in the world (Sisk, 2017:10), and it so happens

that the country adheres to universal policy instruments. However, the world itself remains unequal (Fosu, 2015:46). The latter is indicative of how non-western countries accept and adhere to global phenomena on development, when world countries are actually not the same, with widespread inequalities across the world.

The study could perhaps help to establish an understanding on the manner in which cultural relativism is prevalent in right to development policies to understand the thinking behind framing policy, based on aspects that are particular (e.g. cultural) to South Africa. By so doing, this could perhaps help shape understanding of how to frame policies that are intended to reflect the aspirations of a society within the global context in which stark inequalities persist. Some scholars continue to raise pertinent questions on the state of countries regarding the right to development in the context of inequalities. Apart from these, the Office of the United Nations High Commissioner for Human Rights (OHCHR, 2017) states the following:

> Rising poverty, growing inequalities, and unprecedented economic, social, cultural, political, environmental and climate crises make the right to development more relevant today than ever before.

By inference, this could mean that the UNDRTD could be universal, but the importance is placed on inequalities as a matter of reality in the global context. The question on inequalities is, in fact, acknowledged in the UNDRTD. The OHCHR (2017) further states that:

> The right to development is both an individual and a collective right. The human person is the central subject of development, and should be the active participant and beneficiary of the right to development (art. 2 (1)). This means that development policies and programmes must be centred on human beings, and aimed at their benefit and the constant improvement of their well-being. The right to development entitles all people to free, active and meaningful participation in the development decisions that affect them. It also requires the fair distribution of the benefits of development, with the ultimate objective of fulfilling all human rights for all (rather than aiming for economic growth alone).

Based on the above statement, it should be considered that people (citizens) should enjoy the right to development through development policies and programmes that are centred around "human beings" or the individual person. This could refer to individual persons who innately belong to multiple cultures, religions, belief systems and aspirations. The assertion above also states clearly that there needs to be a fair distribution of benefits to development in the context of the right to

development. Partly due to this reason, it was important to undertake this study. Unfair distribution of benefits could actually imply the notion of inequality or socio-economic inequities. Inasmuch as some of the articles of the UNDRTD may prescribe policy development on issues pertaining to sovereignty and self-determination of countries, there are some articles that are human-centred. These include articles (on the right to development) that are framed to reflect social security, inclusivity in development and self-determination of the individual.

1.2 Background and Rationale

It should be noted from the outset that the UNDRTD was adopted in 1986 (UN General Assembly, 1984), at a time when South Africa was politically isolated from the rest of the world as a result of sanctions that arose from apartheid. Even though this might be the case, South Africa adheres to this declaration by virtue of the fact that the country has designed a national action plan on the Vienna Plan of Protocol. This plan gives effect to policy guidelines of the right to development (Liebenberg, 2000:15). The UNDRTD as an international instrument encourages countries to develop socio-economic policies.

A number of articles on the right to development make reference to the need for countries to develop policies on access to education, international trade, equality within the context of economic development, human rights and democracy (UN General Assembly, 1984). Apart from the existing policies that South Africa has created on the mentioned articles of the UNDRTD, the Constitution of South Africa (1996) also makes provision for some of the aspects related to the right to development.

Adherence to the UNDRTD by various countries has been subject to controversy on the frame of thought applied in reasoning for its application in the local settings of countries (Oduwole, 2014). For example, there are some countries from the north that hold the view that the UNDRTD is an instrument that forces wealthier nations to indirectly provide donor funding to poorer countries (Marks, 2004:138). Article 10 of the UNDRTD, for example, is subject to contestation and disagreement by northern countries. On the other hand, there is a perception from southern countries that the UNDRTD and its provisions are western in nature and promote universalism as opposed to recognising the local dynamics of southern countries (Marks, 2004:140).

Southern countries tend to become suspicious of the fact that the UNDRTD is actually a universal instrument that discards local dynamics for the purpose of justifying neo-colonialism (Donnelly, 1985:474). These issues largely form part of the past and current discourse on the right to development, the application of global policies and cultural relativism due to the past colonial relationships between northern and southern countries (Ughi, 2012:11). This means that southern countries similar to South Africa are likely to hold the view that their sovereignty may be compromised as a result of their adherence to the policy guidelines of the UNDRTD.

This study is important because the notion of globalisation has become widespread under the current socio-political dispensation, even with the advent of global policy creation. As this happens to be the case, it is important to question how universalism and/or global policies are naturalised within settings of countries that are not the same in size, dynamics, frame of thought, philosophies and cultures. At a more practical level, there are some debates about how social policies may ascribe to neo-liberal thought, belief systems imposed by northern countries (Molyneux, 2008:780).

The reasons for embarking on this research are largely inspired by the fact that South Africa may have different social dynamics compared to its counterparts on the African continent and in the rest of the world. If this is indeed the case, it could be important to continue assessing how policy guidelines of the UNDRTD are given expression through national policies. No studies have yet been conducted in South Africa to assess whether the provisions of the right to development follow a purely universal approach in developing policies (based on the universal right to development) or a cultural-relativist approach.

1.3 Research Problem, Questions and Objectives

The study seeks to explore the manner in which policy guidelines of the UNDRTD are being effected in the national context of South Africa. The core of the study is to assess whether the form of thought applied in the design of policies on the right to development in South Africa is slanted towards a universal or a cultural-relativist approach. In other words, the study partly seeks to establish whether elements associated with the local belief systems of South Africa, culturally and historically, are given prevalence in the design of policies on the right to development.

This type of assessment has not been done in South Africa before even though there are several scholarly texts that make reference to the implementation of the UNDRTD in various settings and other countries. The study exists within a terrain that is highly contested in relation to ideas that aim to shape society and thought processes of audiences toward which the policies and laws are targeted. In essence, the research initiatives that seek to explore whether delicts, legislation and policies are either universal or culturally relative continue to be a highly contentious issue. This is because of the different forms of thought carried by western and non-western countries.

It is hoped that this research will encourage further research on the study of cultural relativism in contexts where processes that drive policy development are encouraged by universal ideals and principles. The study will certainly have significance in the arena of public policy in that South African scholars have already begun to question and write about similar forms of topics. For example, these topics may explain why it is necessary to have non-universal policies framed in the South African context in the form of Batho Pele. The research adds to the work that has already begun in South African contexts. South Africa has, in the past, designed policies that are created with the frame of thought that reflects the historical particularities of the country. Even though this is true, some of the policies remain universal in nature and these universal policies might not reflect particular realities of the current South African social strata.

1.3.1 Problem statement

South Africa has acceded to international instruments which, by virtue of their status according to the UN and AU, are universal and/or regional. That being the case, it is important to assess whether the universal instruments are given life through policy design following a frame of thought that carries the local knowledge, history, systems and cultures of South Africa.

This type of study could, in essence, address the question on whether the policies carry the aspirations of the majority of South Africans in relation to belief systems, histories and cultures.

The phenomenon being explored is not whether the policy guidelines of the UNDRTD are working accordingly or not. Rather, the exploration is to test whether the policies and their approach are universal or steeped within the episteme of South Africans.

1.3.2 Main research question

Are South Africa's development policies framed in a manner that advances cultural relativism?

1.3.3 Research questions

- Why and how is the Declaration on the Right to Development a tool that affords development as a fundamental human right?
- How is cultural relativism prevalent in South Africa in past and current contexts?
- How and why did South Africa adopt the National Development Plan (NDP) as a macro policy, with reference to the past epochs of development policies?
- What are the determinants of cultural relativism in South Africa?

1.3.4 Research objectives

- Explore development theories to explain how the Declaration on the Right to Development became a tool for affording development as a human right.
- Explore cultural relativism in terms of its evolution in other countries and in the academia to explain how it becomes prevalent in South Africa.
- Reflect on South Africa's policy regimes from 1994 to date to explain how the country eventually adopted the NDP.
- Explore whether South Africa's policies on the right to development are advanced through a cultural-relativist frame of thought.

1.4 Significance of the Study

The significance of the research study rests in the idea that the study might contribute to a better understanding of how universal instruments are advanced in localised or domestic settings. The inquiry, in this instance, relates to how countries such as South Africa apply global concepts in localised settings. The inquiry described herein will explain how the UNDRTD policy guidelines are applied through cultural relativism in South Africa. This is important because the right to development is not inscribed in the policies of South Africa even though there are several policy and legal documents that point to the right to development in practice. If this is the case, this study should demonstrate how the policy guidelines of the UNDRTD are being advanced in South Africa.

The second issue which may be important is to explain the form and shape in which the policies are being advanced in South Africa. In other words, is the advancement of cultural relativism prevalent in the policies on the right to development in South Africa? This question is important because the answer to it may describe the manner in which the guidelines on the UNDRTD are advanced in South Africa. The NDP (National Development Plan) will, in this case, be used as the means to demonstrate whether the policy guidelines of the right to development are applied through cultural relativism. The study will also take stock of the past and current policy landscape in South Africa to give an account of how the right to development has featured or appeared in policy even though its inscription is missing in the policy texts.

Through this research, the connection between the right to development, cultural relativism and public policy in South Africa will be made for the first time. This connection, on the one hand, may explain how the right to development appears in past and recent macro policies. On the other hand, the research study will provide new knowledge on how the localisation of the right to development is given effect through cultural relativism in South Africa. It is anticipated that such an exploration may assist policy scholars to determine how global policy instruments such as the UNDRTD may be applied in future with reference to the cultural systems, beliefs and dispositions of South Africans.

1.5   Theoretical Background and Literature Review

1.5.1   The Right to Development and UN Declaration

The right to development is a concept that came to light in the academia in the post-liberation period in Africa (Chaturvedi, 2014:41). It came to the fore in 1972 through a Senegalese jurist and scholar, Keba M'baye. M'baye advocated for the emancipation of post-liberation Africa through development but, more importantly, he placed emphasis on the status of development as a fundamental human right (Samb, 2009:72).

In the context of academia, opposing debates came to light that challenged M'baye's proposal and advocacy on development as a human right. These opposing forces consisted of divided thoughts between western and non-western scholars. For example, Kamga (2011:384) notes that Donnelly (western legal scholar) and M'baye's (African legal scholar) assumptions of the right to

development were such that Donnely thought that development as a human right had no philosophical basis. On the other hand, M'baye thought that "any development endeavour has a human dimension that can be moral, spiritual and [even] material" (Kamga, 2011:384).

It should be borne in mind that the conflict that emanates from the right to development between northern and southern countries is also a function of the tensions that have long existed in the field of human rights. This is so in the sense that opposition was always prevalent in how international law was questioned for its motives, predominantly by southern countries (Toope, 1996:169). It seems that it is difficult for the west to understand the position of opposition from non-western countries. The language of human rights generally aspires to the western notion of rights as opposed to those that are found in cultural contexts other than those that are prevalent in the west (Toope, 1996:184).

This argument arises because Article 8 of the UNDRTD mentions the responsibilities of state parties and those who have the means to cooperate equally to help others who do not have the means to develop. The fear created by Article 8 arises from the perception that the haves are western in nature and the have nots fall in the southern region of the globe. This implies that the fear emanates from the basis of responsibility over others. This could be the case in the sense that the obligation to take responsibility by northern countries over the development of southern countries could bear unintended consequences related to spreading budgets to accommodate the needs of these countries (Mutua, 1996:599). This means that implementation of the right to development would be a costly exercise for northern-based countries.

To illustrate the abovementioned point, Toope (1996:170) remarks that "[i]f a state is not in a position to fully implement the right to development, for example, then the people of that state should be entitled to assistance from other states in order to give effect to the right". Kamga (2011:386) argues that the right to development was already a fundamental human right since the African Charter on Human and Peoples' Rights (African Charter) had already been giving spirit to the existence of development as a fundamental human right. The inscription of development as a human right was embraced by African countries because the African Charter had long resolved the matter by adopting a charter that expressly makes provision for development as a human right (Kamga, 2011:386).

The African Charter was adopted in 1981 and the UNDRTD was later adopted by countries in 1986. It is for this reason that Samb (2009:72) opines that the "right to development" is considered as a specific African contribution to the international human-rights discourse. The time difference in the adoption of these policy instruments does not necessarily mean that, by the time southern and northern countries respectively signed these agreements, the disagreements had been concluded. The differences in thought between southern and northern countries is something that continues to be prevalent in current times (Kamga & Fombad, 2013:196).

The other part of the problem associated with the status of the UNDRTD in the global legal arena is the order in which it is ranked as a legal policy instrument. For instance, the right to development is considered a third-generation right. This means that development as a right will not enjoy the same level of seriousness as those that are found in the first and second generations of rights which are more prominent in nature (Mutua, 1996:599).

This chapter of the thesis details an outline of the UNDRTD as well as its founding articles. The African Charter also inscribes the right to development in the following manner; and as per Articles 15-18 of the Charter (Samb, 2009:74):

1. the right to work under equitable and satisfactory conditions;

2. the right to receive equal pay for equal work;

3. the right to enjoy the best attainable state of physical and mental health, including medical care for the sick;

4. the right to education;

5. the right to freely take part in the cultural life of one's community; and

6. the right of women, children, the aged and the disabled to special measurers of protection in keeping with their physical or moral needs.

The above provisions on the right to development in the context of the African Charter are people-centred and locate the individual as beneficiary of the development. For this reason, Amartya Sen (in Mohan, 2016:1) argues that a right to development should be seen as a "conglomeration of a collection of claims, varying from basic education, health care, and nutrition to political liberties, religious freedoms and civil rights for all".

The right to development is also state-centred in that governments are compelled to put in place mechanisms in the implementation process of development. For instance, Manzo (2003:438) argues that the UNDRTD brought together rights and development in a manner that legitimises and instils state-centred mechanisms of rights-based development.

The manner in which the right to development is inscribed in both the African Charter as well as the UNDRTD presents challenges within countries on the aspect of execution of responsibilities. For instance, Chaturvedi (2014:43) argues that the UNDRTD is a multidimensional instrument that gives individual right for development as well as those of the state. In the same breath, however, it does not give a definition of the differentiation of rights between the people and the state. In other words, there is no clear boundary on the mutual or complementary relationship between the two sets of rights, that of the state as well as of the people.

Development theories do not have deep roots in the same way that human-rights theories have. In addition, infusing development into human rights serves to create a world that is just, with a focus on eradicating inequalities in the world (Sano, 2000:739). Development theories of the previous eras, spanning from the 1960s, were more inclined to consider macroeconomic fundamentals in a set of rules and regulations (Sano, 2000:739). The importance of human rights in the context of the right to development places emphasis on what previous scholars of development have pushed for in respect to considering the location of the individual in the process of development. Hence, some scholars argue that the right to development takes into account the ability of the individual in the process of development to reach their own potential (Bhat & Shafi, 2015:175). There are implications for the participation of individuals in the right to development through an integrated effort of the state, as explained below:

> … the United Nations (UN) Declaration on the Right to Development and the rights-based approaches to development it influenced were introduced to do more than provide a legal and justiciable framework to operationalise development through norms, standards and principles of human rights. The particular motivations for the assimilation of human-rights norms into the practice of development divide opinion … Integrating development discourse with human-rights-based principles of equality, non-discrimination and participation equips development policy and practice with moral and ethical dimensions. (Onazi, 2017:5)

The above assertion by Onazi (2017:5) denotes that the UNDRTD as a policy instrument is not only a legal document. Rather, it gives a framework of operationalising development as a human right, with the purpose of instilling equality, non-discrimination and public participation.

Human-based-development approaches currently exist within an era of neoliberalism which is driven by donor-driven agendas (Jones, 2005:419). This, then, calls for more progressive political solutions to the negative aspects of rights-based development. The current development ethics seek to assess systems of thought and practice to establish interests that are given attention and, so doing, it becomes easy to determine who wins or loses (Gasper, 2016:4).

Rights-based development's contribution to widening inclusive political space does not have to end at policymaking but can also impact upon rights-based approaches to service delivery. In addition, it should be borne in mind that the UNDRTD is a reflection of a particular era and paradigm when transnational neoliberalism was seen as a threat to developing countries in the 1980s (Manzo, 2003:438).

Human-based development, in contrast with the neoliberal capitalist system, seeks to eke out capabilities that illustrate the role of social, material and institutional conditions that mediate how skills are converted (through entrepreneurship) into programmes that maintain the livelihoods and wellbeing of societies (DeJaeghere & Baxter, 2014:62). A critical theoretical and practical consideration is therefore needed to see how reforms and advances can be won in relation to this agenda (Jones, 2005:420). Moreover, how are rights-based approaches being used strategically to anchor developmental claims in the political and institutional landscape? This question becomes important in light of the fact that poverty and inequality in southern countries continued to fester as a result of neoliberal policies on development (Onazi, 2017:4). Consequently, consumerism and market-based principles of development were promoted. The existence of this phenomenon was one key factor considered when the UNDRTD was adopted. The emphasis was on creating a just world where northern and southern countries are under an obligation to deal with the inequalities between them (Cornwall & Nyamu-Musembi, 2004:1422).

The right to development carries huge potential in solving the basic problems that are related to human needs and development in various ways. An example is human-rights-based development in the context of the right to development in advancing the fight on social problems such as the

HIV (Human Immunodeficiency Virus) /AIDS (Acquired Immune Deficiency Syndrome) pandemic. This is because human-rights thought catered around the right to development makes provision for the right to food and health (Sarelin, 2007:461).

Mutua (1996:595) posits that the enabler for the right to development to advance in the non-western world was through the wave of civil-society organisations holding government accountable on implementing local policies related to education, empowerment, enforcement, democratisation and general implementation of development. This assertion is supported by Chaturvedi (2014:42). Chaturvedi posits that the inclusion of the right to development is closely linked to Amartya Sen's idea of the empowerment of individuals (in the framework of development) and public accountability with a human-centred approach of development.

Even though the right to development as an international instrument brings about important ideals of human-based development and human rights, it remains watered down. The instrument is non-binding, making it difficult to radically follow the redistributive mechanism by the New International Economic Order, advocating fairness for poor countries (Cornwall & Nyamu-Musembi, 2004:1422).

Rights-based development takes into account globalisation wherein the actions of states and those outside of their shores are factored into any consideration of their rights (Mohan & Holland 2001:8). In essence, the relations between countries are governed through the declaration as a legal prescript that considers the rights of countries in the process of development. It is in this context that even the UNDRTD provides that there should be a just process when engagements are held between different countries on the process of development. What this requirement illustrates is that there is reasonable consideration on the fact that the cooperation between countries ought to be operating on the basis of equality to ensure that countries are treated in a just manner.

1.5.2   The UN's Declaration on the Right to Development

The following excerpts from articles of the UNDRTD (Ohchr.org, 1986) give an outline of the principles of the right to development:

Article 1

1. The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.

2. The human right to development also implies the full realization of the right of peoples to self-determination, which includes, subject to the relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources.

Article 2

1. The human person is the central subject of development and should be the active participant and beneficiary of the right to development.

2. All human beings have a responsibility for development, individually and collectively, taking into account the need for full respect for their human rights and fundamental freedoms as well as their duties to the community, which alone can ensure the free and complete fulfilment of the human being, and they should therefore promote and protect an appropriate political, social and economic order for development.

3. States have the right and the duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom.

Article 3

1. States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development.

2. The realization of the right to development requires full respect for the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the UN.

3. States have the duty to co-operate with each other in ensuring development and eliminating obstacles to development. States should realize their rights and fulfill their duties in such a manner as to promote a new international economic order based on sovereign equality, interdependence, mutual interest and co-operation among all States, as well as to encourage the observance and realization of human rights.

Article 4

1. States have the duty to take steps, individually and collectively, to formulate international development policies with a view to facilitating the full realization of the right to development.

2. Sustained action is required to promote more rapid development of developing countries. As a complement to the efforts of developing countries, effective international co-operation is essential in providing these countries with appropriate means and facilities to foster their comprehensive development.

Article 5

States shall take resolute steps to eliminate the massive and flagrant violations of the human rights of peoples and human beings affected by situations such as those resulting from apartheid, all forms of racism and racial discrimination, colonialism, foreign domination and occupation, aggression, foreign interference and threats against national sovereignty, national unity and territorial integrity, threats of war and refusal to recognize the fundamental right of peoples to self-determination.

Article 6

1. All States should co-operate with a view to promoting, encouraging and strengthening universal respect for and observance of all human rights and fundamental freedoms for all without any distinction as to race, sex, language or religion.

2. All human rights and fundamental freedoms are indivisible and interdependent; equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights.

3. States should take steps to eliminate obstacles to development resulting from failure to observe civil and political rights, as well as economic, social and cultural rights.

Article 7

All States should promote the establishment, maintenance and strengthening of international peace and security and, to that end, should do their utmost to achieve general and complete disarmament under effective international control, as well as to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of the developing countries.

Article 8

1. States should undertake, at the national level, all necessary measures for the realization of the right to development and shall ensure, inter alia, equality of opportunity for all in

their access to basic resources, education, health services, food, housing, employment and the fair distribution of income. Effective measures should be undertaken to ensure that women have an active role in the development process. Appropriate economic and social reforms should be carried out with a view to eradicating all social injustices.

2. States should encourage popular participation in all spheres as an important factor in development and in the full realization of all human rights.

Article 9

1. All the aspects of the right to development set forth in the present Declaration are indivisible and interdependent and each of them should be considered in the context of the whole.

2. Nothing in the present Declaration shall be construed as being contrary to the purposes and principles of the United Nations, or as implying that any State, group or person has a right to engage in any activity or to perform any act aimed at the violation of the rights set forth in the Universal Declaration of Human Rights and in the International Covenants on Human Rights.

Article 10

Steps should be taken to ensure the full exercise and progressive enhancement of the right to development, including the formulation, adoption and implementation of policy, legislative and other measures at the national and international levels.

1.5.3 Discussion on the Declaration on the Right to Development and policy creation

It should be noted that entitlements or rights in the context of development place specific importance on the issue of accountability by governments (Nelson & Dorsey, 2003:2013). It is in this instance that one would infer that governments ought to be held accountable for their role or delivery of development whilst recognising that development is itself a human right. It thus remains crucial for countries to provide policy direction on issues that relate to development through human rights (Nelson & Dorsey, 2003:2013).

Within the diplomatic sphere of relations between countries, there is an encouragement on making sure that states cooperate on issues of mutual interest on advancing the right to development between and amongst countries (Uvin, 2004:3). Within this arena, there is an expectation that the UNDRTD should be a guiding document on ideas of sharing technical and economic resources. As such, this should lead to global equity within the space of development (Nagan, 2013:31). The

UNDRTD as an international instrument is important in leading towards the drafting of development policy in countries that accede to it for the purpose of making provisions for the social and economic participation of citizens in development activities (Sagasti, 2005:125).

Nagan (2013:30) posits that whilst there is a need to draft development policies in the context of the UNDRTD, the idea of this policy-creation process presents an intellectual challenge by countries who are signatory to the declaration. The intellectual problem linked to the right to development occurs in the arena of diplomatic relations. From these, countries from the north and south disagree on the manner in which developing countries and developed countries ought to cooperate in development activities (Vandenbogaerde, 2013:188). Vandenbogaerde (2013:188) further argues that the problem, in this context (at a macro level), rests with the fact that there is no conceptual clarity on how northern and southern countries should be working together to advance the aspect of international cooperation on development. Even though the latter argument persists, other scholars, such as Piron (2002:2) and Kirchmeier (2006:4), argue that the disagreements between northern and southern countries on conceptual issues can be solved by partnerships between countries. From these partnerships, mutual commitments can be made on development activities, but not necessarily in the context of diplomatic systems.

The arguments presented in the previous paragraphs about the UNDRTD depict challenges and problems at a macro level, associated with the progression of the declaration. The issues highlighted in this section have a direct link to macro issues contained in Articles 3, 4 and 5 of the declaration. Article 3 makes provision for the cooperation of states to ensure that development practices occur at a macro level or through diplomacy channels. Article 4 makes reference to international development policies that states should develop for the purposes of making the right to development a reality. Article 5 of the declaration makes provision for states to work together to ensure that all of the aspects that have created under-development in developing countries are dealt with through cooperation between developing and developed states.

Articles 3, 4 and 5 have been under contestation and controversy in light of the issues covered in this section of the chapter. For example, Vandenbogaerde's (2013:188) arguments regarding the conceptual understanding of cooperation between states on development pose a problem. The same applies to Nagan's (2013:31) assertions about how it remains difficult to create equity between

countries when countries do not agree on issues pertaining to how policy and implementation of development ought to be created and happen.

The contestations and divergent views about Articles 3, 4 and 5 of the UNDRTD may pose serious problems for the advancement of policies in the international arena or between developing and developed states. As explained above, there are some scholars who claim that this problem could be solved by the development of partnerships between countries. Having determined that there are problems with the declaration at a macro level, it is important to note that these articles fall within the context of universal systems created by the UN. The universal aspect of the UNDRTD may be subject to a number of questions. Some of these questions have already been explored by scholars cited in this subsection of the chapter.

"How do countries interpret the right to development in cooperative agreements?" and "what does development mean (entail) for developed and developing states?" are two fundamental questions that have been addressed by scholars cited in this subsection of the chapter. If the declaration is, in fact, problematic at the level of international cooperation and diplomacy, it is worth exploring how countries are likely to develop domestic policy on the right to development, but, more importantly, how those policies are framed.

Other articles in the declaration are "inward-looking" in the sense that they encourage development at national level. The underlying assumption that it is possible that the same arguments which relate to conceptual issues and questions on what development means for citizens, is worth exploring. For this reason, the next subsection of this chapter looks into the notion of individuals and/or citizens in the context of the declaration. There are a number of articles in the declaration that make refence to individuals and citizens and how policy needs to be created for those citizens in all countries that are signatory to the declaration.

1.5.3.1 *Architecture of the right to development in South Africa*

The Constitution of South Africa (1996) carries a number of elements that are synonymous to human development and sustainable development. Some of these elements have been explored in this chapter where descriptions of development theories are explained. The "human" aspect of the Constitution of South Africa (1996) is what some scholars believe to be an illustration of the centrality of the human being or citizens of the country in law-making. Social affairs are usually

included in the development processes of any country to ensure that the wellbeing of citizens is given priority in the development agenda (Lodewijks, 2017:17).

The nuances of the development within the description of human development consist of education and opportunities for citizens, amongst other things (Kates, Parris & Leiserowitz, 2005:10). Some of the ingredients of human development include socio-economic development, emancipatory cultural exchange and democracy (Welzel, Inglehart & Kligemann, 2003:341). Anand and Sen (2000:2029) argue that human development needs to prevail over generations to ensure that there is intergenerational equity in relation to the development of human beings. By so doing, development becomes sustainable for future generations.

It should be noted that countries that have a high level of social expenditure on human development tend to contribute much better to the economy and have a higher income distribution (Ranis, Stewart & Ramirez, 2000:197). The UNDRTD and the African Charter carry the same principles found in the theories of human development. Article 1 of the UNDRTD (Ohchr.org, 1986) states:

> The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.

Article 8 of the UNDRTD places emphasis on how states need to carry out their responsibilities on making sure that Article 1 of the declaration is fully realised through the following:

> States should undertake, at the national level, all necessary measures for the realization of the right to development and shall ensure, inter alia, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income. Effective measures should be undertaken to ensure that women have an active role in the development process. Appropriate economic and social reforms should be carried out with a view to eradicating all social injustices.

The preamble of the UNDRTD states that:

> … [r]ecalling the right of peoples to self-determination, by virtue of which they have the right freely to determine their political status and to pursue their economic, social and cultural development …

Closely related to the above, Article 20 of the African Charter states that:

> All peoples shall have the right to existence. They shall have the unquestionable and inalienable right to self-determination. They shall freely determine their political status and shall pursue their economic and social development according to the policy they have freely chosen.

The African Charter also makes reference to the following:

> Considering the Charter of the Organization of African Unity, which stipulates that "freedom, equality, justice and dignity are essential objectives for the achievement of the legitimate aspirations of the African peoples";

Closely related to the above, the UNDRTD states the following in its preamble:

> Considering that the elimination of the massive and flagrant violations of the human rights of the peoples and individuals affected by situations such as those resulting from colonialism, neo-colonialism, apartheid, all forms of racism and racial discrimination, foreign domination and occupation, aggression and threats against national sovereignty, national unity and territorial integrity.

In both the UNDRTD and the African Charter there seem to be human-centred factors meant to seek the full realisation of development for citizens through the state. In both doctrines, there is a great deal of consideration for development efforts. This is irrespective of race, cultural backgrounds, citizens' right to self-determination, elimination of social threats such as apartheid and wars between countries, as well as the notions of equality. It would seem that all of these factors are meant for the benefit of the people, given that the word "people" has a common thread in the quotes presented above on the two doctrines (the UNDRTD and African Charter).

1.5.3.2 *South Africa's Constitution (1996) as a source of value for the right to development*

Even though South Africa was never part of the global discourse during debates that led to the adoption of the African Charter or the UNDRTD, the country later (after apartheid) adopted these international doctrines. (South Africa was disqualified from forming part of the discourse as a result of political sanctions imposed throughout the greater part of apartheid.) The principles held forth in the African Charter and the UNDRTD are found in the Constitution of South Africa (1996). Most of these are located within Chapter 2 of the Bill of Rights, though others are found in other

sections of the Constitution (1996). The Bill of Rights in the South African Constitution (1996) has the aim:

> to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination ... (3) The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

The Bill of Rights makes reference to the protection and promotion of human-based issues in the following manner under Section 30: "[e]veryone has the right to use the language and to participate in the cultural life of their choice, but no one exercising these rights may do so in a manner inconsistent with any provision of the Bill of Rights." Section 31 of the Bill of Rights further states that:

> Persons belonging to a cultural, religious or linguistic community may not be denied the right, with other members of that community—
> (a) to enjoy their culture, practise their religion and use their language; and
> (b) to form, join and maintain cultural, religious and linguistic associations and other organs of civil society…

In relation to the notion of self-determination (as per the African Charter and the UNDRTD), Section 235 of the South African Constitution (1996) (Gov.za, 1996) states that:

> The right of the South African people as a whole to self-determination, as manifested in this Constitution, does not preclude, within the framework of this right, recognition of the notion of the right of self-determination of any community sharing a common cultural and language heritage, within a territorial entity in the Republic or in any other way, determined by national legislation.

With regard to sustainable development, Section 24 of the Constitution of South Africa (1996) states that:

> Everyone has the right—
> (a) to an environment that is not harmful to their health or wellbeing; and
> (b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that—
> (i) prevent pollution and ecological degradation;
> (ii) promote conservation; and
> (iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.

Regarding how both the African Charter and the UNDRTD make provision for the universal respect for human rights by observing fundamental freedoms, the Constitution of South Africa (1996) states the following. This is irrespective of race, sex, language, political opinion, birth, social origin, and the right to political affiliation:

> The Republic of South Africa is one, sovereign, democratic state founded on the following values:
> (a) Human dignity, the achievement of equality and the advancement of human rights and freedoms.
> (b) Non-racialism and non-sexism.
> (c) Supremacy of the Constitution and the rule of law.
> (d) Universal adult suffrage, a national common voters roll, regular elections and a multi-party system of democratic government, to ensure accountability, responsiveness and openness.

as well as …

> 19. (1) Every citizen is free to make political choices, which includes the right—
> (a) to form a political party;
> (b) to participate in the activities of, or recruit members for, a political party; and
> (c) to campaign for a political party or cause.
> (2) Every citizen has the right to free, fair and regular elections for any legislative body established in terms of the Constitution.
> (3) Every adult citizen has the right—
> (a) to vote in elections for any legislative body established in terms of the Constitution, and to do so in secret; and
> (b) to stand for public office and, if elected, to hold office.

Sections 26 and 27 of the Bill of Rights of South Africa's Constitution (1996) clearly make provision for elements contained in Article 8 of the UNDRTD in the following manner:

> 26. (1) Everyone has the right to have access to adequate housing.
> (2) The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right.
> (3) No one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions…
> 27. (1) Everyone has the right to have access to—
> (a) health care services, including reproductive health care;
> (b) sufficient food and water; and
> (c) social security, including, if they are unable to support themselves and their dependants, appropriate social assistance.

(2) The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of each of these rights.

(3) No one may be refused emergency medical treatment…

1.5.3.3   *Principles of the Right to Development in the South African context*

The principles pertaining to the right to development in South Africa are found in a myriad government policies that are either meant to reduce poverty or improve the wellbeing of South African citizens. In this context, policy refers to an intent to solve the problem either through action or guidelines provided for the institutions in charge of social affairs to undertake adequate action in addressing problems pertaining to poverty and social development. As such, the White Paper on Social Welfare seems to be one of the key policies that covers a wide range of factors related to the protection of citizens from poverty (Gov.za, 2019). The White Paper also seeks to ensure that citizens have adequate economic and social protection at times of unemployment or during "ill health, maternity, child-rearing, widowhood, disability and old age, by means of contributory and non-contributory schemes for providing for their basic needs" (Gov.za, 2019). The White Paper was adopted in line with South Africa's developmental agenda. It had the intention to address issues of chronic poverty and social inequalities by integrating social interventions with economic development (Lombard, 2008:295).

According to the final draft of the White Paper on Social Welfare (1997) (Gov.za, 1997), policies are meant to be grounded on the following principles, amongst others:

Securing basic welfare rights: This relates to progressive steps that government ought to take in providing social assistance to citizens in need of it.

Equity: This refers to the equitable distribution of resources to address racial, gender, geographic and sectoral disparities.

Non-discrimination: All social-welfare programmes and services need to be undertaken by promoting non-discrimination, tolerance, mutual respect, diversity, and the inclusion of all groups in society.

Democracy: This refers to the appropriate mechanisms that are to be created to promote participation of public and all welfare constituencies in decision-making about welfare programmes through consultation that includes beneficiaries and service providers.

Human rights: This refers to the fact that social-welfare programmes need to be based on respect for human rights and fundamental freedoms that are found in the Constitution of South Africa (1996).

People-centredness: Past repressive policies need to be replaced by policies that are just and people-centred.

Sustainability: All intervention strategies on social welfare need to address priorities in a manner that is viable, cost efficient and effective.

Appropriateness: This refers to the sustainable use of human and material resources and the earth's natural resources so that future generations can benefit from it.

1.6   Literature on Public Policy

1.6.1   Discussion on policy discourse in the context of the research topic

This study seeks to explore public policy and the sub-discourses located in the fields of development and human rights. Policies analysed are linked to development in the context of human rights. South Africa is one of the countries that have a strong human-rights focus within its policies and legislation. The sub-discourses are relevant to South Africa's situation and its policy outlook. Having established that these sub-discourses are fitting within the South African environment, at the heart of the issue here is not to explore whether these sub-discourses are functional or not. Rather, it is to explore how the connections amongst them function together to inform the policy regime and paradigms in development-based human rights. Having established that, a further exploration of the framing of these policies is required, that is: Are they largely universal or are they framed in a manner that considers cultural nuances of South Africa's history, particularity, local conditions and values?

One would argue that this study would require unpacking these discourses to establish their connections, because it is in this way that one will see how they come together and function. Apthorpe and Gasper (2014:1) posit that a discourse is an ensemble of ideas, concepts and categories through which meaning is given to various phenomena. It is for this reason that it remains important that the sub-discourses are explored in the context of how they connect.

The policies explored come from the UN as a supra-state institution which encourages or enforces the adoption of policies by member states. It has been mentioned elsewhere in this research paper that the UNDRTD is non-binding in nature, hence the use of the word "encourage" in the previous sentence. As for all other binding declarations of the UN, they remain enforceable by virtue of their binding status. Hill and Varone (2016:20) denote that supra-state institutions such as the UN and their interventions on superordinate states that adopt their policies sometimes fall into controversy due to the power they hold over the member states. These controversies are mentioned in the section above, but more exploration will be done in the full literature review of this research. Whether these policies by their nature affect the manner in which localised policies are framed in a country such as South Africa may also prove to be controversial.

The subsequent outcomes and consequences of these international policy instruments may be subject to an institutional void in a country such as South Africa or they may find deep expression through local policy. The so-called institutional void occurs as a result of the political and social contexts of countries. Citizens may challenge the rules and norms from which these policies are framed and designed (Hajer, 2003:175). The one argument that could be advanced in relation to the latter is whether these policies are framed in a manner that carries the aspiration of the citizens. In other words, there are times when a gap exists between the aspirations of citizens and government policy (Rosli & Rossi, 2014:3).

In reference to the fact that the provisions of the UNDRTD are steeped in humanistic principles and human-based issues, it should be taken into account that the people are located within the public-policy discourse. This claim is advanced by Ibrahim (2011:2), who observes that government has a responsibility to enable citizens to meet their aspirations in regard to development and their wellbeing. Ibrahim (2011:3) further posits that the individual human being ought to be recognised not only in terms of their needs and wants (aspirations) but also in the context of a much wider scope of ethical, metaphysical and cultural norms. This could mean that the individual human being who is located within the public-policy processes should be recognised as a multidimensional entity.

The notion of policy creation as a means to meet the aspirations of citizens may answer the question around the extent to which norms are derived from cultural values and are reflected in the manner in which the policy is framed. Dunlop (2015:4) argues that when aspirations of people are

expressed in government policy, it is important to establish the dominant values and norms drawn from cultures. This assumption might not only be subject to localised issues. It may also apply to the global context in the sense that universal forms of policy instruments (such as the UNDRTD) may be subject to discussion on dominance between supra-national institutions and governments as superordinate institutions.

The basis of the argument being advanced, in this context, is that aspirations in the context of policy creation should not be seen in a vacuum, as Gutman and Akerman (2008:3) expound:

> Aspirations do not exist within a vacuum, but rather occur within a social context. Individuals draw their aspirations from the lives of others around them … Aspirations are also defined by the historical context. Individuals develop within a particular historical period with different social, economic and education policies.

Of particular significance in the quotation above is that aspirations of people (as framed in policies) should be defined within the historical context, which takes into account the social, economic and education policies of individuals. The historical context of individual human beings may help to bring about a certain form of policy paradigm in a specific country (Deeming & Smyth, 2015:2). It is also the historical aspects of a country that may inform the dominant policy paradigm of any country (Palier, 2013:38). This means that, whilst dominance may occur at macro level between the supra-national institutions and superordinate governments in relation to the encouragement of policy development, the same applies within a domestic context.

The issues pertaining to history (of a country), culture (norms and values) and social dynamics should form part of the aspirations of people. These aspirations need to be reflected in the policy-design processes. In the context of South Africa, history, culture and social dynamics find expression in the policies (for example, Ubuntu and Batho Pele). This may mean that the aspirations of South Africans are honed into policy systems. Because culture should be considered in the development of government policy, the nuance of cultural relativism is worth exploring – alongside history and social issues. In the context of South Africa's development-policy regime, separate development policies have been enacted to reflect the views of government as a dominant elite applying a top-down approach to devising policy (Clark & Worger, 2016). One would argue that this historical scenario was created in a social setting in which democracy was absent. The policy development was therefore elitist in nature, with the cultures of a large majority of South

Africans being largely suppressed during that period (Clark & Worger, 2016). It is inevitable that the dominant culture would have been that of the elite and not of the majority. The underlying assumption, in this instance, is that the framing of the government policy of the previous epoch did not carry the aspirations of the majority of citizens since the dominant cultures in South Africa were in the minority.

At the time when the new, democratic government was instituted in 1994, there was a process of reframing policies from the old-policy paradigm to the new policies which were redistributive in nature. Van Hulst and Yanow (2016:96) posit that framing policy requires action frames and rhetorical frames which both prescribe structuring a narrative that is persuasive enough to lead to a shift in policy paradigm. It is argued that the South African narrative, which compelled a policy shift from the past policy regime, was the narrative of apartheid. It is because of the apartheid narrative that there was a good reason behind the reframing of policy to reflect the aspirations of the majority of South Africans. In the process of changing South Africa's policy regime, there was a dialectical process of a negotiated settlement and dialogue around the national Constitution (1996) (Rich, 2016). This is what Van Hulst and Yanow (2016:96) refer to as the "policy talk" concept in the process of framing policy. They posit that this approach explores whether citizens are able to find common ground on the intractability of policy controversy. In the South African context, it is clear that there is a connection between culture and aspirations and that these two aspects had a bearing on the framing of policies.

Since theories on the framing of public policy, the connection between policy creation, historical aspects of a country, and culture and aspirations of citizens have been explained, the following questions can be asked. Why or where does cultural relativism fit into this discussion? Secondly, what is the link between cultural relativism and the right to development? Finally, how do all of the aspects explored in this subsection relate to the South African situation?

Regarding the first question, the theories and explanations on the framing of government policy, culture and citizens' aspirations point to the fact that people who by nature are cultural beings conform to certain values and norms borrowed from their cultural beliefs. These belief systems very much make citizens adhere to the relevant cultural norms and values. Values, standards and norms are what actually define cultural-relativist thought. More significantly, however, relativists believe that people are not a homogeneous group who believe in one universal or global system.

South Africa finds itself thrusted in the same position in the sense that, inasmuch as it may conform to universal systems, it is a country whose citizens believe in certain norms and values which may not reflect those of citizens of European countries or the Americas, for example.

In attempting to answer the second question, one would further inquire into who the right to development is intended to benefit. The beneficiaries of the right to development are the same people who are culturally inclined to believe in and adhere to certain norms and standards which may not necessarily be universal in nature (cultural-relativist argument). The UNDRTD intends to improve the lives of individuals in specific social systems from which they draw certain aspirations in a specific social context.

In answering the third question, one needs to note that South Africa is a country that displays a cultural-relativist disposition since the cultures of South Africans are not homogeneous in nature (Eze, 2016). In addition, government policymakers would need to take into account designing policies that reflect the lives of citizens for the purpose of meeting their aspirations.

1.6.2 Global social-policy creation/development

Various texts by scholars who are specialists in the discipline of public policy make reference to the fact that social policies of developing countries such as South Africa appear to be universal in nature. For example, Yamamori (2003:3) remarks that universal social policy is created in governments that have a redistributive approach to delivering services to citizens. South Africa can be classified as such (Lund, 2008:1). Yamamori (2003:3) further argues that these types of countries tend to view social services as entitlements.

Universal-policy development is understood to be undertaken in an effort to mould behaviour and acceptable rules within a society. Particularist policies, on the other hand, tend to emphasise the special interests of those who are in the seat of power, even at the expense of society (Wallensteen, 1984:243). Molyneux (2008:775) asserts that:

> Latin American countries have been engaged in social sector reform since the mid-1970s. Initially a slow process, it has gathered considerable momentum in recent years. The term 'neoliberal' is widely used to describe the multiplicity of policy shifts that have taken place in recent decades, with a common assumption that states have been 'hollowed out' and turned into residual institutions with little functional power. At the same time it is often said that political life has been eviscerated through neoliberal strategies of rule and co-optation.

Social-policy creation in the context of universalism contributes to policy shifts as a result of reforms which are neoliberal in nature (Molyneux, 2008:775). This is closely related to the assertion by Mkandawire (2005:4) that universalism in social-policy creation tends to create stratification in society for the purposes of marginalising large sections of non-western countries. He further argues that a universal frame of thought in social-policy creation would initially be established for nation-building (in non-western countries) and industrialisation. However, these policies over time tend to promote exclusive privileges of societies and elitism (Mkandawire, 2005:4).

It is arguably important to note that South Africa's situation in relation to what frame of thought is applied in the process of policymaking has been far more important in the past 25 years. This is due to the historical-political situation that the country found itself in in the post-apartheid era. In this situation, there was a policy reform which sought to ensure that policymaking should take into account the inequalities that the apartheid system created through separate development. In addition, in this context, South Africa would arguably align itself with the policy guidelines of the UNDRTD. This is due to the reference made on how apartheid should be eliminated by world countries with policies that seek to promote equality and the equal distribution of wealth. In essence, South Africa's historical past should be taken into account when policies are made to ensure that the recent historical past is not repeated. In this context, one may argue that South Africa's policy-creation process should actually follow the frame of thought that considers its history, social condition and dynamics, cultures and other aspects that may be particular to its own society.

Cultural relativism, as mentioned in the previous sections of this chapter, dictates that the values of a country, its particularity and history and culture are important in policy creation. In this context, it could be argued that South Africa ought to follow a frame of thought that promotes cultural relativism in nature to undo the legacies of its past, as created by apartheid. Korpi (1989:309) argues that the policy regimes of countries such as South Africa tend to go through a certain amount of reform because existing policies tend to deprive citizens of their rights. In this instance, it would seem that the old policies of South Africa would have reflected a different frame of thought during the dawn of a new, democratic dispensation. In other words, one may argue that the South African

approach to creating policies would reflect a rights-based approach, as tends to be the case. It is probably for this reason that South African policies tend to follow a redistributive pattern and form.

Korpi (1989:310) further states that western countries tend to create policies that are aimed at reaching an objective of distributing power resources. Furthermore:

> Research on the causes of welfare state development has revolved around three basic issues: the relevance of class, the nature of the distribution of power resources, and the possibilities of democratic politics in Western societies. The long-dominant pluralist industrialism approaches belittle the role of class in modern societies, tend to assume that the distribution of power resources among interest groups is not so unequal as to be of major interest, and have an optimistic view of the possibilities of political democracy (Korpi, 1989:310).

1.7 What is Cultural Relativism?

Cultural relativism is an epistemological concept which considers that all beliefs, customs and ethics remain morally and ethically relative to individuals within their socio-cultural context. In other words, what is deemed to be moral in one society or culture could be considered immoral in another (Khan, Bajwa, Chaudhry & Ahmed, 2015:3725). Cultural relativists have a certain level of appreciation for the fact that people of differing backgrounds do not seek to fulfil western ideals. Rather, each culture has its own story, rights and wrongs and systems that hold that culture together (Khan *et al.*, 2015:3728).

Scholars (Matei, 2011:3; Morris-Reich, 2006:313; Caduff, 2011:468) refer to Franz Boas (1858-1942), an American anthropologist, as the founder of cultural relativism. Dutton and Van der Linden (2015:60) and Rutigliano and Frye (2015:9) mention that Boas vehemently argued for the need and recognition of cultural relativism in several spheres of society on the American continent. By all accounts, Boas was a well-respected anthropologist whose work has made a major contribution to understanding the behaviour of humans as cultural beings over and above their status as citizens of any country. The study of cultural relativism appears to have made inroads in countries such as Germany, and has subsequently given rise in the academia to scholars such as Hans Gunther (Morris-Reich, 2006:313). The earlier forms of cultural relativism as coined by Boas were initially born out of the need to eliminate ethnocentric prejudices from across the world (Matei, 2011:3).

Cultural relativism has become "the source of study topics and new concepts for sociology, psychology, linguistics, philosophy of culture, ethics, axiology, political philosophy" (Matei, 2011:4). Boas's theory was, in effect, challenging certain common theories of the past as they pertained to religion and politics. More importantly, however, Boas was concerned about the perceived hegemony theories spelt out by religion and politics onto society. Most of his studies were channelled towards understanding how the status of ethnic minorities could be improved in the American society in the later 1800s (Dutton & Van der Linden, 2015:62).

The hallmarks of cultural relativism can be seen during the age of European expansion (during European domination of Asia and Africa) and took shape in the disciplines of ethnology and social and cultural anthropology (Przybylska-Czajkowska & Czajkowski, 2015:164). According to Mitropoulos (2017:311), cultural relativism appears to be a theoretical system that aims to classify and understand human variation in various settings. As such, cultural relativism remains to be a descriptive and epistemological precept in the context of biological-racial explanations of human variation.

1.7.1 Theoretical aspects of social representation: Where is cultural relativism located?

A brief description of cultural relativism was done in the preceding section of this research study, with a view to give some perspective on its terminology and meaning. The description is further expanded here and, by doing so, it is important to locate cultural relativism amongst other similar frames of knowledge. Gervais (2017:97) explains that cultural relativism exists within the broader knowledge system of social representation. According to Gervais (2017:97), forms of social representation include absolute relativism, cultural relativism, particular universalism and symmetrical constructionism. The explanation on these forms of knowledge systems is to create clarity about how relativity as a construct is used in different forms and varies according to its circumstances and composition.

1.7.1.1 *Social representation*

Ginges and Cairns (2000:1347) point out that social representations are cognitive constructs that allow one to organise information about the world in a manner that renders meaning, order and familiarity. Ginges and Cairns (2000:1347) argue that social representations aim to "discover how individuals and groups construct a stable and predictable world out of a set of diverse phenomena".

At the heart of the variations of these knowledge systems are some ethical considerations. These relate to where knowledge comes from, whose knowledge is more truthful than that of others and the question that pertains to which knowledge becomes more important than that of another.

1.7.1.2 *Absolute relativism*

Gervais (2017:97) points out that absolute relativism as part of social representation does not concern itself with knowledge that falls outside of the norm, taking into account different cultural knowledges and claims about external reality. He further states that absolute relativism presupposes that all cultures remain separate and can never be ordered into any form of importance by a certain hierarchy. This presents an inward-looking approach of social representation in society. Potgieter and Van der Walt (2015:240) postulate that the current times ascribe space for "anything goes"; that is, where nothing is certain and where values of individuals and groups are in a perpetual flux.

Buttiglione (2017:11) argues that absolute relativism seems to fit into a global world of consumerism, where those who know the truth would arguably reject the views that seem to be against the holders of the truth. In this case, factual power in knowledge in the context of absolute relativism is deemed to be suppressed due to lack of concern about representation of knowledge and information. The notion of absolute relativism could pervade various other forms of knowledge that fall outside of the norm according to a specific society. This is since absolute relativism prescribes that the absolute idea is the only true object and content of philosophy (Ciocoi-Pop & Ciocoi-Pop, 2015:1). What remains at the central ethos of absolute relativists is that one's judgments about knowledge are based on enculturation. So, it becomes difficult to pass judgment on any other forms of knowledge that fall outside of what is deemed to be the norm in a specific culture or knowledge system (Simpson, 2001:7).

1.7.1.3 *Cultural relativism*

Shafer-Landau (2012:44) defines cultural relativism as a norm that prescribes that good and bad are relative to culture and that what is seen as good is what is socially approved by society in a specific culture. In addition, it is through this approval that moral principles describe social conventions. Cultural relativism opposes anything that aims to prescribe absolutes and acknowledges that judgments may emerge out of a specific cultural context and, in this way, cultural relativism is subject to intra-cultural evaluations (Khan *et al.*, 2015:3727). Gervais

(2017:98) points out that scholars of cultural relativism are often concerned with the social determination of all cultural knowledge systems. As such, "no social group has better or worse representations of any one object than any other group; their social conditions are shaped by different social structures serve different purposes" (Gervais, 2017:98).

1.7.1.4 *Particular universalism*

Particular universalism refers to the extent to which one validates universalism and only one specific worldview and, by so doing, benchmark the validity of knowledge according to one particular worldview (Gervais, 2017:99). It is for this reason that social representation tends to be defined by one specific worldview, which appears to be western in nature (Gervais, 2017:99).

1.7.1.5 *Symmetrical constructionism*

According to Galbin (2014:82), social constructionism prescribes that human beings never know what universal truth is but only what correct and incorrect are. He further explains that social constructionism rejects "the idea of constructivist … that the individual's mind represents a mirror of reality" (Galbin, 2014:82). Gervais (2017:99) refers to "reality" itself or rather "realities themselves" and that social realities are dependent on practices and social knowledge. According to Gervais (2017:99), neither culture nor nature exists independently and exclusive from each other. Rather, both are co-built to form states of nature instead of an exclusive universalist or ahistorical nature untouched by human practice.

1.7.2 Cultural relativism in historical academic discourse

Mitropoulos (2017:312) posits that, to understand the way cultural relativism emerged from the academia and social strata, there needs to be some understanding on certain aspects that are distinct within a basic unit of social groups. There also needs to be an understanding of how these social groups comprehend human variation. In other words, it is important to understand the meaning of specific people's culture or cultures. Caduff (2011:469) explains that the philosophical perspective of cultural relativism made it possible for scholars to acknowledge the validity of every set of norms and values which guides people of different cultures.

The study of cultural relativism, in connection with cultures and languages, has been used to make sense of the evolution of cultural aspects (e.g. languages) (Kilarski, 2014:166). In this context,

Kilarski (2014:166) mentions that "the lexical and morphological complexity of such 'exotic' [indigenous] languages has been evaluated negatively, as in the racist doctrines of the 19th century, as well as positively, as in 20th century cultural relativism". It is in this context that it would be argued that cultural relativism has been used to debunk complexities associated with certain cultural aspects that could easily be misconstrued.

The study of cultural relativism later found relevance in cross-cultural studies. More research was undertaken by scholars such as Yanagita and Nitobe (Asian scholars), amongst other scholars, as a means to assess the applicability of cultural relativism in settings other than those in the western world (Oguma, 2016:240). Scholars such as Ruth Benedict (Carey, 2016:3) and Hans Gunther (Morris-Reich, 2006:313) have been credited for having conducted further research on cultural relativism in America and Europe respectively.

It was also after post-World War II that issues pertaining to tolerance of races began to take shape in the age of reforming ideas on keeping peace after the war. Burkholder (2011:435) argues that, to some extent, the emergent practice of preaching tolerance in post-World War II can actually be equated to the permeance of cultural relativism. This is in the sense that there was a move to place concern on individuals' wellbeing, which included their cultural self. In a sense, it is probable that the individual refers to themselves as a cultural being. This led to the frame of thought from which American attitudes began to shift towards cultural relativism. Even though this might be the case, this shift did not immediately have an impact on public policy in the American society in the mid-20th century (Burkholder, 2011:435).

From the construct of cultural relativism, there is an effort to promote tolerance, from which there are cross-cultural dialogues and, as such, cultural relativism fosters a holistic perspective that strives to neutralise hegemonic cultural ideals (Khan *et al.*, 2015:3728). One of the earlier uses of cultural relativism in the 19th and early 20th centuries was to uproot white European superiority which was steeped into the European cultural psyche (Carey *et al.*, 2016:3). One of the scholars who advanced the study of cultural relativism was Ruth Benedict. Benedict felt it necessary to study cultures through the lens of their own ethos and values and that culture and the individual ought to model each other (Carey *et al.*, 2016:3).

1.7.3 Determinants of cultural relativism in South Africa

It is important to note that the definitions that carry nuances of anthropological assumptions for cultural relativism could fall short of a broader perspective on how cultural relativism finds expression and usage in other spheres of life. This subsection of the thesis will not only consider the academically bound descriptions of cultural relativism borrowed from anthropological assumptions but will also tap into other forms of discipline which are relevant to this study. This is by virtue of the fact that the study relates to public administration and public policy.

The delineation between cultural relativism in anthropology and public administration bears a certain level of importance. The form and variations of cultural relativism should thus be understood from both a human and a public-administration perspective. This type of explanation is important for a number of reasons. For instance, Herskovits (1958:268) argues that it is important to have an examination of cultural relativism outside of the anthropological setting. The reason for this is to give a much broader and non-restrictive view of how cultural relativism could emerge in other spheres of life, other than being confined to a categorisation of human phenomena and behaviour. Spiro (1986:265) supports Herskovits's assertion in arguing that the danger of attempting to use the biological and psychological systems and differences, in this context, results in generalisations that depict western ethnopsychology. This itself is a western trait that does not consider other important views on the emergence of cultural relativism in spheres that are different from anthropology. In essence, the one-sided view of the representation of cultural relativism, in this context, would be arguably lopsided.

There are three categories that characterise the notion of classical cultural relativism (from an anthropological perspective). These consist of methodological (descriptive) relativism, cognitive or epistemological relativism and moral relativism (Brown *et al.*, 2008:367). Descriptive (methodological) relativism refers to the custom of suspending one's judgment regarding an issue until a full understanding of belief systems in total context has been achieved (Brown *et al.*, 2008:367). Descriptive relativism is sometimes referred to as "contextualism" or "situationalism". For this reason, some scholars do not acknowledge descriptive relativism as relativism at all but rather refer to it as the means to frame an issue within a context (Brown *et al.*, 2008:367). If, for instance, the subcultures within a single society are vastly different, to the extent that they produce radically different psychological characteristics, the amount of differences that separate those

subcultures within that specific society could also be larger. Therefore, so is the degree of psychological differences that they produce. In essence, this is the strong form of descriptive relativism (Spiro, 1986:261).

Cognitive relativists argue that members of "different societies live in different and incommensurable knowledge worlds" (Brown *et al.*, 2008:367). This frame of thought leads to a consensus that there are dual interrelated subthemes. One of these claims that societies elicit certain thought that is deemed radically different from the other, whilst the other thought challenges the assumption that scientific methods have transcultural validity (Brown *et al.*, 2008:367). Critics of this form of relativism claim that the conventional methodologies referred to in cognitive relativism are western in nature and that there can never be validity in cognitive relativism (Brown *et al.*, 2008:367).

It is argued that the classical cultural-relativist perspectives as depicted above follow a psychosocial state of being in relation to cultural relativism. This is opposed to describing cultural relativism as a functional mechanism that is used as a frame of reference in the practical application of the needs of human beings. In other words, the anthropological perspective of cultural relativism explains only the human form as a condition. It does not explain how cultural relativism ought to be a frame of reference that is used in the development of human life through the interaction between governments and citizens. This interaction and its outcomes are important in understanding the interface of human beings with government for the purpose of public policy as well as development. For this reason, the transposition of cultural relativism has occurred lately to a state where it is referred to by public administrators not to only understand the human condition. In addition, it also forms an understanding on the issues that are at play when interfacing with communities that are in need of development and solving policy problems.

Zecheter (2008:322) argues that if different meanings to human rights were to be affirmed and applicable to western and non-western worlds, then the international structure of human rights, which non-western countries are party to, would collapse for both western and non-western countries. In this instance, it is ironic that where ethnic-based or culturally based violence occurred in the past, both western and non-western worlds seemed to have been averse to the idea that culture is either used or misused to justify why violence of that nature occurs in the first place (Zencheter,

2008:322). Examples of these are countries such as Rwanda, Sudan and other non-western countries.

In other words, using the focus on the psychosocial meaning of cultural relativism to explain the human condition or human nature could create irony in the sense that human nature or its function could also be relative (Donnelly, 1984:403). The confusion, in this instance, can be drawn from the possible misunderstanding of cultural relativism. From this, ideas of what is right or wrong differ and are presented as a limited view of what cultural relativism could further mean (Herskovits, 1958:267). Cultural relativism, however, could mean that values expressed in any culture could be understood and valued only according to the way people who carry that culture see them, but not through the eyes of others (Herskovits, 1958:267). Critics of classical cultural relativism have often made assertions that the concept of cultural relativism requires re-examination. The struggle between intellectual and emotional components in the attitudes related to the long-accepted definitions of what cultural relativism ought to be therefore needs to be re-examined. This needs to be done by separating the concept of relativism from the philosophical implications of what relativism ought to be in various settings (Herskovits, 1958:266).

For the above and many other reasons, it is therefore important to consider using other forms of perspectives in examining how governments could use cultural relativism as a means to understand their interactions with the public in processes of development and public-policy solutions. Hoppe (2002:306) argues that one of the main challenges that public-policy managers are faced with in government is the idea of solving policy problems that are politically and culturally laden. Policy practitioners have not yet been able to logically decipher policy problems that emanate as a result of a cultural perspective by defining such problems on a systematic culturalist approach to a politics of meaning (Hoppe, 2002:306). It would become important for the concept of cultural relativism to be applicable in the cooperation between western and non-western countries in relation to development. This is partly as a result that there is no simple, unitarian and best way to connect the human rights, sound governance or economic management of a country (Blunt, 1995:2).

It should be noted that there has been a growing necessity amongst post-modern theorists in public administration to advance the cause of marginalised social groups (women, minorities, previously or economically disadvantaged groups). They do this to deprivilege scientific discourse which

excludes marginalised groups from the mainstream systems of public administration (De Zwart, 2002:482).

Blunt (1995:1) argues that cultural relativism often finds expression in the contexts of interactions between countries at times when western countries attempt to give advice to non-western countries regarding development programmes. This is mostly seen as interference of western countries in non-western worlds (Blunt, 1995:1). Under normal circumstances, the idea of providing advice sometimes comes under the guise of the concern about democracy, management of the economy, human rights and the nature of development (Blunt, 1995:1). All these factors are factored into the Constitution of South Africa (1996) and, as such, they appear in several texts on public administration in the South African context.

Culture, in the context of interactions between the public and policymakers and managers, is referred to as the variable, learnt patterns of orientations to societal actions occurring through conventions, habits, rules, routines and institutions (Hoppe, 2002:306). Had this definition been adequate, it would mean that South Africa intrinsically has a culture that carries human rights, the right to self-determination, and habits that suppose that protest action will follow whenever rights are not adhered to by the state. This has been the case in the pre-democratic era to date. The reason why this type of description of South Africa should be deemed important is that it attempts to frame cultural relativism in the context of how the interaction occurs between the public and the government. One of these interactions, for example, lies in how communication flows between the public and the government through protests that emanate from the demand for citizens to be afforded their development rights. These include the right to housing and education.

In line with the definition of culture offered by Hoppe (2002:306), there are also other factors to take into consideration. These include patterns of actions (between the state and government), orientations to social actions (e.g. civil protests), and habits that are related to illustrations of voicing opinions through strikes and mass action as a means of communication. All these factors could arguably explain the type of culture that imbues the South African public when interacting with public administration. This form of culture is not described in the context of anthropology, but rather explained in relation to the patterns that are discernible in public interactions with the state. In veering off from the anthropological description of culture and cultural relativism, this form of culture, one would argue, is inherently South African in nature. It may, however, not even

be different or vary in relation to other forms of interactions between the people and the state in other countries.

Having determined the cultural makeup of South Africans in their interactions with public administration, the question as to how cultural relativism applies in this context is therefore relevant. It should be noted that in the previous sections of this chapter, the concept of universalism versus cultural relativism was foregrounded. This was done to explain that, within the global setting from which countries become part of international instruments such as the right to development, there is a possibility that countries or state parties could adopt either a universal approach to development or a culturally relative one. That being the case, countries can either follow a neoliberal, dependency-based model of development, as explained in Chapter 2, or a human-based form of development, which considers the human being as a subject located at the centre of the development. These factors are now important in framing cultural relativism in the public service or administration of South Africa. Universalism could refer to the idea that western thought and its ideas are infused in non-western countries to the detriment of local thought and practices or patterns of behaviour. These patterns of conduct or behaviour or actions that are framed as cultural give meaning to the determinants of cultural relativism.

For the purposes of this study, three forms of determinants are used to frame cultural relativism in the South African public administration. These are monitoring and evaluation of service delivery, rights-based development and Ubuntu. It should be noted that cultural relativism, in this context, is not viewed from an intra- but rather from an inter-perspective. Here, it should be determined whether the right to development is localised according to the settings and cultures of South Africans, commonly observable in the interaction between the public and the state. In other words, cultural relativism, in this context, is not used to determine the variations of cultures in the same way that anthropological underpinnings and assumptions would dictate. Rather, it is looked into in terms of whether local practice and culture which may differ from other countries are considered. For this reason, in the initial sections of this chapter, a distinction was made between global or universal systems and cultural relativism (local systems dictated to by cultures that may be inherently South African as opposed to global or universal).

The context of cultural relativism drawn from this discussion does not follow the classical approach of anthropological-relativist thought, neither does it follow the thought that suggests that cultures

in South Africa are varied. Rather, it considers that what may apply in the west may not be applicable to South Africa because South Africans have their own frame of reference when dealing and interacting with the state. This view does not necessarily reject the idea that the culture of interaction between the public and the state is different from other countries. It rather holds that the culture (or patterns of conduct) itself should be defined as inherently South African without opposing other forms of cultures that are western in nature.

In light of the topic of this research study, cultural relativism should be examined within the existing elements of the right to development. In essence, Article 10 of the UNDRTD makes provision for the development of policy on the right to development for state parties that are signatory to the Declaration. In the chapters that follow, the NDP will be used as a reference in that the NDP is a policy programme aimed to advance development in South Africa. Inasmuch as such development may bear the elements of the right to development, policy intent of government should be examined. This can be done by exploring whether the localised knowledge systems of culture have been used to provide development in the way government had intended through policy.

1.7.3.1 *Monitoring and evaluation*

The aspects of governance or "good governance", transparency and public participation lie at the heart of the interaction or interface between the South African public, especially in policymaking processes. These aspects are not only the function of government. They also form part of systems which are ingrained in an open democracy through which the public and administrators of government interact with the intention of improving policy decisions and its outcomes. For example, the "culture" and practice of community imbizos in South Africa are largely part of the processes that inform decision-making by policymakers and administrators of government.

It should be noted that good governance and public-participation processes as continual patterns of public-policy processes in South Africa do not happen in a vacuum due to a number of reasons. One of these reasons is that the culture or patterns of practice in relation to good-governance issues has been constructed deliberately as part of the institutional arrangements for the monitoring and evaluation of government programmes (aimed at service delivery and standards). These were done as governance requirements of a liberal democracy and a developmental state (Cloete, Rabie &

De Coning, 2014:258). Within these processes of governance systems, there is integral involvement of civil-society organisations, whose role is to exercise political oversight through public participation (Cloete *et al.*, 2014:301). Cloete *et al*. (2014:304) further state that monitoring and evaluation is driven by issues of accountability in the following manner:

> … the institutionalisation and sustainability of monitoring and evaluation systems depend on the value systems that support evaluation. This includes the beliefs in the values that underpin evaluation systems and may include values such as transparency, accountability and integrity.

From the above quotation, it would seem that value systems such as transparency, accountability and integrity are inherently important in the evaluation of government programmes as a means to advance governance in the public administration of South Africa. The culture of holding the state accountable through various mechanisms or the mere notion of accountability is arguably a factor that is important in a democratic system of governance. However, it is also important for the interface that South Africa would have with other multilateral institutions that are concerned with global development. For example, Cloete *et al.* (2014:258) refer to the fact that monitoring and evaluation of development and government programmes have become important in the reporting processes of Millennium Development Goals (MDGs) and the African Peer Review Mechanism (Cloete *et al.*, 2014:258).

Monitoring and evaluation as a governance system is arguably one of the tools that encompasses nuances of a liberal democracy. As such, its processes, namely consultation, public participation and advancement of transparency, are rooted in the way the state interfaces with the public. It is for this reason that it may be plausible that monitoring and evaluation would be a key determinant of cultural relativism in the South African context. This would be the case in the sense that the culture of demanding accountability, public participation and advancing transparency has become patterns of (cultural) conduct in the interaction between the state and the public.

It is also important to note that South Africa is hailed for having a relatively good human-rights culture with reference to public consultations in government processes and information on development processes for service delivery. The notion of human-based development within a democratic state shows that there is a concern for the rights of citizens in government processes

(Blunt, 1995:1). It is therefore argued that monitoring and evaluation of government programmes make it possible for such an ideal to occur in interactions between the state and the public.

1.7.3.2 *Rights-based development*

1.7.3.2.1 Theoretical aspects on rights-based development

The nuances around development are construed to mean that people's ability to make provisions for resources and necessities such as food becomes the means through which they are able to develop themselves (Mechlem, 2004:634). Scoones (2009:172) argues that there have been several theories on development and these have existed through a number of models or hybrids. Since the 1990s, developing countries have been determined to entrench human rights into more socially oriented aspects of policy as this gave developing countries and their people the opportunity to participate in development (Sano, 2000:738). The 1990s became an important era for development theories because what was located at the heart of global policy initiatives was a consolidation of market-led development models along with some emphasis on democracy and rights (Molyneux & Razavi, 2002:5).

Manzo (2003:437) argues that "a rights-based approach to development sets the achievement of human rights as an objective of development. It uses thinking about human rights as the scaffolding of development policy. It invokes the international apparatus of human rights accountability in support of development action." The current discourse on development and human rights no longer only posits the need for development as a right. It also includes issues pertaining to policy declarations such as the UNDRTD, regional integration, collaborations or partnerships, mainstreaming and analysis (Uvin, 2004:1).

The concept of human-rights-based development has close links with the movement of globalisation, which allows for human interactions to the degree of connectedness and integration (Manzo, 2003:440). Within the discourse of development, there has been an evolving discussion on the need to establish substitute development models to deal with the global dominance through structures, processes and ideologies that lead to injustice, oppression and maldevelopment (Bhat & Shafi, 2015:176). This type of discourse exists because the post-colonial era has since created a pathway for legal reform in humanitarian law, amongst other things (Rajagopal, 2006:768). As a result of the prevailing discourse on dealing with development at a global scale, the current theories

of development have been encouraged to include the third world in debates more than they previously have. The language used in the various global agreements needs to factor in the circumstances of the developing and third-world countries. For instance, there is a growing trend in global debates on human development for terms such as poverty alleviation, democratisation, the rule of law and human rights to be inscribed in many global agreements on development (Rajagopal, 2006:768).

In light of the latter, it is worth noting that, in recent decades, rights-based development has been defined along with words and terms such as "sustainable," "livelihoods" and "rural development". This was done as a means to express how development (rights-based) needs to be people-oriented (Scoones, 2009:17). Human rights as a concept, paired with development or human development, focuses on accounting for individual capabilities, functions and freedoms (Mohan, 2016:2). Rights-based development is a concept that comprises human-rights approaches that are associated with governance, participation and human-development approaches which protect livelihoods. This is fundamental to human needs and the overall wellbeing of citizens (Jones, 2005:421). The risk and hazard to development occur when development policies are imposed without any opportunity to participate in the processes of development (Hadiprayitno, 2017:29).

The idea of public participation as a key factor in development is linked to the idea of how important it is to have human beings or citizens at the centre of development. It is probably for this reason that scholars such as Amartya Sen have tried to influence thought around how poverty should be understood as a multifaceted condition relating to the individual freedoms and institutions that make it difficult for development to occur as a result of discrimination (Nelson, 2007:2041). In other words, governments should not discriminate against ordinary citizens in any process of development.

Those involved in development processes have begun to acknowledge the need for the public participation of those who are the beneficiaries of the development (Hickey & Mohan, 2005:3). In other words, development ought to include participation of beneficiaries in the development process to attain relevance, sustainability and empowerment. Therefore, other subdisciplines, such as governance, the law and policy, become critical for any development process. By including these, development is likely to lead to meaningful social change informed by the beneficiaries of development (Hickey & Mohan, 2005:3). Rights-based development in Africa should be concerned

about locally meaningful issues that involve direct participation by local beneficiaries, especially in impoverished sectors of society (Mohan & Holland, 2001:177).

Even though calls have been made on the importance of locating beneficiaries of development through public-participation processes of development, this noble ideal does not always see the light of day. For example, there are times when governments abdicate their developmental responsibilities in social justice and economics and, in the process, coordination of the functioning between the state and the public may be thwarted (Molyneux & Razavi, 2002:5). This might be the case during times when governance issues such as public participation and transparency are non-existent (Molyneux & Razavi, 2002:5).

Over and above the nuances of public participation at local-community level, the macro picture in relation to relations between countries remains a thorny issue. This is due to global fundamentalism and global norms that might not fit into specific scenarios and environments of development, thereby creating hegemony of development thought (Rajagopal, 2006:768). Manzo (2003:437) argues that some of the tensions that have arisen amongst world countries when establishing rights-based development are largely centred around the ethical considerations as well as moral standing of developed and less-developed countries.

Based on the discussion in the preceding paragraphs of this section, it seems that there are a number of aspects that characterise rights-based development. Of importance in regard to development as a concept is that it ought to result in the capability of people to develop themselves, as Mechlem (2004:634) points out. This assertion is supported by Jones (2005:421), who posits that rights-based development is useful in the protection of livelihoods, which is important for the wellbeing of citizens. One of the key characteristics of rights-based development is that policy is designed around various forms of development through partnerships, collaborations and regional integration (Uvin, 2004:1). It is perhaps in this context that rights-based development will occur with some degree of human interaction and a certain level of connectedness, as Manzo (2003:440) points out. In other words, collaboration, partnerships and integration will arguably happen through human interaction and a connection between participants in a development effort. Rights-based development is also characterised by principles of public participation (Molyneux & Razavi, 2002:5), following notions of democracy and the rule of law to alleviate poverty (Rajagopal, 2006:768).

1.7.3.2.2 The basis for rights-based development in the African context

In determining the basis for the existence of rights-based development in Africa, one may need to take into account certain characteristics. These consist of democracy, public participation, food security and the means to social protection, collaborations or partnerships, as per the subsection above. In an effort to determine the existence of rights-based development, some caution needs to be exercised. One of the challenges associated with rural development in Africa is the application of simplistic frameworks of development for complex rural settings which have unique historical and social dynamics (Scoones, 2009:173).

Lesotho will be used as example below to illustrate the characteristics of rights-based development as they occurred within a complex social system over 100 years ago. A period farther than the last decade is considered simply to ascribe rights-based development as an inherent principle of the Basotho during times when current theories of rights-based development were not popularly embraced by world countries through globalisation. In other words, the inherent principle which indirectly or by default led to the practice of rights-based development in Lesotho would not have been pushed by global affairs but by regional affairs. The reason why such an approach is important is that the inherent nature of rights-based development should be traced back to the beginning of Lesotho's nation-building as the means to demonstrate its core inherence and values.

1.7.3.2.3 An era of complexities in Lesotho (1800-1900)

It is argued that the 1800s in Lesotho was a period consisting of complexities caused by the Lifaqane Wars, incursions, displacement of a populace and destruction (Quinlan, 1996:378; Parsons, 1995:302; Solomon, 1996:4). These complexities are almost similar to the type of challenges that the African continent had to face post-independence. This was an era characterised by similar incursions that emerged in civil wars, post-war conflict, the non-existence of governance systems and the application of democracy (Makinda, Okumu & Mickler, 2015:3; Bozeman, 2015:2; Fisher & Anderson, 2015:132; Purdeková, Reyntjens & Wilén, 2018:160). The comparison is drawn, in this context, to illustrate the intra-ethnic conflicts that occurred in countries such as Rwanda, Burundi and Sudan to name a few. It is believed that the Lifaqane Wars in Southern Africa were part of the social upheavals that occurred in the context of ethnicity (Juma, 2011:99).

The Lifaqane Wars was one of those events that left Southern Africa displaced. This is explained further by Juma (2011:99) in the following manner: "During this time, insecurity abounded and unleashed streams of refugees, who went scampering for safety towards the north." In this instance, the wars that had been fought in Southern Africa were followed by processes of consolidating power and rebuilding of nations (Khati, 2007:146). One such example is that of Lesotho, from which elements of cultural relativism are found in its history. It is well known that Lesotho as a kingdom was built from the outcomes of the Lifaqane Wars (Mofua, 2015:25). It is said that the post-Lifaqane marked a period through which the then king of Lesotho attempted to rebuild his nation through peace and tolerance (Ngara, 2013:7). In this context, Moshoeshoe accommodated the refugees of the war into his nation which later became a kingdom. Moshoeshoe recognised that those who came from other nations came with various languages and cultural practices (Laydevant & Tjokosela, 1965:26). In recognition or acknowledgement of unity, Moshoeshoe allowed those who held different practices to continue their cultural practices (Mofua, 2015:26). In essence, Moshoeshoe indirectly advocated for cultural relativism in that refugees who were displaced as a result of the war were afforded the right to practice their culture as they see fit. In addition, this period was marked by the advocacy of tolerance amongst those who have different cultural practices.

Certain historical texts mention that refugees who found themselves in Moshoeshoe's territory were given a piece of land for sustenance (Laydevant & Tjokosela, 1965:25). This implies that land as a source of development, namely for agriculture and food production, was at the disposal of those who were once displaced by the Lifaqane Wars. By various accounts of history, it is known that King Moshoeshoe consolidated his kingdom by advocating for peace and tolerance and by affording others from smaller nations and with different cultures the space to practise their cultures (Ngara, 2013:8).

- **Collaborations and partnerships for development**

In 1833, missionaries arrived in Lesotho at Moshoeshoe's request and it was through the missionaries that economic and political formations of the Basotho were altered to promote commoditisation of production in Lesotho (Maliehe, 2014:30). In light of the incursions that culminated in the Lifaqane Wars, and Moshoeshoe's need to secure his nation, it is said that Moshoeshoe formed a relationship with French missionaries. Through this relationship, he was

able to access advanced military equipment (guns) and a means of transport (horses), which were benefits in relation to security (EISA.org.za, 2018). In addition, the relationship between Moshoeshoe and the French missionaries was beneficial to the Basotho and the French in the sense that both were able to exchange and enhance their technologies in the areas of farming, literacy and medicine (EISA.org.za, 2018). Furthermore, the advent of new technologies in Lesotho through its relationship with the French led to the expansion of food production (EISA.org.za, 2018).

The developments around the economic activities of the Basotho after the Lifaqane Wars coincided with Moshoeshoe's well-developed network of diplomatic and trade relations within parts of Southern Africa as well as with white settlers (Smith & Boddie, 2008:5). Smith and Boddie (2008:5) note that the Basotho had a very strong sense of community service traditions, including Letsema, which is a form of work party which offered assisted communities to share their crop harvests. This principle of work party was also important in cases where deaths occurred in the communities, whereby a chief would request members of a village to lend material aid to the family of the deceased in the burial of a villager. Mahao (2010:327) argues that Letsema as a form of communal labour support mobilised resources and energies of communities to meet the welfare demands of members of the communities. Basotho society, over time, had created a financial system called Mafisa, a loan similar to a revolving credit system through which livestock is traded as the means to support indigent community members (Maliehe, 2014:30).

Letsema existed alongside other forms of community-development tools which were used as channels of extracting social security:

> Institutions like the *Tsimo ea lira* (land from which the material results of production are left to the disposal of the chief), *Malahleha* cattle (lost cattle), specific forms of *Letsema* (collective labour) and various forms of tribute were channels for the extraction of social surplus (Hjort af Ornäs & Salih, 1989:122).

Important to note is that Letsema as a community system was adhered to as the means to maintain food security but to also manage the surplus thereof, as per the assertion by Hjort af Ornäs and Salih (1989:122).

In light of the issues discussed in the preceding paragraphs, it would seem that Letsema was a system similar to a partnership amongst community members or villagers. The aspect of

development through partnerships as one of the determinants of rights-based development seems to have been plausible in the context of Lesotho's history. The partnerships at a macro level arose from trade relations through diplomatic ties that Lesotho had as well as the exchange of knowledge and information pertaining to the development of new technologies in Lesotho.

It could be argued that, at a macro level of governance through diplomacy, trade-related issues become evidence of partnerships for development. At micro level, Letsema as a community-based system was also part of a collaborative effort to ensure that the wellbeing of communities was protected. In recent decades, there have been debates about commercial banks' involvement in the investment of Letsema (Winai-Ström, 1986:126). In the 1960s, Letsema was fashioned to follow the concept of cooperatives, established by the government, organised under a common association. In this instance, these cooperatives were competing with traders and, as such, the following professions were competitors: cattle service, wool producers, building groups (brickmaking), cabinetmakers and water engineers, amongst other professions (Winai-Ström, 1986:63). Cooperatives are still prevalent in present-day Lesotho, where they are used as a solution to youth development and food production (Moshoeshoe-Chadzingwa, 2014:7).

- **Economic activities in the context of development and rebuilding Lesotho**

A mixed economy started to exist in Lesotho in the 1800s, consisting of farming, hunting and herding, to name a few (Modo, 1998:100). Modo (1998:101) observes that iron and copper also contributed to the economy of the Basotho and these commodities were highly priced in terms of exports. The concept of cooperatives (Letsema) or "working parties" was established in Moshoeshoe's era for the purpose of cultivating land for communal consumption. In the Basotho system of governance, personal dependants or refugees from foreign lands were provisioned land for the same purpose of communal consumption (Mofua, 2015:26). Winai-Ström (1986:35) explains this:

> In 1837, the inhabitants of Lesotho, which then stretched west of the present border marked by the Caledon river, "had grain stored for four to eight years" and "in 1844 white farmers 'flocked' to them to buy grain". The country seems to have accumulated wealth throughout the nineteenth century, despite periods of wars. Moshoeshoe's "Lesotho" lost what is today half of the Orange Free State to the Boer Republic. Thereafter Great Britain annexed the remaining eastern part as a colony. This was in 1868 at the same time as the Boer Republic lost the diamond rich areas of Kimberley to Britain. Basutoland recovered quickly and in

1872 exported 100,000 bags of grain – wheat, mealies and sorghum – 2,000 bags of wool and a considerable number of cattle and horses. The Basotho farmers benefitted from their long experience of agricultural production in an area – the Orange and Caledon valleys – which is the best naturally irrigated region of South Africa's interior. They managed, during the whole of the nineteenth century, to compete successfully in the drier areas with Boer cattle farmers, who were inexperienced but attempted to establish themselves in grain production.

In essence, Letsema was a form of sharecropping which existed within a developed system of financial aid through Mafisa (Turner, 2005:41).

- **Elements of democracy and public participation in development issues**

The governance systems of the Basotho consisted of elements similar to a democracy through institutions that would allow for community debates; that is, public participation in the processes of "Pitso" (community meetings) similar to South Africa's Indaba (Du Preez, 2012:4). It is through such institutions that diversity of thought was accommodated and where decisions were made through public consensus in processes that were presided over by chiefs (Leeman, 2015:15). The elements of democracy and civilian values encouraged by Moshoeshoe were meant to create and instil harmony and social cohesion within the communities of Lesotho (Mofua, 2015:29).

Ngara (2013:7) observes that chiefs had their own council offering advice, and through consulting their council as their team, they were expected to learn accountability. The below assertion by Mahao (2010:327) suggests that chiefs and leaders were bound to account to the community under a democratic system:

> Democratic accountability in African jurisprudence was embedded in the constitutional principle '*morena ke morena ka batho'*. Translated to mean that the chief is the chief by the grace of the people,18 the principle in fact means far more. It speaks to the participatory nature of governance which renders it inherently democratic and accountable to the governed.

In other words, Pitso, as a public participatory process, existed with the principles of transparency and accountability on the part of chiefs who presided over community affairs. Turner *et al.* (2001:59) note that the former principles of public participation in the decision-making of community-based institutions have been foregrounded in the modern democratic systems of Lesotho for purposes of development.

1.7.3.3 *Ubuntu*

The values of Ubuntu, as captured (indirectly) in the South African Constitution (1996), prescribe that when interpreting the rights of individuals, the values that underlie democracy should be borne in mind. These are premised on human dignity and equality (Tshoose, 2009:13).

The policy proposition on social development in South Africa was meant to assist communities and families through the drafting of the White Paper on Social Welfare (Makiwane & Berry, 2013:4). Other policies that were effected with the purpose of supporting communities include the White Paper on Local Government (RSA, 1998) and the Municipal Systems Act (32 of 2000; RSA, 2000). These policies, including the White Paper on Social Welfare (RSA, 1997), depict government's disposition towards social and community development (Gray & Mubangizi, 2009:191).

Mamphiswana and Noyoo (2000:30) reflect on the White Paper on Social Welfare, which makes reference to Ubuntu in the following manner:

> The principle of caring for each other's well-being will be promoted, and the spirit of mutual support fostered. Each individual's humanity is ideally expressed through his or her relationship with others and theirs in turn through a recognition of the individual's humanity. *Ubuntu* means that people are people through other people. It also acknowledges both the rights and the responsibilities of every citizen in promoting individual and societal well-being.

The reason for this reflection by Mamphiswana and Noyoo (2000:30) is to explain how the concept of Ubuntu in the policy of social development is meant to be a tool to encourage social workers in South Africa to adopt the ethos grounded in Ubuntu. This view is supported by Tshoose (2009:13) in the following manner: "The principle of Ubuntu in the policy of social development explicitly mentions Ubuntu as one of the key principles that social workers in South Africa ought to adhere to in their work."

In light of the fact that the notion of "community" is factored into the policy-framing of government, it becomes important to assess how the spirit of Ubuntu is instilled in the policy development of social affairs in South Africa. This is prudent because Ubuntu is a concept that is centred and rooted within community aspects of life. Twinomurinzi, Phahlamohlaka and Byrne (2010:1) posit that the growing popularity of the usage of Ubuntu in government systems and

policy development illustrates government's stance in applying Ubuntu in problems of poverty and political strife.

Ubuntu's factoring into social-development policy (through the White Paper on Social Welfare) was made because Ubuntu is deemed to be a concept that encourages support for social protection and enhancement of family solidarity in South Africa (Tshoose, 2009:12). The ascription of Ubuntu, in this case, is important since there are some scholars who have made claims about how Ubuntu is not used effectively in the interpersonal aspects of life amongst community members. Derived from the tenets of the interim Constitution, Ubuntu was used to support the aspiration of the Constitution (1996). This was done because it was deemed necessary to find healing from past socio-political problems of the apartheid era through social justice, human rights and improvement of the quality of life of all South Africans (Tshoose, 2009:13).

Apart from the social development and other policies that are aimed at improving the functioning of local government, there are sets of policies designed with the objective of putting people at the centre of beneficiation. One of these policies includes the Promotion of Administrative Justice Act (PAJA) (3 of 2000) (PSC, 2017). Twinomurinzi *et al.* (2010:3) make reference to the fact that the PAJA was created with the aim of meeting the objective of using e-government in the emancipation of people from poverty. This is facilitated by the principle of putting people first (Batho Pele), which strongly correlates with the nuances of Ubuntu. The Batho Pele principles are found in the White Paper on Transforming Public Service Delivery (Department of Public Service and Administration, 1997:7) as an endeavour to instil a sense of service (from public officials) through the following aspects of conduct (by public officials):

- Provision of equal services to all citizens.
- Consulting with citizens about the services they are entitled to receive.
- Information sharing on the quality of services to be provided.
- Considerate and courteous treatment of the public.
- Transparency on how government departments are managed.
- Accountability for quality service provision.
- Responsibility for providing efficient, effective and economic services.

The permeance of Ubuntu in the public service arguably becomes a determinant of cultural relativism in a number of ways. For instance, the frameworks of government do not only make reference to Ubuntu as a cultural concept. Rather, it refers to it as a means to advance the culture of a caring society, from which the interactions of the state and people are grounded in the foundations of Ubuntu.

1.8   Methodology and Design

The study evolved through desktop research, consisting of internal and external desk research. In this context, internal desk research usually consists of information that exists within organisations. This refers to a variety of information or data inclusive of the institutions that are custodians of the right to development. For example, the UNDRTD as well as the African Charter are both institutional documents.

External desk research involves research that is conducted outside organisational boundaries, along with ensuring that the information being collected is relevant to what is being researched. In the context of this thesis, government institutions (in South Africa), the UN and the AU are integral in the research process. In other words, research information pertaining to institutions is important. However, information existing outside of these institutions was collected to examine how scholars perceive and what their points of view are on the right to development, cultural relativism, social policy and their connection or relationship with each other. Apart from this, interviews were conducted to corroborate the information collected, but, more importantly, to also provide meaning for the data that were collected.

1.9 Overview of Chapters

Chapter1	The first chapter gives a broad overview of issues to be researched. The background of these issues is meant to give a sense of what the topic is about and in respect of the three themes that are covered in the thesis.
Chapter 2	Chapter 2 aims to provide theoretical aspects of the study in relation to the three themes that are explored in the research. This chapter also provides an analysis of the discourse of development, right to development and cultural relativism as they have permeated in other societies.
Chapter 3	Chapter 3 aims to give an account of South Africa's policy regime over the past 25 years. The aim of this is to form an understanding on the policy landscape as well as the challenges of policy in South Africa.
Chapter 4	Chapter 4 taps into the methods used for the research as well as the means to make sure that the research was conducted.
Chapter 5	Chapter 5 conveys the results of the research study as per the data collected.
Chapter 6	Chapter 6 aims to synthesise issues obtained from Chapter 5 in a coherent manner. The results are interpreted in an effort to give them meaning.
Chapter 7	The final chapter presents the conclusion and recommendations.

CHAPTER 2: THEORETICAL OVERVIEW

2.1 Introduction

Further to the theoretical perspectives that emanated from the literature review in the previous chapter, this research study requires a focus on specific aspects of theory to unpack several concepts and themes. Thereafter, a thorough account of how these concepts find expression in the South African landscape should be done. This chapter therefore aims to unpack the concepts as they have existed historically and to date.

The concepts referred to are, first and foremost, the right to development. Secondly, the theories that ought to be explored related to cultural relativism. The third and last aspect that ought to be explored is the policy regime of South Africa as it has existed over the past two decades. It is perhaps through this type of exploration that traces of cultural relativism may be found to be prevalent. Taking historical stock of the policy regime of South Africa should be done with the understanding that such an account shows where or how cultural relativism became prevalent. The background to the policy regime and the current state of the policy regime of South Africa may answer the research question.

The right to development should not be seen as a vacuum but as linked with some forms of development theories that should not be confused with other theories. Some of these development theories include rights-based development, Dependency Theory, neoliberalism as well as the Modernisation Theory. The right to development as a development concept finds itself caught in the mould amidst other forms of development discourses. This chapter will explain each of the development theories in their shape or form and give an account of these theories. This particular exercise is important because the right to development can be easily misunderstood as rights-based development.

The theories relating to cultural relativism in this chapter are aimed to find definitions of the concept and its origins. The concept of cultural relativism should be given meaning in the South African context. Various theories and definitions on cultural relativism are therefore explored in this chapter.

The contents of this chapter adds value to the topic in that theories explored herein need to be unpacked in detail to ensure that meaning is derived. In turn, this will assist the researcher in framing the arguments that are to be explored in this research study. The theoretical focus in this chapter seeks to provide insights on discourse that prevail in respect of the three key aspects, namely cultural relativism, the right to development and public policy. With regard to the latter, namely public policy, there is an explanation on public policy in the context of global instruments. More importantly, global social policy as an impetus for domestic policy is also explained because the UNDRTD is a global policy which may be given effect through policy in the South African context. In the last two chapters of this research study, UNDRTD and its elements need to be investigated in the context of the NDP.

The essence of this chapter is to lay a foundation for a broader discussion that will unfold in the rest of the research study. The theoretical aspects explored in this chapter need to be woven together at the end of this research paper. In other words, it is anticipated that Chapter 5 will refer to the theories that are being explored in this chapter. In doing so, it is therefore important to examine theories along with the research question to explain whether the right to development policy guidelines are framed in cultural relativism or not. The essence of this will later be explained in Chapter 6, with specific reference to the NDP. Therefore, the exploration of theories in this chapter will lay a foundation on the discussions on the right to development, cultural relativism and public policy in later chapters.

2.2 The Concept and Evolution of Development

Development as a concept has evolved over the past couple of decades, with various explanations on meaning and value existing from different spheres of arguments and underpinnings. All these aspects will be explored in this section of the thesis by describing the concept of development.

Rist's (2014:9) definition of development encompasses elements that aim to project the meaning of development from various disciplines of academia. This description is as follows:

> Development consists of a set of practices sometimes appearing to conflict with one another, which require – for the reproduction of society – the general transformation and destruction of the natural environment and of social relations. Its aim is to increase the

production of commodities (goods and services) geared, by way of exchange, to effective demand.

The above definition denotes a couple of key words that could bear significance for development. Reference is made to "practices", "general transformation and destruction of the natural environment and of social relations" and "to increase the production of commodities (goods and services)", amongst other things.

The notion of practices refers to actions, a custom that is performed, and something that one is engaged in; that is, a form of practice or profession (Merriam-webster.com, 2017a). Transformation, in the context of the description above, could be understood to mean: "the operation of changing (as by rotation or mapping) one configuration or expression into another in accordance with a mathematical rule; *especially*: a change of variables or coordinates in which a function of new variables or coordinates is substituted for each original variable or coordinate the formula that effects a transformation" (Merriam-webster.com, 2017b). In view of the definitions of practices and transformation, an inference could be drawn to deduce that practices in the form of actions and customs could prevail for the purpose of transforming a setting to increase the production of commodities. Another inference drawn from the definitions through the reference made of the need to increase commodities in the form of goods and services is that development could be a process through which economies are grown. It could also be inferred that the actions referred to should lead to a general transformation. In other words, the practices within a development process should lead to "change of variables or coordinates in which a function of new variables or coordinates is substituted for each original variable or coordinate the formula that effects a transformation".

In the sections that follow, many references are made to the nuances of economics as part of the discourse of development. There is also a need to take cognisance of the fact that transformation is also a key factor in the development outcomes because it is through transformation that societies will change.

Rist's (2014:9) definition also makes reference to "destruction of the natural environment and of social relations". The phenomenon of preservation as opposed to destruction of the environment denotes an important aspect of sustainability of the natural resources and the environment (Pearce, Barbier & Markandya, 2013:2). The inference drawn in light of the latter is that development ought

to be sustainable as it is carried out through actions that lead to transformation. In simpler terms, the concept of development connotes the manner in which an object or process unfolds or grows, with the details that eke out the hidden potential that is latent in that object or process (Harriss-White, Prakash & Mishra, 2013:2). If, for example, this description was to apply to a country as an "object", it would mean that such a country, in order to "grow", should be able to eke out its potential by applying the relevant "detail" important to development.

Based on the above description, it is probable that there should be a close connection between development and policy. In the context of the description and definition of development in the previous paragraph, the government could be an actor in the development process, especially in the processes of developing policy on development. One of the reasons is because development is usually handled by governments. If these governments become party to international instruments such as the UNDRTD, they are therefore accountable for the implementation of such instruments (Salomon, 2007:1).

The ideas born from a development process in any country are to be given life through government processes and one of those processes is policy development. Article 10 of the UNDRTD, for example, makes provision for the development of policy relating to the declaration as an international instrument (UN.org, 2017). This means that the ideas of development ought to inform public policy in all global spheres of governance, be it in industrialised countries, the erstwhile colonies or least-developed countries (Harriss-White *et al.*, 2013:2). The concept of development embraces the nuances of progress and change and, in essence, development theories help to form an understanding on the processes of how development ought to occur (Harriss-White *et al.*, 2013:2).

Development as a concept has continued to evolve over decades, spanning from the post-World War II era. During this era, the western world sought to rebuild their countries, consequently leading to the perpetual theorisation punting that backward regions (in the context of development) need to industrialise to reach sustainable development (Rapley, 2008:1). In this context, it would seem that industrialisation has been ascribed as an antecedent for development, according to historical texts; that is, from the post-World War II era.

The difference between the trends upon which development was required in northern and southern regions of the globe stems from the fact that there were different precursors for rebuilding countries at different times (Heldring & Robinson, 2014). For example, the reason why some theories of development (which emerged in the western world) sparked a concern in the non-western world is largely due to mistrust stemming from colonialism, having left a great deal of poverty in southern countries or the non-western world (Heldring & Robinson, 2014). This reality was far more different than the western notion of development and reasons for needing development (Rapley, 2008:1).

Those countries in the south whose disposition for development was carved out of the consequence of imperialism and colonialism were much more concerned about consolidating independence, political rights and equality in terms of the economy (Rapley, 2008:4). This is much more than merely rebuilding economies, polity and actual development, as was the case in post-World War II (Collier & Sambanis, 2005:4). The notion of development in the southern region is therefore bound to carry many more responsibilities for national governments compared to those countries of the north. This, then, produces the need for flexibility and adaptation of development as a concept that is suitable for various and different socio-political contexts.

The nuance of growth (rebuilding western economies) in the past followed neoclassical models of economic growth which "call for macroeconomics to be replaced by microeconomics, always … [placing] its faith in the operations of an economy filled with liberated individuals, even if its practices paradoxically sometimes led to the loss of liberty by those same individuals" (Rapley, 2008:5). It is important to note that neoclassical thought related to economic growth would arguably subvert the liberties of ordinary citizens, as per Rapley's (2008:5) assertion.

The way development unfolds in different parts of the globe follows two thematic forms, namely the late developers and the early developers. The former concept is coined to construe that late development leads to vertical integration into the already-formed system of development. The latter concept denotes an immediate process of developing a country (Whittaker, Zhu, Sturgeon, Tsai & Okita, 2010:440). This means that "late developers" would potentially and seamlessly follow the motions and methods of what already exists in the government systems, namely rules or models that may be neoclassical in outlook (Whittaker *et al.*, 2010:440). For instance, they may follow the neoclassical rules in the finance sector, where a great part of Keynesian thinking still applies in

government and private-sector settings (Betz, 2015:3). The Keynesian models as found in governance texts would not directly apply to a country that relies on its own generational forms of governing, which are western based in nature (Whittaker *et al.*, 2010:440).

The previous paragraphs mention that developing countries are bound to have more responsibilities within the realm of development than northern countries. In the circumstances that have been created by colonialism and civil wars, it is arguable that the responsibilities of developing countries need to even take into account social issues that are a consequence of the past relationship with western countries. In other words, factors such as social capital could be much more important to developing countries as it should denote social trust.

Social trust could therefore be important in locally based issues through the relationship between citizens and government. On the other hand, social trust is also important from the basis that the trust needs to be attained from the perspective where citizens have faith in governmental dealings with the outside world. Simply put, it is assumed that due to the past colonial relationship between northern and southern countries, social trust afforded by citizens of developing countries on their governments' handling of development with northern countries should be an important issue.

At a domestic level, social capital becomes an important element in creating social welfare and, as such, strong social capital becomes an important ingredient in the development agenda of southern countries (Woolcock & Narayan, 2000:3). It is said that social capital as principle that encourages social cohesion towards development goals taps into citizens' capacity to cooperate in the common and shared goals of countries' development priorities (Graeff & Svendsen, 2013:2831).

The inclusion of social affairs in the concept of development places significant value on human beings by tapping into their potential to improve their wellbeing. There could be merit in the presumption of the need for a human-based approach to development. There could also be merit in the way economists punt growth only on the basis of economic growth, typecasting societies, whose wellbeing, potential and social reforms may be important for the general health of a country (Lodewijks, 2017:17). This could mean the current theories of development need to take into account the social aspects and the potential of citizens in the development process. This can be done so that development is determined not only by the economic growth but also by how the wellbeing of people is improved.

It would then make sense why the concept of entrepreneurship has lately been touted by policymakers as a tool that would drive forward the economic development of a country (Naudé, 2013:1). Entrepreneurship drives the potential for self-sustainability of human beings as entrepreneurs, through which entrepreneurs create opportunities as opposed to finding employment. This could mean that entrepreneurship, as part of human progression, is part of a social system in which the practice encourages employment-creation within communities. The connection between the social sphere and entrepreneurship occurs in an environment that is good enough to influence social entrepreneurship in settings that are characterised by high levels of poverty, government challenges, poor infrastructure and a huge informal economy (Rivera-Santos, Holt, Littlewood & Kolk, 2015:2).

It is said that Africa could create opportunities from problems related to poverty, informality and ethnic-group identities by promoting and advancing social entrepreneurship (Rivera-Santos *et al.*, 2015:4). Perhaps, if African states have a large informal economy and high levels of poverty, the poverty could be eradicated by increasing the need for the informal economy to create niches that would not have been present within the formal sector, and where rules and regulations as red tape are non-existent. This means that African states can use the circumstances of their environments, such as the ecology and needs of people, and adapt to a mode of solving these problems through social entrepreneurship (Rivera-Santos *et al.*, 2015:4).

The above paragraph could perhaps explain why current forms of analyses centred around the programmes of Local Economic Development (LED) include an examination on the "role of small, medium and micro-enterprises in LED processes, governance, public procurement, sectoral partnerships, trust and relations between the private sector and local government, and the establishment and impact of local economic development agencies" (Rogerson, 2014:206). All of these are assessed for responsibility and accountability that arise as a result of the laws and policies drafted in South Africa for the purposes of driving the LED programmes (Rogerson, 2014:206). At the centre of these initiatives and governance imperatives are the individuals who ought to be part of beneficiaries whose capabilities are used in improving the economy by creating jobs and, in turn, alleviating poverty (DeJaeghere & Baxter, 2014:61). This is the reason why there has been a move to ensure that entrepreneurship education is being advanced in the sub-Saharan region (DeJaeghere & Baxter, 2014:61).

One of the key factors in alleviating poverty and inequality is adequate financial development for small businesses. There are financial deficiencies in African financial systems, and this impedes access to finances and financial services by poor households (Fowowe & Abidoye, 2013:1). The ideal situation in an inward-outward-looking approach could prescribe the advancement of social strata by tapping into peoples' (citizens) potential for development. This is perhaps the function within the domestic setting of a country. The macro aspects which are outward-looking are where countries are more inclined to work together for the purpose of development for different reasons. One of those reasons relates to the rebuilding of countries after civil wars. In such a case, development aid is made available for countries that find themselves in civil conflict. However, this, in turn, tends to weaken the existing popular support for insurgents and rebel movements in countries ravaged by these civil wars (Crost, Felter & Johnston, 2014:1). Development aid and donor funding for developing countries have been a contentious matter, more so in light of policy development. In other words, the policy directive from development aid and donor institutions tends to impose a top-down agenda in the process of development (Mawdsley, Savage & Kim, 2014:29).

Based on the discussions above, it is plausible that development in different environments and settings might be perceived in different ways, depending on circumstances. The providers of aid, for example, are likely to be based in the north, whilst the southern and non-western world may be the recipients of aid (Brown, Den Heyer & Black, 2014:2). What this denotes is a scenario where the one country's role is that of the recipient and the other's is that of giver. It is perhaps for this reason that there are tensions from southern countries when conditions of donor funding are placed for negotiations between the north and the south.

The position of the south, in this context, is that of weakened power in the development equation, whereas the position of the north may be more powerful or authoritative due to their role as providers of aid. In this vein, it could be deduced that the function of development at a macro level could bear tension because of the circumstances on the positioning of southern and northern countries in the global development agenda.

South African policy landscape utilises the term "development" in various texts. In light of the discussions in this sub-section of the chapter, it seems that development is grounded in thought. However, more importantly, development exists within certain environments that are meant to be

conducive for it to deliver on the development effort. The eras of RDP and GEAR probably depict specific development agendas of the state. It is expected that these macro policies were designed with a particular thought in mind, and this is important as an inference because policy on development should be viewed as the intent for development to happen. Thus, the theories that are explored herein are important to refer to when the findings or results of the interviews for this research study are expounded in the chapters that follow. The context and meaning of forms of policies that South Africa has adopted to advance development are important for this research study, hence the exploration in this subsection of the chapter.

2.3 Theories of Development

2.3.1 Modernisation Theory

According to the development Theory of Modernisation, it is assumed that, to build modern societies, there would be a need for high productivity and adequate social welfare (Shareia, 2015:78). The question, in this instance, is how best southern countries would advance or even fast-track development when they have a burden of dealing with the effects of post-imperial and post-colonial legacies which continue to pervade the immediate development in their own settings, which are different from those of the northern parts of the globe. Reyes (2001:2) argues that there are three important elements of modern societies, which include "differentiation of political structure, secularism within the political structures which gives rise to equality, as well the enhancement of a society's capacity to manage its political systems". To juxtapose these requirements from the post-imperial or post-colonial reconstruction of countries puts southern countries at the disadvantage of carrying the burden of their historical eras. At the same time, they have to grapple with the global requirements for development. Neoclassical thought borrowed from western-based theories is used in the non-western world, a world that carries its own legacies that are different to that of the west (Haneef, 1995:2).

It is in this vein that even in relation to determining the social conditions of countries is a determination that holds the same standards for all countries, according to current existing development models (Reyes, 2001:2). This scenario arguably presents a one-size-fits-all approach regarding the way the social conditions of each country across the world are viewed and perceived. The nuances of integrating various frames of thought (in development models) sometimes lead to

globalisation. It is through this that interactions between countries through economic transactions (using global systems) do not take into account the importance of cultural aspects of non-western countries that seek to develop themselves (Reyes, 2001:8).

The development Theory of Modernisation follows the classical evolution of concepts of social change through the belief that change needs to be frequent as well as the actual idea of developing a country. This is highly associated with Rostow's Theory of Economic Growth (Reyes 2001:8; Shareia, 2015:78). In Rostow's model, there are five key elements that should contribute to social change and development. These include traditional society, preconditions for take-off, take-off, drive to maturity and age of consumption. These are explained as follows (Shareia, 2015:78; Gow & Mallick, 2005:5; Reyes, 2001:8):

The traditional society: this refers to a stationary economic system which is dominated by the sector of agriculture, characterised by a hierarchical structure and with low mobility.

The preconditions for take-off: this refers to a scenario through which levels of investment are on the increase as a result of industrial revolution.

Take off: this stage is denoted by the rise in economic growth which is self-sustained by a country, without much exogenous inputs from the domestic environment.

The drive to maturity: this stage is characterised by rising investments capping 40–60% and it is at this point that neoclassical industries develop as a consequence of economic prosperity.

The age of high consumption: it is at this stage that the lives of citizens are offered abundance and the freedom of choices in relation to their lives.

2.3.2 Dependency Theory

The Dependency Theory derives its meaning and description from the imperialist view of industrialisation. This view purports that industrialisation remains in the hands of a few elite whose aim is to create "satellite countries", whilst those "satellite countries" create the labour force that is exploited (Kaufman, Chernotsky & Geller, 1975:304). This could refer to a situation where countries that promote the concept of multinational or transnational corporations encourage the creation of satellite offices in various parts of the world. This could easily refer to a scenario where

labour and raw materials are extracted from southern countries and shipped to other locations (northern countries) where it is manufactured and returned as a consumer product.

The Dependency Theory came to light as a challenge for the Theory of Modernisation, which saw an unjust relationship between developed and less-developed countries (Matunhu, 2011:68). The Dependency Theory follows the frame of thought that presupposes that capitalism and imperialism should be entrenched to make capitalists dependable in a setting of economics (Halperin-Donghi, 1982:121). The application of the Dependency Theory in global systems often ekes out a negative historical reminder of bad relations between the south and north in that the Dependency Model was used in the justification for the penetration of capitalism in the 1700s. This resulted in the growth of economies of European countries being dependent on the slave trade (Hopkins, 1975:13). It was this exchange between the north and south in which the relationship between north and south was asymmetrical in nature.

At a structural (macro) level, the Dependency Model was responsible and became a rallying point for the socio-historical ties of west-European expansion and for expatriating profits from African countries to the west (Matunhu, 2011:68). Grosfoguel (2000:12) postulates that the solution to solving the problem of an unjust economic order that arises from the Dependency Theory lies in delinking the connection between capitalism and dependency and to rather follow a socialist agenda.

2.3.3 Neoliberalism

Neoliberalism is a development concept that encourages free-market competition and is associated with laissez-faire economics (Cerny, 2008:5). It is characterised by the belief that economic growth can be sustained to achieve human progress, with confidence in free markets as the most efficient allocation of resources (Encyclopedia Britannica, 2017). The concept of neoliberalism was born out of the Washington Consensus. The Consensus was a global agreement on development-policy reform, the process of which aimed at universalising development in a manner that would offer an open and free market for multinational corporations to trade with ease of regulations (Williamson, 1993:1333). This concept of development was always prone to controversies in the sense that the relationship between western and southern countries would be compromised (Amuzegar, 1975:547).

There is evidence to suggest that whilst neoliberalism was the promise to provide foreign investment (as opposed to development aid) for job creation, the system and outcomes thereof were hegemonic in nature (Bohle, 2006:57). For example, the so-called policy reform (in the context of neoliberalism) was really earmarked for indebted southern countries who were subjected to structural-adjustment policies. In addition, apart from that, there was a concern over the fact that the transnational companies that bring in foreign investment would usually have more power over the governments of countries located in the south (Peet, 2002:54).

The period which marked neoliberalism is characterised by the emergence of government systems that aimed to mainstream development policy which followed structuralist and dependency models of development (Gore, 2000:791). According to Öniş and Şenses (2005:263):

> The emerging neoliberal orthodoxy advocated a new development model based on the primacy of individualism, market liberalism, outward-orientation, and state contraction. The organizing principle of neoliberal political economy was the notion of a minimal state, whose primary functions were to secure law and order, ensure macroeconomic stability and provide the necessary physical infrastructure … The new orthodoxy identified widespread and excessive state intervention as the major cause of weak economic progress. The natural implication of this diagnosis was that the market should be liberated from the distorting influences of large public sectors, pervasive controls and populist interventionism.

Based on the assertion above, it seems that the normative perspective on neoliberalism was developed on the basis of elitism (individualism) and outward-orientation (from country to country) as opposed to an inward orientation that seeks to deal with domestic issues of development. It can be deduced that neoliberalism was fashioned as a means to create a system of conformance to development without an emphasis for countries to take care of their internal circumstances.

Williamson (2005:3) outlines the key features of neoliberalism in the following manner:

- Fiscal discipline: this was encouraged in light of large country deficits which led to the crisis of balance of payments and high inflation rates which mainly affected the poor.
- Reordering public expenditure priorities: this feature was encouraged to switch expenditure towards the poor to cater for basic education and health.
- Tax reform: a process of configuring a tax regime that would be combined with a moderate marginal tax rate.

- Liberalising interest rates: the easing of interest rates to allow for investment in the market trade.

- A competitive exchange rate: a scenario where there is consensus to support the exchange rate that favours competition.

- Trade liberalisation: the means of eradicating all barriers to increase trade between countries.

- Liberalisation of inward foreign direct investment: the liberalisation of capital accounts of countries.

- Privatisation: the process from which assets and businesses are moved from public entities to become private entities.

- Deregulation: a process of eradicating all barriers to entry of multinational companies into countries that need investment.

- Property rights: the need to provide the informal sector with property costs at a reasonable cost.

It is important to note that neoliberalism as a functional concept revolved around inter-trade issues between and amongst countries. The notion of neoliberalism encouraged the aspect of access to developing countries (by developed countries) with a laissez-faire approach to economics (Encyclopedia Britannica, 2017). Based on the latter, it would seem that the central theme of neoliberalism latches on to the need for flexibility and relaxing regulations or rules within the systems of governance for developmental purposes. More so, neoliberalism advocates for the benefit of foreign investors.

The relationship between developing and developed countries has been scrutinised to form the belief that the hegemony had become central in the execution of neoliberalism. Peric and Maric (2015:163) note that the socio-economic order that came with neoliberalism led to the "capitalism world economy that treats countries unequally with the usage of institutional frameworks that entrenches [sic] neoliberalism". The institutional frameworks could refer to existing policy frameworks that are institutionalised through the establishment of state organs for governance purposes.

Other scholars, such as Ruckert (2006:1), argue that neoliberalism did not create hegemony, but it was, in fact, an element of hegemony that arose from developing countries' unwillingness to

voluntarily implement structural-adjustment policies. In other words, the act of being obstinate towards policy reform is seen amongst certain scholars as unfair and thus hegemonic. On the other hand, there are those who think of this scenario differently than merely assuming that developing countries would be obstinate for the sake of being in opposition to neoliberalism. For example, the countries that followed the structural-adjustment policies had limited economic growth, resulting in stagnation and recession and, for this reason, the reformed policies could not even lead to poverty reduction (Serra & Stiglitz, 2008:4).

2.3.4 Sustainable development

The concept of sustainable development came about in the mid-1980s and emerged as an attempt to close the gap between environmental problems that resulted in ecological consequences of human activities and socio-political decisions on human development (Robinson, 2004:370). The concept of sustainable development was put on the global agenda through the Brundtland Commission, which recommended that world countries put in far greater effort in advancing sustainability in the context of development (Kates *et al.*, 2005:10). The Brundtland Commission tried to convince the world of the need for societal change and encouraged a new era of development so that southern countries would be able to rid themselves of chronic poverty (Jordan, 2008:19). Sustainable development places focus on human development, with emphasis on life expectancy, education, equity and opportunities for citizens (Kates *et al.*, 2005:10).

As a matter of principle and according to the existing definition from the Brundtland Commission, it is said that the concept of sustainable development embraces the idea that development should be attained for the purpose of sustaining livelihoods for future generations. However, in the same breath, development should be attained per capita wellbeing of people (Pearce & Atkinson, 1998:251). Sustainable development was also born out of the need to protect the environment in the development-planning practices of countries. In other words, the concept places significance on the need for countries to foster adaptive capabilities and create opportunities to attain social, economic and ecological goals for both current and future generations (Cobbinah, Erdiaw-Kwasie & Amoateng, 2015:62).

As Robinson (2004:370) posits, sustainable development should be a function of human activities as well as political decisions which create an enabling environment for sustainability to occur. In

other words, sustainability is linked to the pragmatic thought which directs us to the strong connection between actions of human beings in light of their role in preserving their environment for the beneficiaries (of development) of future generations. The notion of sustainability in this regard refers to the need for intergenerational equity. This equity should arise from the sharing of resources with the poor, but, more importantly, it should be attained through active citizen participation (Kates *et al.*, 2005:9).

There are theories that speak to the developing prospects of world countries, yet these are not all encompassing. Other factors also need to be considered in relation to how the world needs to respond to the changing living conditions gravely affected by climate change, harmful extraction methods of natural resources and rising sea levels (Griggs *et al.*, 2013:306). This closely links to the Theory of Sustainable Development in that whichever resources that exist currently need to be preserved and protected for future generations (Griggs *et al.*, 2013:306). One of the basic conditions of sustainable development amounts to leaving a legacy of stock-productive capacity in assets and technology, which holds the capacity for sustaining wellbeing per capita in a country (Pearce & Atkinson, 1998:252). For this reason, sustainable development advances nuances of the so-called "preservationist" and "conservationist" frames of thought. It does so by protecting natural resources, using methods that are eco-friendly in extracting resources (using renewable extraction methods) and protecting the ecosystem for sustainable means (Robinson, 2004:371).

The human aspect of sustainable development creates the potential to address problems of humanity, but to do so requires a lot more focus on social and environmental issues, which should lead to human equity (Hopwood, Mellor & O'Brien, 2005:2). Human equity, or any other outcome of sustainable development, is a function of how governments put in place policies that reflect sustainable development and its intended outcomes. Government, in this context, is given reference in two ways. The first is where government creates an inward look into domestic issues pertaining to development. The second is where there is a prevalence of governance in issues pertaining to sustainable development. In this way, governance is used as a tool to guide multinational entities, interstate agreements between countries on matters pertaining to cooperation, for sustainable development (Jordan, 2008:19).

In the context of sustainable development, it is assumed that human beings would be able to improve their wellbeing through the available wealth of a country over a certain period of time

(Pearce & Atkinson, 1998:251). This should occur with a strong relationship between human beings and the environment so that human knowledge can be used to overcome obstacles related to the degradation of the environment (Hopwood *et al.*, 2005:3).

The consensus pertaining to the Brundtland Commission was superficial in that, despite there being consensus on the need for sustainable development, this meant different things for different regions of the globe (Redclift, 2005:212). The course of implementing development following sustainable methods raises a question pertaining to where the emphasis is placed in terms of the vision of the Brundtland Commission's recommendations on sustainability. This question arises due to the fact that sustainable development means different things for different parts of the globe. With this assertion in mind, it therefore raises another question as to what the priorities have been between sustainable livelihoods and the sustainable wellbeing for future generations.

Barkemeyer, Holt, Preuss and Tsang (2014:1) argue that there has been a tendency for private-sector companies to advance sustainability for the environmental issues of development as opposed to the social aspects which focus on health, education and human security. It should be recalled that Chapter 1 of this thesis mentioned that a bias could exist for developing countries to advance the aspect of human development through various means. The aim with this is to ensure that there is social capital as an antecedent to social welfare. For instance, the idea of including social affairs in the development agenda puts great value on the development processes that are important for the wellbeing of people (Lodewijks, 2017:17).

In the context of sustainable development, there should be a balance between advancing protection and preservation of the environment and making sure that the social aspects of development are also protected and preserved accordingly. It is unclear as to whether the Brundtland Commission had in mind a process through which neoliberalism could be replaced by another concept of development suitable for world countries. What is known, however, is that world countries adhered to the recommendations of the Brundtland Commission with a view to create sustainable livelihoods and wealth per capita, as per the key points raised in the previous paragraphs. What remains a sore point is that sustainable development could mean different things for different regions of the globe (as per the assertions made by scholars in this subsection of the thesis). For example, if indeed more multinational companies are investing more in the environment as opposed

to human beings, it raises the question as to how to create a world order that adheres to human development in the context of sustainability.

One of the solutions to this problem was to rather focus on advancing human rights for development as this could ensure human security, social capital and intellectual property (Redclift, 2005:212). In other words, a rights-based approach could be essential in the course of human development. If, for instance, sustainable development cannot address the aspect of human development, the solution lies in a rights-based approach. The rights-based approach to development points to the group and individual rights of persons to attain their development.

2.3.5   Human development

The concept of human development has three key ingredients – socio-economic development, emancipatory cultural change and democracy (Welzel *et al.*, 2003:341). The nuances around development can be easily construed to mean that people's ability to make provisions for resources and necessities such as food or shelter becomes the means to which people are able to develop themselves (Mechlem, 2004:634). The concept of human development is based on the capability approaches that facilitate people's access to values they have reason to value (Gasper, 2016:8).

Sozinova and Fokina (2014:318) argue that transformation of technologies often leads to their use in several industries of domestic economies and they become a key trajectory towards scientific and socio-economic progress. Jorgenson (2014:186) argues that economic development is recognised as a pathway to improving the human condition. He further argues that the nuances of human development are somewhat heightened in certain parts of the world. There are times, though, when the relationship between the wellbeing of people and economic growth tends to be weak in nature (Jorgenson, 2014:186). This is what seems to be the case in a country such as South Africa where economic activity and growth do not yield job creation (Fin24, 2017).

Anand and Sen (2000:2029) argue that the concern for human development is that human development is thrust into the notion of ethical universalism as a demand for impartiality of claims for development in the current generation. It is in this context that Anand and Sen (2000:2029) also argue that human development needs to prevail across generations, thereby creating intergenerational equity.

Human development has a relationship with economic growth, from which the outcomes of the economic growth should be indicative of the wellbeing of ordinary people of a certain country. For example, those countries that show a high level of social expenditure (health, education, social security, etc.) make a great contribution to economic development and income distribution (Ranis *et al.*, 2000:197).

One of the implications of the phenomenon of human development is that there could be a virtuous cycle with good or bad performance that entrenches the connection between economic growth and human development (Ranis *et al.*, 2000:197). This means that there is a need for a balance between the growth of the economy and the wellbeing of people in a development process. In other words, there needs to be a fit between how a country performs in terms of its economic output and the wellbeing of its people. This is the reason why any country's human development tends to be unsustainable if the net depreciation of its natural and manufactured stocks is bigger than the investment (Neumayer, 2001:101). In other words, low human development leads to unsustainable economic growth and development.

To curb the problem of low human development, it is important for countries to create human-development opportunities through innovation. In the context of human development, it is believed that innovation is a process that is inherent to human development. It results from the emergence of innovations that have the capacity to change people's lives, thereby characterising the notion of humanity (Galindo & Méndez, 2014:825). The other enabler to human development at a global level is for a general consensus by countries to commit to the application of human-development principles to foster socio-economic growth. It should be noted that MDGs connote a scenario where the vision of the Millennium Declaration was human-centred and drew some principles from human rights and human development priorities (Fukuda-Parr, Yamin & Greenstein, 2014). The human being, in this context, is therefore located within the development discourse and outputs. This means that both government and individuals have a role to play in the developmental agenda.

It is for this reason that Sen (1990:41) argues that human beings have a role as agents and beneficiaries of development and, as a result, become the means through which productive progress occurs. This means that human beings are in themselves part of the system of development.

Human development should, in essence, recognise that the value chain of development contains systems that include the individual as part of the broader system of development. Sen (2001:10) also posits that the cause of development ought to take into account the notion of "freedom". This is because the improvement of the human condition rests with the capability of individuals to attain freedoms that emanate from social, economic and civil and political rights. The essence of freedom lies in the need for recognition of socio-economic conditions that are conducive to developing oneself, along with the individual incomes that rise as a result of economic growth. There is an inference in the latter in that freedom ought to be the basis for improving the human condition.

The theories of human development as they are explained in the preceding paragraphs may point out similarities found in South Africa's Constitution (1996). For instance, the Bill of Rights of the Constitution (1996) makes reference to all of the factors that ought to be afforded to citizens to develop themselves. This is in reference to the right to health care, education, and housing. One would argue that at least these particular aspects may explain the grounding of public policy including the NDP. The NDP itself makes provision for health, education and housing. It will therefore be worth exploring (in the forthcoming chapters) how the elements of human development are referenced by participants in this research study.

2.4 Theories on Cultural Relativism

2.4.1 Historical background on cultural relativism

The actual phrase "cultural relativism" first came into being around the early 1920s (Przybylska-Czajkowska & Czajkowski, 2015:164). The earlier frame of thought around cultural relativism was deemed to have its roots in a biological account of universal determinism in the following manner:

> Franz Boas associated any genetics-based biological explanations with a universal determinism, one which often masked a racial hierarchy, as eugenics-friendly accounts of evolution tended to valorize northern Europeans, who also happened to be aggressively prosecuting a global imperialist agenda (Fuller, 2016:139).

It should be noted that the applicability of cultural relativism has been assessed during the colonial and post-colonial eras. There are indications that cultural relativism fostered an understanding on mutual values and respect for cultures. More recently, it has been infused in modernisation theories as a means to refine its meaning in the so-called modern society (Oguma, 2016:241).

In recent years, cultural relativism has become central to the discourse of law, and that of political norms, multiculturalism, politics of race and universal-human-rights law (Mitropoulos, 2017:312). The post-Russo-Japanese War was a time during which the Japanese home affairs ministry intended to reform policy with the frame of thinking that encapsulated cultural relativism. The intention was for the policy to permeate in the grassroots communities who relied on cooperatives and farming as their source of sustenance and development (Oguma, 2016:240). It is said that attempts to filter down the concept of cultural relativism was opposed by those who believed in the physiocratic transformation of the country. As a result of this form of resistance, the ideal of positioning and framing cultural relativism in post-war Japan could not see the light of day (Oguma, 2016:240).

Over the course of time, cultural relativism was transposed from theory to the policy processes of countries in the Americas, Europe and Asia, amongst other countries. In this spirit, one would argue that cultural relativism is actually a global phenomenon. Its permeance throughout the world could be considered to have happened in three different forms in various societies. In the first instance, cultural relativism is often identified as a tool or philosophy of change against the challenges that society faces (Matei, 2011:3). This change would often be subject to a dialectical process, either through society in general or in the academia. For example, the much earlier prevalence of cultural relativism in the Americas emerged through philosophical and academic scrutiny and recognition. In other parts of the world, namely Japan, cultural relativism emerged after the Russo-Japanese War. From this, a dialectical process took place in deciding which frame of policies are to be effected in uplifting the rural citizens of Japan (Oguma, 2016:240). Though in this context the dialectical process arguably took place at a smaller scale, it is important to note its consideration for policy development in post-war policy reform.

The second prevalence of cultural relativism occurs within the context of policy reform. In this case, reform is understood to be an adjective that describes the need for change, augmentation of policies and restructuring the policy landscape or parts of it (Oguma, 2016:240). It also emerges as a counterargument for or against universalism. In other words, history abounds with various arguments about why cultural relativism should exist as a counter-frame of thinking against universalism. This was illustrated in Chapter 1 of this thesis. Often, when this happens, it transpires that universalism is framed along with nuances of hegemony, imposition (in the context of value

systems of western countries onto non-western countries) and disregard of values that are non-western in nature (Khan *et al.*, 2015:3728). In essence, the prevalence of cultural relativism as a counterargument against universalism will occur with cultural relativists arguing for the existence of cultural relativism as an ideal option against universalism. This is where the third form of prevalence of cultural relativism emerges.

The third prevalence of cultural relativism happens to be a reason for justification in cases where social turmoil had occurred and citizens or governments would therefore intend to correct the turmoil by resorting to cultural relativism to shape societies' thinking. It has been mentioned earlier in this thesis that post-colonial policymaking efforts often force countries that suffered the turmoil of colonialism to reform policies. When this happens, there is often a leaning towards cultural relativism as a frame of thought to undo what had occurred in society due to the social turmoil. Examples of this prevalence are many, even though they may vary in terms of context and the extent of prevalence.

The first example of this prevalence is the global devastation that occurred in Europe and the Americas as a result of World War II (Burkholder, 2011:435). In this context, it was considered that the hegemony of countries that dominated the war was subject to scrutiny amidst the ravages that were left in countries that had minimal power over global resources and political capital, coupled with influence. The question around hegemony that is effected through political systems could probably best explain that this very same hegemony which is challenged needs to be replaced by other methods that are crucial to the existence of countries. So, the post-world-war era is one from which the turmoil that had existed were to be challenged. This had to be done by finding other means for countries' existence than that which would be deemed dominant or hegemonic in nature (Khan *et al.*, 2015:3728). Cultural relativism, in this instance, would often be used as a means of reflection on human issues. It is partly for this reason that post-World War II ushered in an era that saw the emergence of thought around human-based issues. For example, the Universal Declaration on Human Rights existed on the basis of the need to consider the plight of citizens who would have needed to be protected by laws and policies. The aim with this was to ensure that the turmoil caused by the war is not repeated – at least in the same way it had happened during the war (Lilleby, 2017:24).

Based on the above discussion, it seems that the post-war epochs are often followed by the reformation of laws and policies to correct the wrongs that have occurred. This, in turn, leads to societal chaos. One would therefore argue that the third prevalence of cultural relativism happens against the backdrop of eras riddled with social problems. The end result of these social problems then necessitates a process of reform to improve the lives of citizens through policies and laws that aim to undo what had happened in the past. The third prevalence of cultural relativism in societies that emerges within the discourse of public-policy reform bears some significance due to how public-policy studies go through stages of evolution over time.

As and when the public-policy discipline continues to evolve over time, its evolution becomes crucial to the reformation of policy for countries that experience social turmoil as a result of innately internal and social instability. South Africa as a case in point could be described as one of those countries which in the past have had to go through socio-political transformation which led to the development of policies that were reframed for the means of creating an intent for government.

The relativist concept of culture tends to be a justification for preserving the status quo whenever its opponents try to argue for its existence within the context of maintaining power (Martin & Flynn, 2015:4). The post-colonial usage of cultural relativism has been significant in cases of applying military intelligence for the purpose of understanding cultures of opponents in a war situation (Martin & Flynn, 2015:4). It is therefore in this context that cultural relativism would be used in political situations as a field of diplomacy. This, in the sense that cultural relativism becomes an important tool to strategically plan for a desired victory over other nations (Martin & Flynn, 2015:8).

The current usage of cultural relativism is also prevalent in the fields of commerce, organisational development and behaviour, and marketing. In this case, cultural relativism, on several accounts, aims to bring about an understanding of the consumer and buying behaviour of customers who come from various or diverse cultural backgrounds (Martin & Flynn, 2015:5). Martin and Flynn (2015:3) point out that Boas's view of culture as a concept assumed culture was inherently fluid and evolved over time. The interpretation of cultural relativism has the potential to benefit or stifle society, especially when rights of individuals ought to be applied in a global or universal context. For example, UN-based international instruments bear reference to this assertion (Danial, 2013:1).

The concept of cultural relativism creates a provision for the liberty of each culture to practise what is deemed to be native. It does so without the imposition of any imperialist thought which would prescribe the norms and standards of a specific society, thereby creating tolerance of existing cultures in a society (Danial, 2013:2). The movement of cultural relativism began to spread across the world as a "result of affluent Western societies and cultures imposing their moral views and values on third world nations, particularly women of the third world" (Danial, 2013:2). The universalist frame of thought is viewed as pretentious in its approach to cultural values and beliefs of another culture. When certain cultural practices are deemed to be morally wrong, universalists try to treat all human beings as equals in the name of values (Danial, 2013:5). The common dispute on cultural relativism is its absolution. This is seen in how relativists often protect harmful cultural practices and warn western moralists about how they do not have a right to judge or justify the abolition of cultural practices that seem to be harmful to society (Fassin, 2012:112). Recent ethnographic studies have thus moved away from the actual practice of cultural relativism to question how certain universal institutions have the potential to disable the institutions of cultural relativism (Fassin, 2012:437).

2.4.2   Current academic discourse on cultural relativism

Current studies on the discipline of cultural relativism aim to explain how the gaps between western and non-western concepts are value-based issues. These studies are even geared towards understanding how the capacity of employees as spiritual beings can make a contribution to the alignment of organisational values for the purpose of building synergies between organisations and individuals (Rutigliano & Frye, 2015:9). Recognising individuals as spiritual beings takes into account the fact that what happens with human beings has an impact on their surrounds. This could thus encourage leaders in a society to also pay attention to the spiritual aspect of the people they lead, thereby forming an understanding of how particular histories of individuals define workplace cultures (Rutigliano & Frye, 2015:9).

The discourse on cultural relativism in the present epoch attempts to create some understanding in anthropological principles which explain a person's belief systems, values and behaviours, as well as the prevalence of traditions of cultures (Rutigliano & Frye, 2015:9). One of the illustrations of how cultural relativism may cause societal problems is when harmful traditional practices infringe upon the rights of others (Merry, 2003:63). One of the dangers of cultural relativism is where the

powerful and political elite tend to justify their unwarranted actions by using cultural relativism (Lilleby, 2017:5).

In current times where there is an application of rules that govern commerce, there tends to be a thwarting of rules that do not hinge on the universal principles (Lilleby, 2017:14). One of the prevailing arguments on the existence of cultural relativism in the present times is the assumption that universal laws and rights take on a colonialist approach. For this reason, there tends to be challenges associated with the implementation of such international policy instruments, partly because of the lack of examination of group orientation and respect for communities (Lilleby, 2017:24). Cultural relativism was aimed at challenging stereotypes on superiority and how certain cultural practices around the world were deemed inferior to those of the west (Carey *et al.*, 2016:3). Zencheter (1997:322) believes that even though universality is usually accepted within the field of human rights, cultural relativism continues to place emphasis on the legitimacy of norms, values and standards found in various subcultures of the world.

In many respects, cultural relativism continues to assert that there is no absolute truth in relational ethics or moral and cultural perspectives. This is so because value judgments that others make in the context of cultural relativism tend to be ethnocentric in nature. One of the key focal points of cultural relativists is that cultures tend to change their customs by creating more humane habits for the purpose of the wellbeing of societies (Zencheter, 1997:326).

2.4.3   Cultural relativism vs universalism as frames of thought in policy development

The concept of universalism denotes ascription to values and norms that promote commonness and collectivism as opposed to individualism (Anleu, 1999:199). Anleu (1999:199) further remarks that the opposite of universalism depicts the notion of isolationism as a contrast to collectivism. The nuances of universalism are often found in the academic disciplines of social-policy development (Mkandawire, 2005:4), philosophy (Teson 1985:871) and human rights law (Donnelly, 2007:49).

Anleu (1999:199) raises important questions regarding the frame of thought around inequalities and the need for access to resources within the global society. Schwartz (2007:713) posits that universalism as a construct presupposes that the norms, standards and values of universalism apply to all humanity and their environments. In addition, people with a lower level of appreciation of universalism could rather frame certain societal values only within their own environments as

opposed to considering a much broader outlook of values that apply to external environments (Schwartz, 2007:713).

Cultural relativism as a doctrine ascribes moral behaviour onto society in relation to the form and type of conduct that is deemed morally acceptable within a particular society (Park, 2011:160). Added to that, cultural relativism holds the notion that cultures may be disapproved by society if they are deemed immoral, even if they may be universal in nature. Thereby, it renders that particular culture useless in that particular society. It is also in this instance that, if entitlements or rights within a particular culture are not deemed indigenous to that particular culture, the validity of those entitlements or rights may be questioned (Goodhart, 2003:934). In essence, this could mean that belief systems of specific cultures tend to be legitimised by virtue of their presence within a society.

At the core of cultural relativism is the set of prescribed nuances of social systems that has prevailed within specific societies over time (Donnelly, 2007:294). Teson (1985:871) argues that "cultural relativism can be defined as the position according to which local cultural traditions properly determine the existence and scope of civil and political rights enjoyed by individuals in a given society". Local traditions and cultures that have been prevalent in a society have a bearing on the notions of group identities which evolve in the form of networks (Trigilia, 2001:427).

Having stated the descriptions of universalism and cultural relativism, one would argue that both of these concepts are perceived to carry certain values for the benefit of the populations and/or citizens of various countries. In essence, it is the public and human beings who ought to be at the receiving end of these concepts. As Anleu (1999:9) expounds: as universalism is a concept that frames value systems from which the public can derive norms and standards as well as the expected social behaviour, the same applies to cultural relativism. Scholars such has Park (2013) and Goodhart (2003) ascribe the same description to the concept of cultural relativism. They do so in that cultural relativism is also a concept that offers the public certain values, norms and standards by which the citizens need to live by. One would argue that if this is the case, it would mean that it is important to discern that both these concepts could be used for the same intentions but in different settings.

It should be noted that the UNDRTD as an international instrument is given prevalence by the human-rights corpus (Uvin, 2007:597). For this reason, it may remain important to unpack this

policy instrument as it renders meaning in this field of human rights. This should be done before it is framed as a policy that is nationalised by the countries that accede to it. There is a belief that policies may have a human rights slant, depending on how they affect society.

The value systems of countries may not necessarily reflect the notion of a social order that is common amongst all countries of the globe. Rules that are derived from the norms of universalism and cultural relativism may differ from country to country. So, if, for instance, universal policy instruments such as the UNDRTD (or of any other sector) were to be transcended into local policy, the question that would arise is: By whose rules or norms and standards are these policies being applied?

Mungiu-Pippidi (2005:49) argues that "in a universal society, rules of the game tend to be the same everywhere; in particularistic societies, they tend to be extremely specific for that society only … the two are ideal models, and universalism is not perfect in Western societies nor is particularism consistent across the underdeveloped world". Added to this notion, there exists the belief that the result of the latter, namely the application of universalism, is to ignore other histories that do not hold the views that are universal in nature. It thereby privileges sameness in different world settings (Maugh, 2012:14).

Elsewhere in this thesis, there is mention of non-western countries, including South Africa, acceding to the UNDRTD. Distinguishing between which countries acceded and which did not may be relevant in the case of this study due to a number of reasons. One of them is that western countries falling under the EU may not be the same in dynamics compared to the countries that fall within the membership of African regional institutions. An example is the Southern African Development Community (SADC), of which South Africa is a member. Even though this may be the case, the issues associated with the declaration as a policy instrument are not necessarily about whether legitimacy of frames of thought are well suited for African countries as opposed to northern countries.

Whilst there is a call for states from northern and southern countries to cooperate in development activities, there is caution in how universalism or internationalisation of policy could thwart the mere idea of cooperation. The persistent global inequalities are sometimes caused by universal laws or policies that legitimise the power of developed countries whilst developing countries

merely become observers in the process of development (Acharya, 2014:1). One of the arguments put to the fore by southern/developing countries is that the duty bearers of development should actually be developed nations. These nations would bear the responsibility to provide aid to underdeveloped countries of the south (Oduwole, 2014:5). By inference, this assertion, as a means of caution, could illustrate the problems associated with universalism in the context of global players who cooperate on development on an unequal footing. The persistent inequalities are also seen in the by-product of the declaration, namely the MDGs. For these, outputs were not achieved at the same level between northern and southern countries (Oduwole, 2014:4).

The concepts of equality and inequality are sharply given expression in the UNDRTD. This therefore begs the question as to which frame of thought (between universalism and cultural relativism) becomes more dominant in designing policy related to the right to development. In light of the fact that both concepts (universalism and cultural relativism) are steeped in value systems, the question that may arise from this fact is: Whose values or which values are more predominant in the policy design (frame of thought) of the declaration? The full literature review of the study will further flesh out all of the questions raised in this section to arrive at satisfactory answers.

2.4.4 Cultural relativism in the context of South Africa

Making reference to cultural relativism in South Africa cannot take on a linear or direct orientation due to a number of factors. Firstly, South Africa is considered a multicultural society (Pedersen, 2013) consisting of a microcosm of cultures, languages and ethnicities which are wide-ranging in terms of origins and belief systems. It is well known that South Africa has nine official languages (recognised in the country's Constitution [1996] and by-laws) and that there are numerous ethnic identities and several racial classifications.

Before making an attempt to explain the prevalence of cultural relativism in South Africa, it may be important to first explain two aspects of specificity to the notion of cultural relativism. The first is the meaning of culture and the second is the notion of multiculturalism. The latter is critical in creating meaning around how a country such as South Africa can navigate through the essence of "culture" when there are myriads of cultures that exist within it.

2.4.4.1 *Defining culture*

Defining culture may not only be a tedious process but also a daunting one due to the mere fact that attempting to define culture is controversial (Unesco.org, 2017) and elusive (Baldwin, Faulkner & Hecht, 2006). Birukou, Blanzieri, Giorgini and Giunchiglia (2009:2) support this by pointing out that "culture" is a slippery and ubiquitous concept. Even though culture remains a controversial construct and appears to be illusive in nature, Unesco.org (2017) states that the generally acceptable definition of culture is as follows:

> [Culture] is that complex whole which includes knowledge, beliefs, arts, morals, laws, customs, and any other capabilities and habits acquired by [a human] as a member of society.

Since this thesis seeks (in part) to explore the UNDRTD as a policy instrument whilst making reference to cultural relativism, it may seem important to use the above definition as a benchmark. This is because Unesco is a UN-based institution and the instrument being explored, namely the Declaration on the Right to Development, is a UN instrument.

In relation to the above definition, Unesco.org (2017) further asserts that the definition needs to be understood in the context of evolving social dynamics of the world. These dynamics include the movement and migration of people from one continent to another (Unesco.org, 2017) as a factor in expatiating the meaning of culture to include citizens of the world. Unesco.org (2017) further states that diversity, in this instance, refers to "the co-existence of a difference in behaviour, traditions and customs - in short, a diversity of cultures". In line with the definition of culture which is found in the Universal Declaration on Cultural Diversity (of 2001), Article 1 of this declaration (UN Declaration on Cultural Diversity) states that:

> [D]iversity is embodied in the uniqueness and plurality of the identities of the groups and societies making up humankind. As a source of exchange, innovation and creativity, cultural diversity is as necessary for humankind as biodiversity is for nature. In this sense, it is the common heritage of humanity and should be recognized and affirmed for the benefit of present and future generations (Unesco.org, 2017).

Article 2 of the declaration makes reference to the importance of moving from cultural diversity to cultural pluralism when defining culture:

> In our increasingly diverse societies, it is essential to ensure harmonious interaction among people and groups with plural, varied and dynamic cultural identities as well as their willingness to live together. Policies for the inclusion and participation of all citizens are guarantees of social cohesion, the vitality of civil society and peace. Thus defined, cultural pluralism gives policy expression to the reality of cultural diversity. Indissociable from a democratic framework, cultural pluralism is conducive to cultural exchange and to the flourishing of creative capacities that sustain public life (Unesco.org, 2017).

Apart from the definition of Unesco, there are other descriptions and definitions of culture that exist in several contexts. Baldwin *et al.* (2006:5) point out that the word culture comes from "cult" and "cultuvate". These are borrowed from the Latin words "culturare" (to cultivate) and "cultus" (religious worship). All of these words and/or suffix co-joining to establish the word culture were derived from the use of the Latin word "colere" which means "to till or to cultivate the ground" (Baldwin *et al.*, 2006:6).

Birukou *et al.* (2009:15) assert that the concept of culture is not limited to the notion of social practices but allows operating on manifestations of activities without going into details of underlying intentions. Whilst Birukou *et al.* (2009:15) agree that cultures are transmittable (exchangeable) as per the Unesco definition, they see culture in a normative context, with a bottom-up approach. From this approach, transmission of any culture flows from the individual to the society. It is in this context that it is assumed that culture has an inward-to-outward approach in terms of social behaviour, conduct or actions. This description moves away from the group definition of culture but rather considers the individual and locates that individual through their interaction within society. Interaction between individuals and the environment exists according to patterns of behaviour that are exchanged and transmitted through symbols that constitute embodiments in artefacts, ideas attached to values of people (Baldwin *et al.*, 2006:7).

Unesco's definition of culture makes reference to adherence of human beings to laws, customs, beliefs and morals whilst embracing certain forms of knowledge within the context of a particular group (Unesco.org, 2017). This is in line with the suggestion that the group or individuals may transmit or exchange certain elements of culture, as per the explanation by Baldwin *et al.* (2006:7). The exchange or transmission of the enumerated definitions (of culture) expressed in this section of the thesis implies that there could either be constant intermittent or continuous interaction between individuals, groups and institutions in the process of transmission or exchange of culture. The word "institutions" is deliberately mentioned because, in part of Unesco's definition of culture,

reference is made to the policymaking process of culture and this is even more evident in Unesco's Declaration on Cultural Diversity.

The other implication in reference to the definitions made is that cultural practices do not happen in a vacuum but exist within the context of migration, the movement of citizens from one region to another. It is arguably for this reason that Unesco's definition partly places emphasis on this phenomenon. In Unesco's definition, migration is mentioned in the same sentence or instance where diversity is mentioned.

2.4.4.2 *Multiculturalism*

Earlier in this thesis, it is mentioned that cultural diversity needs to be unpacked to attempt to derive meaning for South Africa's situation. Multiple cultures exist in various settings of the world and South Africa happens to be one of those settings. Some definition of culture will acknowledge that a culture holds a set of belief systems, customs and practices which mould behaviour (of individuals or groups). Though, especially when there are various cultures that exist in a society, those differences need to be respected and acknowledged in terms of their presence in society (Rosado, 1996:3).

The situation of having a number of cultures in one country, with various cultural practices being prevalent within a social system, presents a question on the form and shape of cultural diversity that exist. This becomes a question especially when the issue of respect for minority cultures is to be considered. In the latter instance, Bloemraad and Wright (2014:295) argue that having a heterogeneous cultural population might lead to a situation where there is a "hunkering down" of minority cultures. These may choose to retreat from collective socio-cultural projects in society. In essence, there is a question on the extent to which minority cultures are given recognition and respect in light of dominant cultures in a specific society.

Apart from the actual cultural practices discernible in society, the notion of multiculturalism exceeds the elements of belief systems, ethics and morals and the recognition thereof. Rosado (1996:4) explains that ethnic minorities in a multicultural society do not only include people of different customs, religions and belief systems. It also takes into account those who are physically disabled and women, for example. There is thus a demographic description of multiculturalism which takes into account characteristics of the population. Even though this is true,

multiculturalism is also conceived to make sense of how all individuals in society are provided their rights in relation to the extent to which they participate in social, cultural, economic and political life (Berman & Paradies, 2010:221).

Bloemraad and Wright (2014:295) argue that there is substantial literature that attempts to ask the question on whether the demographic diversity in the context of culture undermines social capital, social cohesion, or support for a redistributive-welfare state. It is probably for this reason that multiculturalism ought to be part of a government strategy and considered as part of policy design and development in a country that has diverse cultures. It would seem imperative that such strategy would then provide government with systems and direction to processes that need to be followed to ensure that there is equity amongst cultures. In so doing, reaction to how some cultures may be favoured over others will be avoided.

Government policy as it relates to population issues ought to seriously take the rights and values of cultures into account in developing policy to make sure that implementation and practice of policy are representative of all cultures in society (Berman & Paradies, 2010:221). The practice of designing policy for multiculturalism is thus important in dealing with inequities that could exist as a result of dominance of cultures in society. In so doing, designing government policy that has a multicultural outlook should encourage minority cultures to organise themselves in pursuit of their aspirations of participating in cultural, political and economic needs (Ginges & Cairns, 2000:1346).

Based on the brief discussions above, intended to unpack the notions of culture, cultural diversity and policy of multiculturalism, it can be deduced that multiculturalism renders a number of questions of legitimacy. Legitimacy, in this context, needs to be construed to mean the reasons for justifying equity (as per the arguments by Berman and Paradies [2010] and Ginges and Cairns [2000]) amongst cultures. It is from this perspective that nuances of inequalities or equity are important in a multicultural society. This will ensure that there is fair co-existence of multiple cultures within that society. In the same vein, the issue pertaining to dominance raises a question that multicultural societies need to guard against.

In part of the definition of culture by Unesco, it is also mentioned that there is a need to make sure that "cultural pluralism gives policy expression to the reality of cultural diversity" (Unesco.org,

2017). By implication, this could arguably mean that it is important to make sure that the existence and practice of cultures in a multicultural society should be given expression in policy. The realities of multiculturalism in a society need to be taken into account.

Having taken stock of the characteristics of culture and a multicultural society, it seems that the South African situation may also be subjected to the nuances and characterisation of culture and multiculturalism. For example, there are considerations of the fact that the notion of the rainbow nation in South Africa is part of the consciousness of how the country is united but diverse at the same time. There are government policy statements which acknowledge that South Africans belong to a melting pot of cultures. There is a need to ensure that these cultures are recognised and acknowledged through policy. In this instance, one would consider the fact that Section 9 of the Constitution (1996) gives effect to the establishment of a Cultural, Religious and Linguistic (CRL) Rights Commission (Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities Act of 2002). The commission's mandate is to make sure that there is equity between cultures and that there is no dominance of one culture over another (Justice.gov.za, 2017).

This means that South Africa is equipped with policies that help to guide the implementation and harmonisation of its multicultural system through policies and laws that aptly aim to protect the cultural rights of all South Africans. In reference to the fact that South Africa is a multicultural society which protects minority cultures, how, then, does its characteristics best explain the notions of cultural relativism? This question requires one to unpack the construct of relativism as well as an explanation on how the notions of culture in the context of definitions of culture should make sense.

By revisiting the definitions or characteristics of cultural relativism, it should be recalled that cultural relativism has become "the source of study topics and new concepts for sociology, psychology, linguistics, philosophy of culture, ethics, axiology, political philosophy" (Matei, 2011:4). Shafer-Landau (2012:44) defines cultural relativism as a norm that prescribes that good and bad are relative to culture. Good is what is socially approved by society in a specific culture and it is through this approval that moral principles describe social conventions (Shafer-Landau, 2012:44).

Current studies on the discipline of cultural relativism aim to explain the gaps between western and non-western concepts, which are value-based issues. These studies are even geared towards understanding how the capacity of employees as spiritual beings can make a contribution to the alignment of organisational values to build synergies between organisations and individuals (Rutigliano & Frye, 2015:9). Cultural relativism opposes anything that aims to prescribe absolutes and acknowledges that judgments may emerge out of a specific cultural context. In this way, cultural relativism is subject to intra-cultural evaluations (Khan *et al.*, 2015:3727). Rutigliano and Frye (2015:9) observe that the discourse of cultural relativism in the present epoch attempts to create some understanding in anthropological principles which explain a person's belief systems, values and behaviours and the prevalence of cultural traditions.

The construct of cultural relativism mentions that there are various cultures within society and that individualism is at the centre of cultural relativism. This means that there is a myriad belief systems within South Africa as a country. Multiculturalism, according to Unesco's definition of culture, should be recognised in policy-creation processes to respect cultures in an equitable manner. South Africa has policy frameworks that aim to protect this ideal through the CRL Rights Act (19 of 2002). However, there are indications that there is adherence to at least one common thought in light of multiple cultures and frames of thought, belief systems and religions. Within the plethora of belief systems and moral adherence to ethics, there is at least one common belief system that is steeped into the cultural outlook of South Africa. This is Ubuntu.

Ubuntu is a cultural belief system, philosophy, and moral ethic that is acknowledged by people of South Africa, even though it is also acknowledged by other people in the region of Southern Africa. In the next subsection, Ubuntu will be defined to later illustrate how cultural relativism exists in South Africa. In other words, the usage of Ubuntu becomes important as an illustration of one common culture within the context of other existing cultures in South Africa.

The theories of development as explained in this chapter make reference to issues and aspects of development. Development theories and their application from the 1960s Modernisation Model towards sustainable development present problems and challenges that led to the determination of one theory to the next. For instance, many issues are explored in this chapter which give a sense of what has happened between the Modernisation Theory and the UNDRTD.

The movement from the 1960s Modernisation Theory to that of sustainable development bears reference to issues of seeking models that are conducive to certain environments over time. For example, it appears that the Modernisation Theory would not have been suitable for South Africa at the present moment and that this theory would be against the Constitution of South Africa (1996) as it is applied today. This is verified by the scholars cited in this chapter. Rostow's Growth Theory, as part of the Modernisation Theory of development, does not take into context the histories of countries where the model ought to be applied. In this chapter, it is explained that this theory of development was not suitable for certain countries, hence the move towards other means of development. The Dependency Theory is almost similar to the Modernisation Theory in that the Dependency Model is more about wealth creation and it seems suitable for multinational cooperation between countries. The neoliberal model, on the other hand, presents problems in that it is believed to be a laissez-faire model where businesses are given power to determine the development agenda, possibly excluding the state.

Sustainable development looks into the preservation but cultivation of development, with the view to serve future generations in relation to benefits. Human development, on the other hand, seeks to inform countries that to build economies that are sustainable, the human conditions need to improve to reach the desired global goals of development. In essence, for a country such as South Africa to reach its developmental goals, it needs to ensure that there is education, an acceptable mortality rate, adequate health care and stability in the country. Human development theorists believe that it is the human potential that can actually drive growth and economic development of a country by dealing with development through the human person.

This, for instance, may explain why it is important to ensure that poverty is eradicated by dealing with education and health systems. The right to development, on the other hand, is a supplementary form of concept towards existing notions of development, particularly human development and sustainable development. This is expressed by Article 8 of the UNDRTD, which clearly emphasises human development needs in the form of education, health care and housing. These are some of the aspects that are found and protected in Chapter 2 of South Africa's Constitution (1996). The linkage between Article 8 of the UNDRTD and Chapter 2 of the Constitution (1996) shows that the right to development is implied in South Africa's Constitution (1996). This linkage is important, especially where, towards the end of this research study, context is made in relation to the NDP.

The NDP should also carry the same elements of the right to development. It should do so especially in relation to the Bill of Rights of South Africa's Constitution (1996) as it makes reference to provisions of the right to development, such as housing, education and health care, amongst other things.

2.5 Conclusion

The theories explored in this chapter aim to lay a foundation for the form and type of discourse that will be explored in the forthcoming chapters. The main idea, in this instance, was to explore as much information as possible with regard to the three themes of the research study. Undertaking this exercise is important because there are a number of factors that remain unclear in relation to the concepts as they exist in this text. Exploring concepts in the manner that this chapter has done will assist the research in gleaning issues that will later be tested in the collection of data.

CHAPTER 3: SOUTH AFRICA'S POLICY LANDSCAPE (1994 TO DATE)

3.1 Introduction

In conveying the history of policy development, it is important to consider the relevance of information in line with the topic of this research study. This research study aims to tap into the policy guidelines of the right to development. In explaining historic development policy in South Africa, it is important to consider looking into policymaking with reference to the macro policies on the right to development. Part of this research study was to ensure that there is an understanding on how policy guidelines on the right to development filter through the domestic environment of South Africa. As part of the Constitution (1996), macro policies stipulate the overall intent of the state regarding issues of development. Apart from macro policy, micro policy may also be important.

In the context of this research study, reference is needed on how the right to development policy guidelines may find expression in the sectoral or micro policies. It should be borne in mind that sectoral policies on the right to development vary in terms of content and context. For instance, Article 8 of the UNDRTD makes reference to access to housing, education and health care. This is only one of the articles of the UNDRTD. In addition, South Africa has numerous sectoral policies on Article 8 of the UNDRTD. It is important to ascertain how some of them bear reference to the spirit of the right to development in South Africa. This is to ensure that the sectoral policies are not simply listed but rather to illustrate through examples how they connect with the topic of this study but more importantly with the concept of the right to development.

Since the sectoral policies are too many to cover, especially considering the topic under study, policies on housing and health (as per Article 8 of the UNDRTD) are used to demonstrate how they pertain to the right to development. It should be noted that the time period spanning from 1994 to date denotes the time of the institution and implementation of the current Constitution (1996) along with policies that follow the spirit of said constitution. This is why the focus on historic policies lies within the era of 1994 to date. In addition, South Africa was in political isolation when the

UNDRTD was adopted by world countries in 1986. It is therefore obvious that South Africa would never have been part of the discourse of the right to development at a global level prior to 1994.

3.2   Macro Policy Context

This chapter adds value to the research by unpacking the discourse surrounding the past and current macro policies of South Africa. The value added herein relates to different policy agendas that were framed through these policies. Most, if not all, of these policies were never perfect, as will be illustrated in this chapter. For instance, inference is made in this chapter to how the Reconstruction and Development Programme (RDP) was a policy aimed at human development within its provisions or the intent of the state. On the other hand, the Growth, Employment and Redistribution strategy (GEAR) policy was much different from RDP in that the primary focus of policy directive was to attract investment to enhance the economy of South Africa. In this case, it would seem that government had the intention of rather focusing on advancing the economy than human development. The NDP, on the other hand, may carry certain elements of human development, almost in the same manner as the RDP.

The delineation of policy agendas in this instance is important because each policy could make reference to the way it aims to advance certain notions of the right to development. In the same breath, policy revolves around the aspirations of people because, after all, policy is actually aimed at solving societal problems. It is therefore through this delineation that one would be able to fully understand policy thinking and therefore policy intent. So, the intention of the state through policy will be explained in this chapter. The exploration of policy regimes in the historical context, in the past 25 years, should therefore explain the intent of the state in relation to development. The importance of this rests with the fact that the topic of this research study seeks to tap into policy guidelines of the right to development in South Africa.

3.3   Macro Policies Created in South Africa (1994 to Date)

During the period marking the establishment of a new democratic dispensation in South Africa, the then government of 1994 called on all sectors of society to reform policies as part of transformation and societal change (Lombard, 2008:155). In an attempt to tap into the framing of past policies,

one would arguably ascertain that the policies were redistributive in nature. The thought behind the design and framing of policies were aimed at bridging the gap between the two social classes, of the wealthy and those who had lived in poverty due to apartheid (Madzivhandila, 2014:766). The reform of policies in this regard had to take stock of the past policy landscape, from the apartheid regime to 1994. In doing so, the newly elected government then adopted the RDP. This programme was largely meant to strengthen human development by creating plans and implementing social programmes aimed at enhancing the living conditions of citizens (Drewes & Van Aswegen, 2013:200).

In drafting the new macro policies post-1994, the South African government intended to undo the policies of the apartheid regime (Ndlovu, 2016:61). It was during this period of post-apartheid that the country was perceived to be capable of attaining its developmental goals in light of the historical policy regime that caused dysfunction for human development during apartheid (Madumo, 2012:41). There were concerns about how the RDP policy would eventually dry up the state coffers as a result of endless social expenditure whilst the country created other priorities (Lundahl & Petersson, 2013:5).

Lundahl and Petersson (2013:5) spell out the following as problems associated with the implementation of the RDP:

> The RDP quickly ran into problems. 2.5 billion rand were to be spent in 1994/95. Of this, 1.7 billion had to be rolled over to the next fiscal year (Lundahl 1999:96). The administrative structure needed for efficient implementation was still lacking, and delays continued to be present during the coming years. In 1996 it was also discovered that the RDP built on a number of unrealistic assumptions. Above all, the rate of public investment in infrastructure would have to increase by 21 per cent per annum on average, a figure above anything the country had experienced hitherto, and local authorities would have to increase their funding of infrastructure with no less than 30 per cent every year. This had to be set against an expected reduction of the government budget deficit with 0.5 percentage points every year, constant real government spending and a 3 per cent growth rate of GDP, assumptions that yielded an expected 7.5 per cent annual growth of public investment (Lundahl 1999:98).

Due to the problems associated with the RDP, another macro policy was introduced – GEAR. Prinsloo and Pillay (2014:4) argue that GEAR had, in fact, failed to live up to the expectations of citizens in the context of socio-economic development. Critics of GEAR posit that the relationship

between countries in the global north and those in the south is likely to be blamed for the resistance (by labour unions) government faced when introducing GEAR (Scherrer & Hachmann, 2012:144). Scherrer and Hachmann (2012:144) argue that the unfulfilled expectations by the northern countries towards southern countries had been declining as a result of dwindling development aid from northern countries. Koma (2013:151) remarks that one of the shortfalls of GEAR was its proposition of overreliance on the global economy in relation to perceived outcomes when the prospects of attracting foreign direct investment into South Africa appeared weak at the time.

With the weakened position of attracting the much-needed foreign direct investment for growth, poverty continues to be prevalent in South Africa. For this reason, the Accelerated and Shared Growth of South Africa (Asgisa) policy was created (Koma, 2013:154). Msweli (2015:3) remarks that the way the Asgisa policy was written suggests that it drew inspiration from the Millennium Development Goals, through which it was prescribed that poverty would be decreased in half by the year 2014. In an effort to decrease the rate of poverty in a targeted manner in South Africa, the government was intent, through Asgisa, on accelerating growth of the economy and the distribution of wealth. In addition, it wanted to bring about social change through an integrated approach of social and economic development (Madzivhandila, 2014:767). Kuye and Peet (2013:74) assert that Asgisa was a solid plan. It thus provided tangible evidence of government's desire to use instruments of public service as a key driver of service delivery in regard to the social aspects of Asgisa (i.e. socio-economic development).

The essence of Asgisa was in many ways framed as government's grand plan to reform the microeconomic situation of South Africa. The government wanted to achieve this by growing the economy by 6% between 2005 to 2009, apart from the intention of reducing poverty (Qobo, 2014:105). Minding the growth of the economy, the policy creators of Asgisa considered that there was a need to grow skills required in certain sectors of the economy as a means to contribute to the economic aspects of growth. This was done for the purpose of being competitive in the global context (Rasool & Botha, 2014:226).

There was a skills shortage that needed to be addressed to meet the requirements of economic growth. Over and above this, the government through the Asgisa task force was also concerned about the volatility of the country's currency against global economic trends of that period (Ncongwane, 2012:16). The constraints identified by the Asgisa policy as an impediment to growth

of the economy (i.e. volatile currency, skills shortage and a generally slow growth rate of the economy) would have been solved by actually creating growth in a targeted manner. In this way, growth would be measured in the following categories: infrastructure development, skills development and education, amongst others (Ncongwane, 2012:16). In an attempt to improve economic growth, government's plan was to also create sustainability of the economy. The priority here was towards the growth of sectors such as tourism, cultural industries, information technologies, clothing and textiles, vehicle manufacturing, aerospace, call centres and back-office business processes to name a few (Qobo, 2014:105). One of the expected outcomes of the Asgisa policy was that there would be a far greater level of social advancement as a result of a fast-growing economy. This would ultimately improve the lives of people who were living in poverty (Madzivhandila, 2014:768).

As already mentioned in the previous paragraphs of this section, the previous policy (GEAR) created resentment and consternation within the political arenas and labour movements. It did so simply because it was created to find solutions to problems that were far more complex than the actual solutions proposed by the policy itself (Gray & Mazibuko, 2002:192). With particular reference to GEAR and Asgisa, there were problems associated with government bureaucracy and lack of communication of the policy-development process, amongst other things (Madzivhandila, 2014:768).

It is clear that these policies (RDP, GEAR and Asgisa) had some problems. Part of this is that they were fraught with criticism on the question of public participation on policy-development processes. This is because it was deemed important for the acceleration of social development and advancement in South Africa (Madzivhandila, 2014:768). Even though the GEAR and RDP policies were viewed with some degree of negativity which also translated into the outcomes, scholars such as Gray and Mazibuko (2002:192) argue that both these policies were complimentary in nature. The RDP created a broader framework on social development, whilst GEAR was more focused on the economic development at a macro level, thereby supplementing the advancement of social development in South Africa.

In the end, both GEAR and Asgisa never really made any impact on intended targets and outcomes (Meyer, 2013:19), given the challenges associated with the conditions and expectations of both these policies. Apart from the macro-policy framework, there were other policies adopted and

intended to ensure that there is growth and development in South African society (Watermeyer, 2012:4). This occurred as part of the policy reforms that took place in 1995, through which it was intended to improve the socio-economic conditions of South African citizens. Some policies became part of the reforms. These included (but are not limited to) Section 112 of the Municipal Financial Management Act (56 of 2003) (MFMA), Section 76(4) (C) of the Public Finance Management Act (1 of 1999) (PFMA) and the Preferential Procurement Policy Framework Act (5 of 2000) (PPPFA) (Ambe & Badenhorst-Weiss, 2012:245).

These policies were not only adopted to improve the socio-economic conditions of the majority of South Africans. In addition, they had to be part of the framework of good-governance systems which would have been actualised in the practice of supply chain management and procurement of various entities of the state (Ambe & Badenhorst-Weiss, 2012:245). In this context, even the reformed procurement policies took into account the idea of preferential practices that would ensure that there was preference on the provision of opportunities for historically disadvantaged individuals. This gave rise to the PPPFA. In its form, the policy was criticised for being ambiguous, unclear and subject to incorrect interpretation in many instances. This was largely caused by the provision of value for money against the socio-economic policy regime in the field of public administrations' procurement systems (Dlamini & Ambe, 2012:287). However, Watermeyer (2012:5) argues that procurement policies in developing countries are established to implicitly or explicitly form part of the development goals of such countries. It is in this context that the Constitution of South Africa (1996) prescribes that the procurement systems of public services ought to be fair, equitable, transparent, competitive and cost effective (Watermeyer, 2012:5).

Despite the criticisms of the PPPFA, at least the intention of designing the policy was noble. It aimed at creating business equity through preference created in the allocation of contracts to small businesses. It also protected the advancement of persons who were historically disadvantaged by unfair discrimination (Ambe & Badenhorst-Weiss, 2012:247). There were also other forms of policies that aimed to uplift the social situation of the majority of South Africans. These were over and above preferential policies aimed at dispensing equitable gains amongst businesses to stimulate growth of the economy, following the aspirations found in the Asgisa and GEAR policies. One of these policies is the White Paper on Social Welfare of 1997. The thought and vision encapsulated

by the policy was based on the conception of social development as a planned process of change in line with South Africa's principles of economic development (Gray & Mazibuko, 2002:192).

It should be noted that this policy came into effect a year after the RDP policy had come into being. The redistributive nature of RDP is also prevalent in the White Paper on Social Welfare and it is thus discernible in the following manner:

> White Paper clearly identifies poverty as its major focus and in keeping with social development theory … sees development as the main means of poverty alleviation. This is not to say that social problems like child abuse, crime, alcohol abuse, rape and domestic violence or fields of service like child welfare, mental health, disability, or aging, are not part of the welfare brief. It merely says that its main focus is going to be developmental (Gray, 2006:10).

Gray (2006:5) further asserts that the White Paper on Social Welfare was drafted with the intention to ensure that the approach to development was people-centred. It had to emphasise a participatory approach in social development. The frame of thought applied when drafting the policy was in line with the country's developmental agenda. Social interventions were to be integrated with economic development to lift South African communities out of poverty (Lombard, 2014:296).

In a much broader context of the situation in South Africa in the late 1990s, when the White Paper on Social Welfare was drafted, a major consideration was made to ensure that South Africa's social, political, economic, and cultural landscape was reshaped to reflect a fully-fledged representative democracy (Gray, 2006:5). In an effort to deal with the issue of inequalities through the White Paper, there was a huge challenge of bridging the gap between the poor and rich citizens. This was a challenge associated with last of resources (Lombard, 2014:295) due to the social expenditure required to fulfil the objective of lifting people out of poverty. For instance, capital for grant pay-outs was needed to serve close to a quarter of South Africa's population (Lombard, 2014:295). Even though the actual application of the White Paper as far as the issuing of grants to poor South Africans was achieved, the guidelines and practices associated with the paper were a problem.

Besides the broad social welfare policy framework of the White Paper for Social Welfare (1997) and the Financial Policy for Developmental Social Welfare Services (1999), there were no specific guidelines on how integrated developmental social services and social development would be achieved.

Over time, the government realised that the approach of social development as sanctioned by policies with a noble intent of improving the lives of ordinary South Africans would never be enough from the existent policies (Ambe & Badenhorst-Weiss, 2012:245). In this vein, the government then made the decision to implement more programmes instituted within local municipalities as supplementary projects or programmes aimed at socio-economic development. Part of the above realisation was that more work needed to focus on the most vulnerable people living in rural areas, to have their conditions improved by development. It was in this instance that the NDP was adopted in 2011; that is, with a specific focus on dealing with poverty in South Africa.

To accelerate the growth path of the South African economy, government introduced two interventions to advance certain aspects of the right to development. These include the NDP, a development vision of government, as well as the New Growth Path (NGP), a government strategy which was developed to create an inclusive economy. The NDP was created with the aim of improving the standard of living of citizens by eliminating poverty and reducing inequalities (Hendriks, 2013:3). The NGP was established with the consideration of the high unemployment rate and poverty which affect millions of citizens. Its aim was to rapidly decrease unemployment and structural inequalities (SAHistory, 2019).

The NGP consists of 18 Strategic Integrated Projects (SIPs), which include (Gov.za, 2019):

- revitalisation of public hospitals and other health facilities;
- national school build programme; and
- higher education infrastructure.

The three above SIPs are denoted from the list of 18 because they are synonymous with some of the principles of the right to development as contained in the UNDRTD as well as the African Charter.

The NDP, on the other hand, sought to improve the social conditions of South Africans with reference to the following (Hendriks, 2013:3):

- housing, water, electricity and sanitation;
- safe and reliable public transport;
- quality education and skills development;

- safety and security;

- quality health care;

- social protection;

- employment;

- clean environment; and

- adequate nutrition.

The two interventions of government through the NDP and NGP with reference to the points enumerated above are identical to aspects of Article 8 of the UNDRTD and of Articles 16, 17 and 22 of the African Charter. For purposes of this research, the NDP needs to be examined in relation to the right to development, and with reference to aspects found in Article 22 of the African Charter and Article 8 of the UNDRTD.

3.4 Sectoral Policy Context

In making examples of the right to development, I will focus on those sectoral policies that have a direct impact on the lives people. These are found in Article 8 of the UNDRTD. The reason for this selection rests on the fact that in the introduction of this research study, emphasis is made about the fact that UNDRTD places particular focus on the wellbeing of people, i.e. citizens. For this reason, policies that have implications on the wellbeing of people will be used.

It should be noted that all of the Articles of the UNRTD as explained in the previous chapters of this research study (11 Articles). South Africa has a large amount of sectoral policies with reference to all of the 11 Articles of the UNRTD. For this reason, it would be important to at least draw information on sectoral policies on two categories, i.e. Health (the right to health under Article 8 of the UNRTD, as explained in chapter 1) and Housing (the right to shelter under Article 8 of the UNRTD, as explained in chapter 1). Both the Health and Housing sectors have a number of policies and legislation that explains the intent of government in relation to creating access or provision for service (in Health and Housing). In the analysis below, the connection between the macro policies as explained in the previous sub section of this research will be illustrated.

3.5 Examples of Sectoral Policies on the Right to Development

3.5.1 Housing policies

As a response to the Constitutional provision for housing, the South African government through the Housing Act (107 of 1997) established programmes that provide poor households access to housing (Acts.co.za, 2019). The policy principles found in the White Paper on Housing (1994) stipulate that poor households should be provided with houses as well as basic services such as water and sanitation on an equitable basis (Acts online, 2019). The policy on housing was aimed at addressing inequalities that emanate from apartheid, the era which induced inadequate spatial designs through the promotion of segregation across the divides of income and population growth (Actsonline, 2019).

Section 26 of the Constitution of the Republic of South Africa (1996) makes provision for the right to housing in that (Dhs.gov.za, 2019):

> (1) Everyone has the right to have access to adequate housing.

> (2) The State must take reasonable legislative and other measures within its available resources, to achieve the progressive realisation of this right.

Since 1994, macro policies such as the RDP, GEAR, Asgisa and the Housing Act (107 of 1997) have given effect to the provision of housing in South Africa. Apart from the macro policies, other documents explicitly give effect to the provision for housing. These include the New Housing Policy and Strategy for South Africa as well as the Comprehensive Plan for the Development of Sustainable Human Settlements (Housingafricafinance.org, 2019).

The following major pieces of legislation and policy documents are essential for an understanding of the South African government's approach to housing-policy development and implementation (Housingafricafinance.org, 2019):

- The Constitution of the Republic of South Africa (108 of 1996).
- The Housing Act (107 of 1997).
- The Public Finance Management Act (1 of 1999).
- The Municipal Finance Management Act (56 of 2003).

- The Division of Revenue Act (7 of 2003).
- The Growth, Employment and Redistribution Strategy (GEAR) (1996).
- The Expanded Public Works Program (EPWP).
- The Reconstruction and Development Programme (RDP).
- The Accelerated and Shared Growth Initiative for South Africa (Asgisa).

Since the South African government had developed housing programmes in line with the provisions of the Constitution (1996), this makes a case for why government needs to work towards making sure that citizens have access to secure tenure, housing, basic services, materials, facilities and infrastructure on a progressive basis. In this instance, government will need to "apply legislative, administrative, financial, educational and social measures to fulfil its housing obligations" (Housingafricafinance.org, 2019).

The housing policies in South Africa emerged from the extensive negotiations within the National Housing Forum between 1992 and 1994. This process was followed by the Housing Summit. Additionally, in line with the affirmations of the summit, the Housing White Paper of 1994 states that "the time for delivery (housing) has started" (Khan & Thurman, 2001:2).

As early as 2001, the South African government committed itself to regenerate the inner cities of the country. The plan was to develop targeted pieces of land for the purpose of broadening the housing programme to address the increasing demand for urban rental housing (Housingafricafinance.org, 2019). This was done in line with the need to create sustainable human settlements using the following guidelines on housing policy and strategies (Housingafricafinance.org, 2019):

- The restoration and advancement of human dignity and citizenship.
- The alignment of funding with integrated development planning.
- Creating a responsive system towards the demands of communities with quality products and environments.
- Rental housing provisions and inner-city regeneration.
- Heightened private sector involvement.
- Establishing a procurement system that complies with the provisions of the country's constitution as well as the Public Finance Management Act (1 of 1999).

The South African government has always acknowledged that sustainable medium-density rental housing could only be achieved through social-housing institutions as well as private-sector participation. This is because social housing has the potential to address the concerns of housing densities, thereby contributing to sustainable development (Housingafricafinance.org, 2019). The housing sector has the potential to contribute to local economic development by supporting local economies as well as increasing the fiscal benefit. This is much greater than the investment input in the housing sector by the government (Housingafricafinance.org, 2019).

3.5.2 Health care policies

The health care system in South Africa consists of a two-tiered framework which is dependent on private and public sectors of service delivery. The government's aims for the improvement of health include but are not limited to:

> Addressing access to health care; Increasing patients' participation and the dignity afforded to them; Reducing underlying causes of illness, injury, and disability through preventive and health promotion activities; Expanding research on evidence of effectiveness; Ensuring the appropriate use of health care services; and Reducing health care errors (adverse events) (Gov.za, 2019).

South Africa has always faced challenges with quality in the private and public sectors of health care. These include "[u]nder-use and overuse of health services, variation in services, lack of resources, poor information, disregard for human dignity, amongst others" (Gov.za, 2019).

The national health policy makes provision for community participation and the adoption of Batho Pele principles to be used as the means to empower communities in taking ownership of their own health care and wellbeing (Gov.za, 2019). This pertains to the involvement of patients in the decision-making process in ensuring the effectiveness of health services. Patients who are treated with dignity and are well informed tend to participate in the decisions of treatment and are hence more likely to comply with treatment plans (Gov.za, 2019).

In relation to the RDP, it is noted that with the then amount of R8500 per capita (of gross national product, South Africa was in the position to provide health care for its citizens (SA History Online, 1994:18). The short-term aim of the RDP was to provide South African citizens with health facilities and to restructure health care services to obtain better value for money spent on social,

mental and physical health (SA History Online, 1994:33). The RDP is also cited by the National Health System as a programme that sought to involve private- and public-sector institutions as service providers of goods and services existing at national, provincial, district and community levels (SA History Online, 1994:80).

Streak 1 (2004:285) states that when GEAR came into effect it did not place much focus on the health care system but rather on capital investment of the country and infrastructural projects. Even though that was the case, government still continued to make resources available for health care but the new investments in the health sector were largely channelled towards mitigating the impact of HIV/AIDS (Streak 1, 2004:285). When government's macro policy shifted from RDP to GEAR, emphasis was particularly placed on public productive expenditures (roads, infrastructure and transport) rather than on social expenditure such as education and health care (Adelzadeh, 1996:76).

The move from GEAR to Asgisa was simply a mutation of the macro policies in place (Ashman, Fine & Newman, 2010:39). However, Asgisa was more concerned about policy interventions at a micro level, with mere reference to human development through skills development and training (Ashman *et al*., 2010:39).

With respect to the NDP, government took a decision to deal with long-term factors which fall outside of the public health care system, inclusive of lifestyle issues, education, road accidents and nutrition, amongst other things (Gov.za, 2019). In other words, even though government had considered creating access to health care, the point of focus was no longer placed only on infrastructure but included other aspects that contribute to the wellbeing of citizens. Be that as it may, the National Health Insurance policy found in the National Health Act (61 of 2003) created another shift in policy. It made a call for structural changes to the health care system (in private and public sectors), with an interest to deal with inequalities, fairness and justice (Gov.za, 2019).

Gary and Vawda (2019:10) include the following as some of the health care legislation and policies of South Africa:

- The White Paper on National Health Insurance (2015).
- Medicines and Related Substances Amendment Act (14 of 2015).
- National Health Amendment Act (12 of 2013).

- Medical Schemes Act (131 of 1998).
- National Health Act (61 of 2003, as amended in 2013).
- Health Professions Amendment Act (29 of 2007).
- Nursing Act (33 of 2005).

3.6 Conclusion

Through discussing the history of South Africa's policy regime, it becomes easy to discern that the state intended that development happens in the context of the principles of the right to development as well as human development. Human development, for example, is seen in the provisions of the RDP, which enumerate access to housing, free basic education and health care. These particular aspects fall within Article 8 of the UNDRTD. The types of policies described as well as their outcomes vary. The RDP may have been a positive tool for the advancement of the principles of the right to development. The problem, however, was that there were not enough financial resources to sustain the development programme.

Whilst GEAR was aimed at accelerating development prompted by targets of economic growth, it was labelled a neoliberal policy. It should be borne in mind that neoliberalism was mentioned in Chapter 2 of this research study as an existing concept within other development concepts. Based on the literature review, Asgisa became an extension of GEAR and received almost the same negative response to that of GEAR. The varying responses to policy, in this instance, are depicted by the form and shape of government's stance on policy. In the case of GEAR, it is clear that it was subject to be defined as a neoliberal policy. So, in this instance, GEAR might not be the correct tool for the advancement of the right to development in South Africa. The right to development is related to human entitlements that exist in policy and legislation. This is what the UNDRTD states in Article 10 and it is also explained in Chapter 2 of this study. Towards the end of this research study, it would be interesting to see whether the outcomes point to the same conclusion discussed herein.

CHAPTER 4: RESEARCH METHODOLOGY

4.1 Introduction

The study undertaken sought to focus on theoretical issues as they relate to the three themes of the study, namely the right to development, cultural relativism and public policy. The theory considered and applied to the research design could not be achieved through computation of data only but rather through the interpretation of data collected. In this chapter, the research methods employed in this study will be discussed. These were employed because the study needed to find a way to integrate historical information within the context from where the theories originated.

4.2 Research Methodology and Methods

4.2.1 Research paradigm

There are two common methodological paradigms that exist in the field of research, namely quantitative and qualitative research paradigms. Quantitative research is characterised by the central role afforded (to the researcher) to control for sources of error in the research process. The nature of control is through either experimental or statistical control (Babbie & Mouton, 2017:49). Quantitative methods emphasise objective measurements and the statistical, mathematical or numerical analysis of data collected through polls, questionnaires and surveys, or by manipulating pre-existing statistical data using computational techniques (Babbie, 2010). Quantitative research focuses on gathering numerical data and generalising it across groups of people or to explain a particular phenomenon (Babbie, 2010). Qualitative research, on the other hand, attempts to study human action from the perspective of the social actors themselves, with the goal of understanding behaviour (Babbie & Mouton, 2017:270). Qualitative researchers have a keen interest in understanding events, actions and processes in certain defined contexts (Babbie & Mouton, 2017:272).

For the purpose of this research, the qualitative research paradigm was used due to the nature of the research topic, which required that data be collected in order for analysis to occur. Qualitative research was used because the study did not seek to quantify data. The study rather sought to form an understanding of the events, processes and outcomes within the defined context.

4.2.2   Research philosophies

Scotland (2012:9) is of the view that any research paradigm (be it qualitative or quantitative) consists of ontology, epistemology, methodology and methods. He explains that ontology is the assumption of reality; that is the "what is", whilst epistemology is concerned with how knowledge is acquired and communicated. Methodology, then, is the plan of action as well as the choice of particular methods (Scotland, 2012:9).

Epistemology refers to the study of knowledge and justified belief. As such, epistemology is concerned with questions that pertain to the relevance and sufficient conditions of knowledge. This is in terms of sources of knowledge, the structure and limitations of knowledge and the need to create and disseminate knowledge in a specific area of inquiry (Plato.Stanford.edu, 2019). Epistemology could have an important role in the analysis of social-policy research due to the creation of a stream of social epistemology, which is aimed at assessing the social contours of knowledge (Jacobson, 2007:121). Social epistemology is the study of those processes by which society seeks to achieve a perspective in relation to the total environment – physical, psychological and intellectual (Jacobson, 2007:121).

Ontology concerns the beliefs about the things that need to be known about the world, irrespective of whether there is an existence of social reality. The aim is to examine whether there is a common shared social reality, and whether social reality or social behaviour is governed by generalisable laws (Ritchie *et al*., 2013:22). The concept of ontology requires uncovering perceptions of human nature as well as its impact on the approach that is adopted to reveal social truths (Bracken, 2010:2). The foundations of ontology in research dictate that researchers adopt differing social realities. It does so whilst also adopting the belief that "the world of social interactions exists independently of what I [we] perceive it to be … it is a rational, external entity and responsive to scientific and positivist modes of inquiry" (Bracken, 2010:2). Kennet (2001:6) tries to simplify the description of ontology by referring to ontology as an image of social reality.

The lessons attained from an ontological frame of thinking or research are used to focus on forming identities and self-reflection to ensure that the researcher forms a clear understanding of philosophical suppositions underpinning the research process (Bracken, 2010:7). In the context of ontological assumptions, the reality can be understood by "displaying 'multiple constructed

realities' through the shared investigation (by researchers and participants) of meanings and explanations" (Ritchie *et al.*, 2013:22). This approach is referred to as a constructivist model of research (Ritchie *et al.*, 2013:22). The other approach is that of the interpretive model. From this approach, subjective meaning is derived from relativism and it requires that that reality which is to be constructed differs from one person to the next (Scotland, 2012:11).

This study therefore focused on ontology and epistemology as research philosophies to guide the thinking of the researcher. The data collected and analysed as per the topic required the researcher to reflect on the past with the view to form identities, meaning and descriptions that should underpin philosophical underpinnings (ontology). The epistemological philosophy was followed because the study sought to attain certain societal perspectives within the intellectual (right to development) and total (development, public policy) environment, as per the description by Jacobson (2007:121).

4.2.3 Sources of social enquiry

The methods used in this thesis provided a framework and guidelines for conducting the research. The methods that suited this study include historical research, phenomenology and philosophical research.

4.2.3.1 *Historical research*

Historical research concerns the systematic collection and evaluation of data to describe, explain and understand actions or events that occurred sometime in the past (Najafabad Saeedeh Shafiee, 2015). In historical research, there is no manipulation or control of variables as in experimental research. Furthermore, the aim is to reconstruct what happened during a certain period of time as completely and accurately as possible (Najafabad Saeedeh Shafiee, 2015). Looking into historical material requires the researcher to go back to documents that span across a specific time period. The researcher will then determine the existing critiques of those documents, which are in the form of secondary data.

Research seeking to unpack whether the UNDRTD as an international policy instrument appears to be culturally relative requires the collection of historical data due to a number of reasons. Firstly, there are important historical events and issues in drafting policies on the right to development in

South Africa. These events shaped the manner in which policy is framed in South Africa. In other words, the historical issues and events led to the way in which South African social policy (which includes policies on the right to development) is written.

Secondly, the understanding of cultural relativism also follows a historical evolution in the sense that the concept of cultural relativism has evolved in time from the western and non-western contexts. The historical evolution of the concept of cultural relativism would require extensive explanation to make the reader understand the meaning of the concept.

Finally, it is important to note that the social policy of South Africa exists within the specific framework that has been framed over a period of time. This framework needs to be unpacked to show how cultural relativism is located within that macro framework. For example, the socio-political landscape of South Africa, stemming from the past, has had an impact on how the social policy of the country is framed and written. The nuances of cultural relativism may or may not be prevalent in the historical positioning of South African macro policies. Whether the concept of cultural relativism was always in the midst of past and current policy frameworks will be determined by its existence or lack thereof in the policy-creation process of South Africa.

The historical factors reflected on in the thesis span from the period of 1994 to 2012. In other words, the past macro policies of South Africa are explored to examine the meaning or framing of macro policies which give rise to the right to development in South Africa. The idea of exploring the historical aspects related to the presence of cultural relativism in South Africa will best explain why the form and meaning of these policies happen to be the way they are. In this instance, it should be noted that the policy-writing process includes participation of stakeholders to arrive at a policy decision, drafting and implementation. This process, which, in the context of this thesis will be consulted, should explain why there is cultural relativism present in the social policy of South Africa.

4.2.3.2 *Phenomenology*

The right to development is deemed to be a phenomenon that has been subject to the subjective reality of southern and northern countries. This phenomenon appears to have different meanings to southern and northern countries. It therefore becomes important to unpack the method of phenomenology, but, more importantly, how the phenomenon of the right to development finds

expression in the social policies of South Africa. In phenomenology, the aim of the researcher is to describe as accurately as possible the phenomenon to be studied, refraining from any pre-given framework but remaining true to the facts (Groenewald, 2004:4).

A researcher applying phenomenology is concerned with the lived experiences of the people involved, or who were involved, with the issue being researched (Groenewald, 2004:5). It should be noted that the description of phenomenology, in this instance, fits with the notions of how lived experiences are important in the process of policy creation. For instance, policies are located within the lived experiences of a populace (citizens of a country). As such, policy initiation should consider the aspirations of the populace for the purpose of improving the lives of a society. Taking this into account, the paradigm of phenomenology was important for this research.

Development as a construct is also subject to the same type of scrutiny which rests on people's lived experiences. For example, the current Sustainable Development Goals (SDGs) infer the expectations of people's lived experiences in relation to poverty and the alleviation thereof. Because phenomenology, in this instance, partly aims to eke out the realities of South Africans, it was purposed to conduct this research.

As with development, the concept of cultural relativism was to be interrogated as a possible phenomenon. Cultural relativists are of the view that a certain form of culture may be different from other (existing) cultures. Additionally, they believe that the relative application of any culture that differs from the global norms should be recognised as adequate and acceptable. In other words, the norms and values that give rise to a culture should not be universal in nature. Smaller and unrecognised cultures should rather be recognised for what they are and what they stand for. In essence, the phenomena explored in this thesis included theories of development, cultural relativism and development as a fundamental human right.

4.2.3.3 *Philosophical research*

Philosophical research is aimed at analysing arguments in favour of or against a particular position, sometimes of a normative or value-laden kind (Mouton, 2016:178). Philosophical research consists of studies that develop substantive points of view about the meaning of life and is classified as a non-empirical tool (Mouton, 2016:178). Based on the latter description, philosophical research requires intellectual analysis to provide meaning to the different phenomena being explored. This

was the case in the research process of this thesis. Within this context, the researcher envisaged unfolding the connection between the existing social policies on the right to development and determining whether these policies are framed in a culturally relative manner.

It should be borne in mind that the UNDRTD as an international policy instrument is subject to various frames of thought and philosophies. These philosophies differ based on a frame of reference across the regions of the world. In chapters 1 and 2 of the study, it is stated that northern countries view the instrument differently from countries of the south, particularly non-western countries. These philosophical underpinnings are important in relation to how each region of the world gives substantive meaning to what the principle of development as a fundamental human right ought to be depending on a populace's frame of thought. This means that there are various broad discourses on the right to development. These discourses need to be narrowed down to give an explanation on what development as a right means in the South African context. It is through this type of interrogation of discourse that the reader will then understand the meaning of development as a right in South Africa.

Apart from the right to development as a concept or a construct, the theories of development are also subject to philosophical underpinnings, from which different groupings of a society view development in different ways. For example, there are some development theories which trade unions in South African tend to view in a negative light. This sometimes pertains to theories that are neoliberal in nature. However, the same development theories which are deemed neoliberal in South Africa are sometimes supported by businesses that operate in the private sector. Since this study aims to explore the public-policy framework on development as an entitlement or a right, the discourse related to what development ought to be in the South African context needs to be explored in full.

Cultural relativism in South Africa has not been a popular form of discourse within the academia. The notions of what culture is in the South African context are also subject to philosophical underpinnings. Before relativism in the context of culture in South Africa can be examined, there is a need to establish what culture is or what it means in South Africa. This is important since there are a myriad of cultures, heritages and dispositions of being in the South African social system. Therefore, culture and its meaning in South Africa should be described as this will provide the necessary backdrop to cultural relativism.

4.2.4   Research design

This study is compatible with the qualitative paradigm because qualitative research aims to understand events (past and present), actions and processes in certain contexts (Babbie & Mouton, 2017:272). The process of forming an understanding of the events under study did not require a quantitative approach of research. The research was designed to follow a thematic approach in its inquiry process. The inquiry was to explore the connection of the three themes implicated in the research topic of this study. The three main theoretical aspects are discourse on development, cultural relativism and public policy. This design was used since the content and data on the topic refer to the provisions of policy guidelines from the right to development, the concept of development and whether these are culturally relative. The process of inquiry, therefore, did not aim to tap into existing figures or statistics but rather to form an understanding of "what is" and the meaning behind "what is". The available secondary data that were sourced throughout the research process made conducting research easy because data and material on the topic are available online. Due to the enormity of the research project, the time would have been limited had another form of research been employed. For this study, minimal resources were used in the research process. Any attempt to stretch resources and the time needed to complete the study would have been problematic. Collecting secondary data through desk research ensured that the available material was reconstructed to make sense for the South African situation as it pertains to the topic being researched.

4.2.5   Research methods

Because desk research was used, a literature review was conducted. From this literature review, a number of themes were derived for the purpose of analysis. This was followed by conceptual analysis, through which the key concepts contained in the literature review were fleshed out. The purpose with this was to form an understanding of the possible reality in relation to the topic under research. The desktop research also included an analysis of primary and secondary research material, such as the NDP, RDP and the Constitution (1996). Apart from desk research, interviews were used for the purpose of corroborating the literature review. Alshenqeeti (2014:40) remarks that an interview is normally a conversation with the purpose of describing the lifeworld of the interviewee in relation to the interpretation of meanings of certain phenomena. Edwards and Holland (2013:2) argue that interviews are conducted to access objective information and the

interviewee and their social world in a manner affecting their world or as an advocate speaking for or against a particular issue.

The participants for this research study included scholars or academics and experts on themes and subthemes related to this study. The academics were based in South Africa, but all had published work on the subthemes of the research topic. Some of the experts were part of policy-creation processes in the field of development but, more importantly, in the area of the right to development. Ten interviews were conducted in the process of this research. In five of these, participants had to answer questions on the right to development; in the other five, participants had to respond to questions on public policy. Apart from this, all ten responded to questions. Participants in this research study were selected due to their extensive academic scholarship on or expertise in the right to development and relativism. The experts from government were selected as a result of their proximity to policymaking processes and legislation that relates to the right to development. It is also important to note that an official from the Department of Planning, Monitoring and Evaluation (DPME) was one of the key interviewees due to the fact that the DPME is responsible for policy monitoring and evaluation. The insights from this participant were important in bringing about understanding on the three subthemes.

4.2.6   Sampling for interviews

In purposive sampling, consideration is made to ensure that the interviewee, together with their social world, is relevant for the purpose of the study. The other important consideration in the selection of interviewees is theoretical sampling. Theoretical sampling is done "in the context of the development of grounded theory and over time definitions and practices of theoretical sampling have been modified by others" (Edwards & Holland, 2013:6).

For this research study, purposive sampling and theoretical sampling were used for a number of reasons. Firstly, purposive sampling was used since there are things that are specific or particular in nature that need to be tapped into. These include issues that pertain to cultural relativism in South Africa and, specifically, how cultural relativism exists in shape or form. Secondly, there was a need for theoretical sampling to be used to ensure that the theory that is specific to the discourse being explored are tested by identifying participants who are experts and specialists in that field. The

selection of participants was therefore done in line with the theory that had to be explored. This entailed pairing experts with certain theoretical themes that were explored in this research study.

4.2.7 Time period of published information collected for desktop data

The data collected for this study were produced in specific time periods during which the notions of the right to development had become open to scrutiny in world affairs. More detail are available under table 4.1. below. For example, the period spanning from the late 1980s to the mid-1990s remains important for any researcher who seeks to understand the background on how the right to development came into effect amongst world countries. The reason is because the UNDRTD was adopted by the UN in 1986, the period prior and after the adoption having held important debates on the theories of rights-based development. It was at this point that development as a fundamental human right began to find expression in the global sphere, justified by the need to end poverty in the so-called third-world countries.

Notably, South Africa was never part of the global discussions of the UN or AU on the concept of the right to development. This is because South Africa in the time period 1980 to mid-1990s had been in political isolation as a result of imposed global sanctions. The past discourse on the genesis of the right to development thus provided an understanding of what the frame of thought was pertaining to the right to development. It also made reference to the type of ideologies that were deemed important for southern and northern countries. This remains important because the ideologies could be universal or culturally relative in nature. The delineation of such phenomena may disclose whether the intention in the past was to develop policies of the right to development in a manner that is universal or culturally relative.

South Africa started adhering to the UNDRTD only after the institution of a democratic dispensation, in the late 1990s. Tapping into the past discourse and knowledge provided an indication as to whether South Africa later adopted instruments on the right to development that were meant to be culturally relative or universal in nature. This delineation formed the basis of the research topic in that the aim was to understand whether the policies on the right to development are advanced through cultural relativism or not.

The other time period that is important for the topic of this research is that of the 1960s to 2001. In this time period, several development theories became part of global discourses in various ways.

For example, within the existing body of knowledge on development theories lies notions of the Dependency Model, neoliberal model and other current development models (for example, the Sustainable Development Model). There are also several criticisms of development as a construct. These theories became prevalent from the 1960s up to the early 2000s.

The criticisms of development of the past epochs globally supplied an indication on whether the South African ideology on development as a construct or as a human right carries with it elements that reflect the universal or local discourse. For example, it is well known that South African trade unions have been weary of development policies that are neoliberal in nature. For that reason, it was important to establish what this means in light of the research topic. The manner in which macro policies are viewed in relation to ideology could best clarify the South African frame of reference on whether its macro policies are universal in nature to the detriment of local thought and practice of South African cultural systems.

So, the question that remains important in this context is whether the local knowledge drawn from cultural concepts are located within the public-policy-creation process and surfaces in policies on the right to development. The arguments presented on why there is a need to select data according to specific timeframes or epochs are in line with the research paradigm of historiography, as mentioned earlier in this chapter. By way of illustration, Tables 4.1–4.3 illustrate the logical order of events and issues consulted in relation to the historical eras from which the data were derived.

Table 4.1: Development and the right to development as a concept

Time period	Subtheme	Purpose of research inquiry
1960s to 2000s	Data on development theories: this included dependency, neoliberal, human development, and sustainable development models.	Background to the meaning, ideologies, norms and standards of development theories.
1980s	The right to development as a concept: this consisted of data that explain the foundations of development as a fundamental human right.	Background on the discourse that necessitated the UNDRTD across the globe.
1990s	"Rights-based development" as concept.	The foundations of human development, which was transposed to rights-based development.

Table 4.2: Public-policy-creation process in South Africa

Time period	Subtheme	Purpose of research inquiry
Mid-1990s	Data on the transformative processes which led to the reconfiguration of development policies in South Africa, with reference to the RDP as a macro policy on development in South Africa.	This inquiry provided an explanation on how the frame of thought was applied in revising the macro policy of South Africa with reference to the need to transform the social landscape. For example, in the White Paper on Social Welfare of the 1990s, it is explained that the White Paper was drafted in the spirit of promoting Ubuntu as a frame of thought. This was when the state was intent on transforming social-welfare policies. Such documents were crucial in trying to form an understanding of the frame of thought applied when drafting policies.
2000 to 2007	Data on socio-economic policies which aimed at advancing development-employment creation, economic growth and the creation of sub-economies. These macro policies include GEAR and Asgisa.	This inquiry tapped into how the transformation of socio-economic issues carried certain ideologies that are either universal, neoliberal or culturally relative.
2000s	Description of social policy.	This inquiry supplied meaning to what social policy is in recent and current contexts. This is important because the thesis does not only focus on the economic policies and the UNDRTD. This is partly because the UNDRTD as a tool to end poverty is concerned about social issues that pertain to shelter, health and education, amongst others.
2012 to date	Data on the current NDP macro policy.	This inquiry helped explaining the current epoch and whether the manner in which policy is framed gives meaning to cultural relativism.

Table 4.3: Cultural relativism

Time period	Subtheme	Purpose of research inquiry
1940s to 1950s	Data on the theories of cultural relativism.	This inquiry tapped into the foundations of cultural relativism as a construct that was given status in the academia by western scholars.
1950s to 1960s	The evolution of cultural relativism in the context of politics, law and public policy in western countries.	This inquiry tapped into the emergence of cultural relativism as a source of thinking in European countries that were aiming to rebuild their countries through development after the Second World War.
1990 to 2000	The right to development and cultural relativism in global discourse.	This inquiry tapped into the symbiotic relationship or lack thereof in relation to the connection between cultural relativism and development as a fundamental human right. This form of inquiry is important as it aims to make the reader understand why certain countries will follow the global thinking of universalism as opposed to the frame of thinking that is culturally relative.
2001 to date	Data on how, in recent times, cultural relativism is framed within the context of policy.	This inquiry aided in explaining the current state of cultural relativism as per scholars based in Asia.

4.2.8 Relevance of data

The type of data collected needed to fit into the themes and subthemes explained in the tables above. In other words, data that were relevant to the following needed to be collected:

Development

- Development theories
- Development as a human right
- Development as an international instrument

Public Policy

- Theories of public policy
- Processes of public policy
- Framing of policy (in terms of language and meaning)
- Public policy as a tool that encompasses aspirations of a society

Cultural Relativism

- What is cultural relativism in general terms?
- How does cultural relativism find expression within the fields of policy and governance in South Africa and other countries?
- What does cultural relativism mean in the context of South Africa?

4.3   Data Collection Techniques

4.3.1   Internal desk research

Online desk research – Desk research was used to locate information that pertains to internal aspects of institutions that are important to the research. This includes secondary sources of data, written by scholars who have produced knowledge on social policy, international instruments and policy related to the instruments. For example, there are many scholars who have interrogated and critiqued the UNDRTD as well as the African Charter. The secondary data referred to herein therefore relate to the information that other scholars have produced.

Government information – The government of South Africa holds information that is deemed important to the study. This includes speeches, policy documents, national action plans and macro-policy frameworks to name a few. This was useful in the processing and analysis of information as it pertains to the intention of government in the drafting and framing of policies and legislation. The data collected were relevant to the research undertaken as well as themes explored.

Archival material – A lot of archival material was consulted on the historical aspects of where policies originate from (in terms of the process of drafting them). Extraction of this information was important for analysis that would give meaning to the concepts explored but, more importantly, how those concepts are located within South Africa's social-policy framework. For example, there is a vast amount of data explaining why the types of macro policies that exist were created. One specific example of this is that there is a link between the White Paper on Social Welfare and the existing NDP macro policy. All these aspects, as they are connected, provide meaning for the right to development policies which are foregrounded in the social policy of South Africa.

AU- and UN-based reports – The AU passed the African Charter and the UN adopted the UNDRTD. Both the UN and AU have internal documents that give expression to the right to development in various ways. These internal documents were extracted for the purpose of framing arguments in the thesis and to analyse information collected. It should be noted that these documents/reports have been analysed by scholars attempting to give meaning to the concepts explored, but, more importantly, they were analysed for the entire topic of this thesis.

4.3.2   External desk research

Online Desk Research – Research search engines were used to eke out information on various concepts that the thesis aims to describe. This included using Google Scholar, amongst other tools. Search engines are important where keywords are searched, which can be done to ensure that relevant content is uploaded. Information extracted was on key concepts that have not been clearly defined in the South African context, namely cultural relativism and the right to development as a concept.

Archival research – The archival material that was sought was on how the concepts that are explored in this thesis have been used in the past and present eras of research. This is important in light of the need to illustrate how the concepts have evolved over time. The notion of phenomenology was examined using archived material in the form of documentary information that is historical in nature.

4.3.3   Data collection for interviews

Interviews can be structured, semi-structured and unstructured (focused). The study did not use structured interviews because structured interviews are used in quantitative studies as opposed to qualitative studies. Alshenqeeti (2014:41) points out that a good qualitative interview flows naturally and is rich in detail. It always seek particular issues and, in doing so, the interviewer needs to choose a location that is suitable and appropriate for the interview. The nature of interviews concerns the asymmetry of power. In-depth interviews are suitable for shifting power from the interviewer to the interviewee and vice versa (Edwards & Holland, 2013:78).

Unstructured interviews were conducted for this research study. Unstructured interviews do not restrict questions asked by the researcher and they are useful when little is known about certain

topics (Doody & Noonan, 2013:29). Unstructured interviews are used when the researcher needs to explore a specific topic without a structure or a preconceived structured plan. In this type of interview, the researcher will try to understand the interviewee's social world (Mathers, Fox & Hunn, 1998:3). Since purposive sampling was used, the interviews could be confined according to a particular purpose through using an interview schedule (Annexure A).

The interviews occurred face to face, which was useful as these interviews allow for a great deal of flexibility (Mathers *et al.*, 1998:3). In cases where the interviewees were not within easy reach, ICT mechanisms (video conferencing, Skype) were used, with audio content produced and transcribed at a later stage. The interviews were recorded. One of the advantages of face-to-face interviews is that human cues, namely voice, body language and intonation of the interviewee, can be used and captured as an answer (Opdenakker, 2006:12). These interviews were conducted with government officials and experts who are public policy practitioners and university professors who have good knowledge on the three subthemes. The interviews took place after the granting of the ethical clearance. The interviews took place in Gauteng province, Free State province, and North West Province.

4.4   Data Analysis

4.4.1   Types of analyses used in the research process

Two types of analyses were used in the final analysis of the findings of the research – conceptual and discourse analyses. According to Mouton (2016:164), conceptual analysis concerns the analysis of words or concepts through clarification and elaboration of the different dimensions of meaning. Discourse analysis, on the other hand, is suitable for researchers interested in theorising about life (Babbie & Mouton, 2017:495). Discourse analysis is a method allowing one to transcend certain obvious things to reconstruct the meaning (Babbie *et al.*, 2016:495). In the process of reconstructing meaning, discourse analysis is concerned with the interrelationships between language and society (Babbie & Mouton, 2017:495).

Conceptual analysis was used to eke out and infer meaning from the concepts of development and public policy. Numerous dimensions of development in relation to the following were analysed using conceptual analysis:

- Development theories: What do the theories mean for the global countries but, more importantly, what do they mean for a country such as South Africa?

- Development as a human right: What does the concept of development as a human right mean within the South African context, against the background of global views?

- The UNDRTD as an international instrument: What are the key factors encapsulated within the UNDRTD and what do they mean for the South African context?

For data on public policy:

- Theories of public policy: What are the theories of public policy and what do they mean for the South African landscape?

- Processes of public policy: How do the processes of public-policy creation unfold in the context of framing policies?

- Framing of policy (in terms of language and meaning): This was important in attempting to assess how the policy guidelines of the UNDRTD are framed to show whether they are culturally relative or not.

- Public policy as a tool that encompasses aspirations of a society: This places the public in the centre of public-policy creation and framing because it is the cultural norms, standards and values of citizens that governments need to consider when writing policies.

Discourse analysis was used to explore the concept of cultural relativism. As explained above, discourse analysis is used as the basis to theorise about life. In line with this assertion, it was important to attempt to outline theories of cultural relativism in countries where they had been prevalent. This was done for the purposes of foregrounding the issues, facts and trends within the South African landscape. This is important because it was established that there are minimal academic texts which aim to expound on the nuances of cultural relativism and its connection with public policy in South Africa.

In using discourse analysis to explore cultural relativism, the following process of inquiry was adhered to:

- What is cultural relativism in general terms? This question concerns the need to explore theories of cultural relativism as they exist in current texts.

- How does cultural relativism find expression within the fields of policy and governance in South Africa and other countries? How is cultural relativism discernible in the fields of public policy, with reference to its theories?

- What does cultural relativism mean in the context of South Africa? This inquiry concerned the need to theorise what cultural relativism in South Africa ought to mean against the trends, issues and available discourses of non-western countries.

4.4.2   Analysis for interviews

Analysis for data collected can be done through coding, which consists of generating meaningful data units as well as classifying and ordering those units. Secondly, the interviewer needs to ensure that the analysis process should be reflexive in that it should also make reference to the experience of the researcher when interacting with the interviewees (Alshenqeeti, 2014:41).

Edwards and Holland (2013:16) assert that the interpretive approach in social research often covers a range of different phenomenological philosophical approaches concerned with forming an understanding on social phenomena. The narrative interview as part of the interpretive approach of analysis is based on the idea that people locate themselves in certain narratives through time. They do this to draw on their experiences and understanding and to interpret stories to make sense of a phenomenon (Edwards & Holland, 2013:35).

The basis for analysing unstructured interviews is to determine why and how interviewees differ in their reasoning regarding a particular matter or subject (Mathers *et al.*, 1998:16). The best ways to code the results of the interviews is to examine the proportion of answers to a particular question and "to use a five bar gate system to record the most frequently mentioned items in the answers" (Mathers *et al.*, 1998:18). These were also employed in the analysis of this research.

4.4.3   Testing the findings to form a conclusion

Having used conceptual and discourse analyses for development issues and public policy, the outcomes of the exercise had to be tabulated according to the themes explained above. The themes were then coded. Coding is the process by which content (of different forms) is classified according

to some form of conceptual framework. This involves the conceptualisation of theoretical concerns and empirical observations (Babbie & Mouton, 2017:388).

Coding was needed for the final phase of the research process because ontology was used as the basis from which reality is to be constructed. The ontological assumptions that were drawn from the conceptual and discourse analyses were further refined through coding. As explained above, the themes were tabulated to identify issues that are common or repetitive. In this instance, the ideas expressed by scholars and other existing material had to be assessed. This means that the dialectic approach was relevant to ensure that the data analysis became a synthesis of competing ideas, meanings and issues. The ontological assumptions created through the research undertaken were tested against the current macro-policy framework of South Africa, namely the NDP. In other words, based on the data extrapolated and tabulated according to themes, the meaning of concepts and issues were tested against the current NDP. This was done to assess whether the way the NDP is written frames the right to development. More importantly, it was done to determine whether these policies on the right to development are framed in a manner that promotes cultural relativism.

4.5 Validity and Reliability

Triangulation involves the use of various methods of checking sources of information with the purpose of establishing the integrity of inferences derived from the data analysed (Ritchie *et al.*, 2013:43). Triangulation was employed in this study to verify information collected from participants and case studies. Methods of internal validity were also explored in the study.

4.6 Conclusion

The method and design used in this research study sought to eke out information and data by making sure that there is reference to past but current issues related to the following: the right to development, public policy and cultural relativism. The methods deployed in the research study had the intent of using information to ensure that meaning is given to the three key themes of the research. Through this method, an account of the issues that have occurred in the space of the right to development could be made. Since many events have occurred in relation to the concept of the right to development within the global arena, historical data captured have given insights on the

right to development and the way it ought to be applied in domestic settings. At the centre of this is the concept of cultural relativism.

CHAPTER 5: FIELDWORK RESULTS ON THE RIGHT TO DEVELOPMENT, CULTURAL RELATIVISM AND PUBLIC POLICY

5.1 Introduction

The objective of this chapter is to provide the fieldwork results according to the research design. This chapter seeks to explain the issues that were captured during the interviews, namely the outcomes of the fieldwork conducted. These are the results in relation to responses from the participants. In light of the fact that the interviews were semi-structured, the participants shared information that is related to the research themes even though specific questions were not asked in the interview schedule. In other words, participants provided information that relates to the theories explored in the literature review of this study. These inputs, feedback or discussions were captured during the recording of the interviews. The "additional views" that are relevant to the theories explored are also included in this chapter to compare the sentiments of the participants and the theory explored in the study.

The research methodology of this study allowed data to be collected through various means, including interviews, as part of the fieldwork. Interviews were conducted face to face with participants who were able to make themselves available for the scheduled interviews. Those who could not be available for face-to-face interviews were interviewed telephonically, with the interviews recorded.

The questions prepared for the interviews were captured in an "interview schedule" (Appendix A). Questions used in the interviews aimed to obtain information on the three key themes, the right to development, cultural relativism and public policy. The objective of the interviews was to take a further look into the policy guidelines of the right to development and to obtain clarity on how these policy guidelines could be advanced through cultural relativism. The participants consisted of academics, experts and government officials (senior managers). Since the interviews were semi-structured, participants were able to cite their own experiences and observations of and exposure to the subject matter or themes.

5.2   Context of Themes

The interview schedule was accompanied by a glossary of information to give context to the issues and themes being explored. This was important given the fact that few studies have been conducted in South Africa on cultural relativism and its connection with rights-based development or the concept of the right to development. Guidelines used to construct questions for each of the three key elements are discussed in the below sections.

5.2.1   The right to development

The right to development, according to several academic texts, is considered a concept (an idea or ideal). As a concept, the right to development is considered to be fulfilled when development occurs as a result of it being considered an inalienable human right. It is for this reason that the UN adopted the UNDRTD according to resolution 41/128 of 4 December 1986 of the UNDRTD. According to the preamble of the UNDRTD, development as a human right should be considered a "comprehensive economic, social, cultural, and political process which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development in the fair distribution of benefits resulting therefrom".

Apart from the right to development being a concept, it is also given the practicable application of its essence through Article 8 of the UNDRTD. The article explains that, for development to happen, all of the things that are important for a person's wellbeing need to be provided for. For instance, state parties need to ensure that basic human needs such as housing, food, health and education are provided as entitlements or rights of people. Article 8 therefore makes reference to the practical aspects of applying notions of human development (the right to housing, education, health) as a human right or entitlement. The context of the right to development is assessed in the context of it being a concept and a practical tool for development.

5.2.2   Cultural relativism

The normative definition of cultural relativism is that it is a norm prescribing that things that are "good" and "bad" are relative to culture. Furthermore, the things that are deemed good are often socially approved by society in a particular culture and with particular social conventions. Apart

from the latter, norms can also be referred to as a desired state in respect of social conventions. This study aims to tap into ethical aspects of culture in South Africa, with specific reference to policy on the right to development as it is framed in policy texts, especially the NDP. The assumption is that South Africa has, in the past and present, adopted certain legislation and policies in this context.

In light of the above, it is assumed that Ubuntu is framed within the White Paper due to its moral good within South African society, hence the White Paper mentioning the words "care", "mutual support" and "humanity". All these aspects make the inference that Ubuntu is a tool for cultural relativism. In this case, the ethics (virtuous aspects) being brought about by Ubuntu are socially approved by South Africans as a moral tool which resides in several South African cultures. Because Ubuntu is used as an ethical tool in the White Paper, it could mean that South Africa is likely to have used cultural relativism in its policy and legislative texts as per the above.

Ubuntu as an ethical tool of collectivism may be deemed relative to the outside global states who may not practise the culture of Ubuntu. However, its permeance in South Africa may be informed by social conventions within the country, as the normative definition dictates. The context of cultural relativism for purposes of this research is grounded in the idea that when international instruments (such as the UNDRTD) are given effect in a domestic setting, policy may create vast or minimal references to cultural norms (such as Ubuntu) which are considered "good". Their meaning, though, could be relative to other states that do not practise those cultural norms. The main idea is to determine whether policy texts on the right to development follow a universal code or use cultural relativism with reference to the particularity of South African cultures.

5.2.3   Policy guidelines

Article 10 of the UNDRTD prescribes that state parties of the declaration should develop domestic policy on the right to development. By virtue of the fact that South Africa is party to the UNDRTD, the country is therefore obliged to develop policies that frame the right to development. The essence of this is that South Africa should create policies that are informed by the UNDRTD. For the purpose of this study, policy development will relate to Article 8(1) (of the UNDRTD). The article prescribes that state parties need to ensure that basic human needs such as housing, food, health and education are provided as entitlements or rights of people.

Hence, for this particular research, the UNDRTD is referred to as the tool to guide countries on the development of policies on the right to development. For instance, Article 1 of the UNDRTD clearly prescribes that a country such as South Africa should ensure that it develops an ethic of advancing socio-economic rights within the domestic agenda. This therefore means that South Africa may have policies in this regard, but the spirit of these policies may be borrowed from the UNDRTD. That which informs policy, in this case, would thus be transposed from the UNDRTD. The current research seeks to form an understanding of the policies on the right to development, as guided by the UNDRTD, on whether there is any form of cultural relativism. This is how cultural relativism, the right to development and policy development are linked.

5.3 Themes of the Research

The themes explored in the interview schedule are discussed in this section.

5.3.1 Theme 1: Development and the right to development as a concept

Research question: Why and how is the Declaration on the Right to Development a tool that advances development as a fundamental human right in South Africa?

- **Overall responses**

The participants mentioned that South Africa advances the right to development through global and domestic policy instruments. The following global policy instruments were mentioned in this regard:

- The UNDRTD: Some of the participants mentioned the UNDRTD as a non-binding policy instrument which gives aspirations on the right to development in South Africa. Even though the declaration is not enforceable by any global standard, the South African government reports to the UN in relation to the achievements of the country regarding the fulfilment of the declaration. It does so on a voluntary basis.
- The African Charter: Most participants mentioned that the African Charter is one the enforceable AU documents that the country adheres to. The government of South Africa is therefore duly bound by the AU to ensure that Section 22 of the Charter, which makes reference to the right to development, is implemented. This should be done along with

domestic policies which include, amongst others, access to housing, education, health care, security of persons, and nutrition.

- The SADC Protocol on Development: The SADC Protocol on Development is a regional policy instrument to which South Africa is a signatory. This protocol is binding in nature and requires South Africa to apply development as a fundamental human right in legislation and policy frameworks. In relation to the domestic level, participants mentioned at length the following localised legislation and policy (Chapter 2 of the Constitution [1996]), which gives effect to the right to development in South Africa.

- Chapter 2 of the Constitution of South Africa (1996): Participants mentioned that the Bill of Rights in the South African Constitution (1996) makes it possible for citizens to access rights-based development. In this instance, participants mentioned how the Bill of Rights stipulates access to shelter, water and sanitation, education, health care and basic services as a fundamental human right.

- Sectoral policies: Most participants mentioned the fact that the government has adopted an assortment of sectoral policies that address access to water, housing, education and health care, amongst other needs. These policies, according to the participants, were taken from the aspirations of the Constitution (1996) to be fulfilled.

Apart from the above, half of the participants also mentioned that the Constitution of South Africa (1996) makes reference to socio-economic, civil and political rights. These form part of the concept of the right to development in the global context. These remarks are consistent with the preambles of the UNDRTD as well as African Charter.

One participant mentioned that there ought to be more focus on socio-economic rights in the Constitution (1996) in relation to the application of the UNDRTD. This was due to South Africa still grappling with the problem of stark inequalities, particularly between rural and urban centres of the country. One participant disagreed with this assertion by explaining that development is not a singular aspect but rather a process of developing people socially and culturally in terms of the growth of the economy. The latter view is also consistent with the preambles of the UNDRTD and the African Charter.

Half of the participants mentioned that the right to development is actually monitored by Chapter 9 institutions. This means that, along with the constitutional provisions on the right to development

in South Africa, the government has established institutions meant to ensure the adequate implementation of socio-economic rights and civil and political rights.

- **Participant quotes**

Some of the sentiments from the participants, who described why the right to development advances development as a human right in South Africa, are quoted below. These quotes cover the majority of sentiments by participants.

> The African Charter, together with other African Union instruments, such as the African Youth Charter, the protocol on the rights of women in Africa, they actually enshrine the right to development. South Africa has ratified these treaty instruments, which imply that the government of South Africa is bound by its commitments to these instruments to ensure the realisation of the rights to development. There are many other instruments and resolutions which legally do not have a binding effect on South Africa. So, the country actually has an obligation to ensure that the right to development is actually implement at domestic level. (Participant 1)

> The right to development is a human right in South Africa, although it is not expressed directly in the Constitution, but it is found in the Bill of Rights because … aspects of the Bill of Rights seek to attain development. The Bill of Rights is therefore a source [of] social justice for the right to development in South African. There are some scholars on the topic of the right to development who have actually made a case that the right to development is implied in the South African Constitution … based on the nature of rights, which are civil and political rights and socio-economic rights. (Participant 2)

> The right to development is a particular right which countries are supposed to adhere to through several provisions that are aimed at benefiting the citizens. The UN Declaration on the Right to Development is one of the international instruments that accompany charters on certain rights related to development. The South African government, given the context of the country's Constitution, is expected to fulfil the right to development. The government has done so by creating access to housing, security of persons, and education and health. (Participant 3)

- **Response base**

One hundred per cent of the participants were in agreement with the above assertions on how and why South Africa advances development through the right to development.

- **Differing/divergent views**

There were no views in the interviews that countered the three quotations above.

- **Summary**

All participants in different ways acknowledged that the right to development advances development in South Africa. During the interviews, participants identified different ways in which the right to development as a concept is used to advance development, through local, international and regional policy and legal instruments.

5.3.2   Theme 2: Public-policy-creation process in South Africa

Research question:

- How and why did South Africa adopt the NDP as a macro policy, with reference to the past epochs of development policies?

- **Overall responses**

Most participants argued that the NDP follows almost the same type of provisions that were found in the RDP but with a greater focus on the current global development ideas. For instance, the NDP is aligned with the global SDGs in terms of vision 2030, which are similar to that of the NDP. Other scholars mentioned that the NDP was needed to give more detail and clarity on the things that could not be achieved by previous development plans and macro policies such as the RDP, GEAR and Asgisa. One participant mentioned that the government even sought to determine the Planning Commission with a variety of experts from different fields. It did this to address the gaps created by the previous policies that either failed or were inadequate.

Another participant spoke at length about how the NDP is different from the other policies. They explained that, through the NDP, citizens are able to become role players in the development effort of the government, as opposed to the RDP and GEAR. The participant, in this instance, mentioned that the RDP was a state-driven process and GEAR was more of a private-sector-driven process of development. However, they added that the NDP is different in the sense that it includes citizens in the process of development. Another participant also mentioned that the NDP was adopted with the thinking that development programmes would exist within a five-year cycle even though the ultimate deadline for the targets would be 2030, as per the NGP.

This was done to ensure that the five-year cycle is not affected by the five-year period or cycle of political elections. In essence, it was anticipated that the growth plan would be sufficient, but it still had to be ensured that election periods did not affect development plans. One of the participants, a senior official at the DPME, observed that the NDP was drafted with the thinking that the GDP growth of the country would be placed at 5% annually. However, due to the decline in economic growth, the DPME is now in the process of making sure that the NDP plans address the current challenges of low economic growth yet whilst looking ahead into the future. Half of the participants mentioned that the RDP's failure was because the budget was not sufficient to see it through implementation. This assertion is supported by the participant from the DPME, who is responsible for the monitoring of the policies of South Africa.

- **Participant quotes**

Some of the sentiments from the participants describing why the right to development advances development as a human right in South Africa, were as follows:

> South Africa has a very rich history of entrusting its future into documents. The documents tend to encapsulate the vision of development. We had the RDP in the past, then there was GEAR, and we had all kinds of macro-policies documents intended to guide South African towards a certain vision of development. So, all of this is embedded in the psyche of our policymakers. The time period of the RDP is marked by a dawn of democracy, where the country needed to develop into a new state. GEAR came into effect to try and increase foreign investment into the country, and it was criticised by the unions for being a neoliberal policy. Between GEAR and RDP, there was a contradiction in that the RDP followed the former Soviet Union modelling of policy, where the state takes charge of development. The NGP is different in that it seeks to have citizens involved in the process of the development. The NDP has a 30-year vision so it was also a long-term vision about the country's development (Participant 1).

> The determination of the NGP and NDP are from two key interventions from which the 2009 public administration decided to establish a National Planning Commission and to establish the Department of Planning, Monitoring and Evaluation. The NGP was therefore established, having taken into account these two interventions. Before the interventions were effected, there was a process from which a diagnosis was done in order to ascertain the development problems of South Africa and this is what led to the NGP and its main plan is found in the NDP. The NDP is a document that seeks to have a long-term approach into the development of the country (Participant 2).

> The post-democratic era of development in South Africa ushered in the RDP. This was followed by GEAR and recently … went on to adopt the NGP and NDP. These policy was

aimed recognising the needs of people who are the hardest hit by poor service delivery. The policy of the RDP was trying to harness the initiatives, such that we are seen to be reaching out to the people in the rural areas who are removed from the facilities in the urban areas and the needed infrastructure. The idea is therefore about taking things that are in the cities and universalising them to ensure that people are not deprived of the things that are basic in nature. So, at the heart of the RDP was to improve the wellbeing of people, particularly people in the rural areas. GEAR was looking at broader macroeconomic-policy aspects and it was challenged as a neoliberal policy. When Thabo Mbeki and Trevor Manuel worked on it, they were looking at the highest level of outputs in relation to development. My suspicion is that they were trying to create a structure to institutionalise certain principles of the policy with the view that people in the rural areas would later benefit.

The unions as well as the federations of these unions became radical about the GEAR policy. GEAR had a very focused development philosophy, but because it was criticised heavily, it never saw the light of day. NDP is facing the same challenge. NDP, in terms of the chapter that looks into education, as an example, appears to be very powerful as it calls for the prioritisation of education and starts with development of Human Resources. If you are going to build an educated and skilled workforce and storing civil constituency, things like early childhood development is important (Participant 3).

- **Response base**

Eighty per cent (4 out of 5) of the participants agreed that the current NDP was a build-up from the post-democratic era when the RDP was adopted by government to advance the right to development in South Africa.

- **Differing/divergent views**

The views expressed below by participants are in contrast to that of the other participants, who claim that the NDP was a culmination of other policies that have come and gone. From the views expressed below, it seems that the participants do not see any value in the evolution of South Africa's policy regime in the last 25 years.

The policy regime of South Africa has never made an impact on the lives of South Africans. These policies from the past and present were written beautifully but they have never really delivered development to the point where there is a good rate of empowerment, a decrease in crime, and the land issue has not been addressed as the means to development for poor communities. The policies have not made a difference to the extent that we would have wanted them to be. The NDP or NGP has no relevance in the South African policy space because they were recycled from ideas that never worked (Participant 1).

The policies that we have had in the past and present have always been confused. There is always reference made to development policies but, in actual fact, South Africa remains strong on social-development policies, but not economic or development policies. Much of our policies, as they are borrowed in spirit from the Freedom Charter, the charter speaks about issues of ownership of land. Similar aspirations are imbedded into our policies but there is still no clarity as whether we follow strong development-policy thinking or strong economic-development policies. This is what was needed from the time RDP … and, to date, we have not achieved much (Participant 2).

- **Summary**

Most participants acknowledged that South Africa has an epoch of macro policies that were aimed at advancing the right to development. In the process, GEAR became controversial and was seen as a neoliberal policy. None of the participants mentioned Asgisa as a policy intended to advance the right to development. Rather, they mentioned the RDP and NDP as policies which stated government's intent to advance the right to development in South Africa.

5.3.3   Theme 3: Cultural relativism

Research question: How is cultural relativism prevalent in South Africa in past and current policy contexts?

- **Overall responses**

Most participants observed that the notion of cultural relativism permeates through the policy framework of South Africa. Most participants mentioned the fact that development policies in South Africa tend to accommodate the indigent. One participant mentioned that cultural relativism is more discernible in provincial and local government as opposed to the national government frameworks. The participant mentioned that Annexures B and C of the Constitution (1996) give powers to municipalities to develop policies that are informed by localised conditions. The participant mentioned that this, then, gives traditional leaders the chance to advance the cultures of local individuals or their constituencies through the Constitution (1996).

Another participant even went as far as mentioning that certain local activities have even been localised in financing systems. An example of this is stokvel, which is recognised by the banking laws of this country. In this sense, even modern forms of culture make it possible for development to happen since stokvels are tools that make it possible for the establishment of burial societies.

These have been part of South African life and, over time, these societies have actually made a contribution to the social and economic development of local communities. Half of the participants mentioned that cultural relativism occurs in South Africa in cases where Letsema as a concept is still being practised. In other words, cultural relativism happens in the social sphere of development amongst rural and urban communities through practical application of systems that are unique to the South African environment.

- **Participants quotes**

Some of the common assertions by participants include the following:

> There are no practices of Ubuntu in South Africa's public administration. Ubuntu is about collectivisation of a society and this will happen for the advancement of a society in the interest of development. The notion of unity and collectivisation as Ubuntu concepts cease to exist when there are conflicts between government and citizens, especially in relation to governance. When government presents a perspective of elitism, corruption and maladministration, it means that the practice of Ubuntu does not exist (Participant 1).

> Ubuntu serves as a catalyst in the attainment of the right to development. This has happened in the courts of law. It has happened as a meaningful engagement in several instances where humanness was needed. For example, the law in South Africa dictates that people cannot be simply moved or evicted from their shelters without provision for alternative shelter. Ubuntu, in this instance, dictates that there should be a meaningful engagement between the parties in order to arrive at a solution. In essence, Ubuntu philosophy has been used and tried in the courts of law in South Africa in cases where humanness of others are tested in the provision on the right to development (Participant 2).

> Cultural relativism is more prevalent in the local government area of public administration. At national level, that is where policy spaces exist in … respond to global policy imperatives or global policy agendas, which often tend to have limited space for cultural relativism to take hold. As per the Constitution of South Africa, the CRL Commission is afforded an opportunity to advance policy that advances cultures. However, the Houses of Traditional Leaders in every province are responsible to advance cultural matters that are unique to specific locations (Participant 3).

- **Response base**

Eighty per cent (4 out of 5) of participants recognised the prevalence of cultural relativism in the policy texts of South Africa.

- **Divergent views**

A few participants claimed that cultural relativism is not part of the legislative and policy framework of South Africa. Here are some of their views:

> The type of relativism that exist in South Africa is that of pseudo-post-modernism, particularity because South Africa is such a fractured society. Taking this into account, we need to make sense of us in order to understand the world to interpret things. We should allow [ourselves] to make sense that our reality is actually not the reality; it should make room for the fact that our reality – there are other realities out there. There are universals about Ubuntu; humanness is not only an African construct. There are pockets where you can relativise things like Ubuntu, but you cannot do that fully because its principles also appear in other societies outside of South Africa (Participant 1).

> Cultural relativism in its purest form force us to contextualise all of the laws and policy into the context of our country. At the moment, our laws and policies are confused because there are too many western notions in our laws and policies. In order to advance the country through development, we need to deal with poverty, crime, unemployment in the context of South Africa (Participant 2).

- **Summary**

There are traces of cultural relativism in South Africa's policy framework. The relativism, in this case, is depicted in the Constitution (1996), provincial government and policies that advance the right to development.

Research question: What are the determinants of cultural relativism in South Africa?

The current research study is, in part, aimed at determining whether cultural relativism exists in the public administration of South Africa. The research interview schedule listed a number of aspects that could best explain whether this is the case. Three of these determinants, according to theory, are as follows: rights-based development, monitoring and evaluation of policy and Ubuntu as a concept. Whilst participants agreed that cultural relativism may happen on its own, most disagreed that policy is influenced by cultural relativism. Most participants argued that even though concepts such as Ubuntu may have been infused in legislation and policy texts, the outcomes of such texts prove otherwise. These are the reasons:

Rights-based development

Participants who disagreed with rights-based development as a determinant of cultural relativism stated that the amount of cases that are taken to court is a sign that the rights of people for development are being violated by the same government that is supposed to provide development as a fundamental human right. Most participants lamented that if the government was practising cultural relativism through a rights-based approach, there would not be regular service-delivery protests around the country. Below are some of the common views expressed by participants:

> The rights of citizens are often challenged in courts. There are a number of cases where housing, access to water and sanitation had been a problem in recent years. It is therefore difficult to claim that we are actualising development in a rights-based approach (Participant 1).

> Government fails to honour their obligation to service delivery as part of rights-based development. For example, courts have been inundated with several cases that are heard by the courts on failure to deliver textbooks to schools, and therefore the Department of Education would then be taken to court as a result of this. This has happened in several instances where people do not have shelter or housing. Provisions of any of the aspects of the right to development need to be looked into with a lens of entitlement. The emphasis, in this case, is related to accountability. We can hold the state accountable on their failures to provide the obligation of development (Participant 2).

> Rights-based development can only be considered a determinant of cultural relativism if the development policies are followed to the letter. At the moment, this does not seem to be the case. This is important especially at the time when the country is faced with stark inequalities (Participant 3).

- **Response base**

All the participants believed that rights-based development in the South African context should not be a determinant of cultural relativism.

Monitoring and evaluation

All participants argued that monitoring and evaluation in a democratic dispensation should have led to the accountability of senior or political officials who fail to provide services to people. In this way, monitoring and evaluation is supposed to be a tool that explains how accountability should follow when government fails to implement the right to development. Accountability is one

form of the culture of a human-rights country where principals are supposed to be held accountable. Some participants argued that the culture of human rights is disregarded if monitoring and evaluation tools and systems are unable to lead to the desired effect in the end. Most participants also mentioned that the process of monitoring and evaluation in South Africa does not consider connecting the national key performance indicators (KPIs) to that of local government due to the jurisdiction or the law. Common sentiments of participants are captured below:

> There is [a] problem in local government in using data from national to provincial government when it comes to monitoring and evaluation of development. The KPIs of national and provincial governments are not the same, so all of the data does not feed into one common KPI. As a result, there is always a confusion in the monitoring of development in South Africa. Therefore, Monitoring and Evaluation Practices of South African government need to be reviewed (Participant 1).

> The DPME is the primary institution that is responsible for the monitoring and evaluation of government policy in South Africa. However, they do not monitor all government departments but only a select few. DPME was supposed to bring a coordinated effort and centralise the function of monitoring and evaluation across all spheres of government. There are twelve key departmental areas that are monitored, and this includes areas such as health, education, agriculture – these were major areas of delivery. DPME basically monitors outputs from a legislative and policy perspective. I don't think DPME monitors the implementation of the right to development per se, but it monitors the implementation of policy. Chapter 9 institutions have a right to monitor and evaluate government's compliance with the international and local instruments of the right-based development. The DPME would only monitor the right to development if it is included in the NDP, which does not seem to be the case at the moment (Participant 2).

> The monitoring and evaluation of policy becomes a challenge in the era of politics of patronage. In a patronage system, policies are not applied to the latter. This means that our policy monitoring and evaluation becomes crippled when policy issues are not addressed. Monitoring and evaluation does not support development as a human right under the current scenario of development (Participant 3).

- **Response base**

All the participants claimed that monitoring and evaluation cannot be considered a determinant of cultural relativism in South African public administration.

Ubuntu

Whilst most participants argued that Ubuntu exists in policy texts of government, they believed its implementation should be seen in the way government treats its citizens. The sentiment shared by most participants in this regard is that the current issues that pertain to maladministration may actually point out the lack of policy adherence on Ubuntu. The participants mentioned that the Batho Pele principles are part of the Ubuntu principles, which are hardly measured scientifically in terms of outcomes. One participant mentioned that Batho Pele was never driven by initiatives of incentives that give public officials the motivation to serve people with the Ubuntu principles. The responses below are of participants who did not agree that Ubuntu should be a determinant of cultural relativism.

> The definition of Ubuntu refers to humanness. So, if you are to draw onto Ubuntu principles, using policy, one should [be] asking themselves as to how do we do things better and in a more humane manner through policy instruments. The drivers of policy should therefore factor in Ubuntu in order to create sustainable livelihoods. These drivers of policy can then be looked into through monitoring and evaluation. The Batho Pele principles were part of the Ubuntu concept. And this was premised on the notion that public officials are actually servants of the people. The leaders would have been servants but do not adhere to the leadership of aggrandisement. This is why we have a poor rate of delivering services to people. We need to live the true principles of Ubuntu because policy should not exist on paper alone, but it should be the lived experiences of people (Participant 1).

> Ubuntu should be a self-fulfilling prophecy if it was meant to be a lived reality. At the present moment, this does not seem to be the case. It is impossible to locate Ubuntu against the practical problems that are related to the inefficiencies of government. Ubuntu should not only exist in policy text, but it should exist in reality (Participant 2).

> Ubuntu should be used within the culture of government business. In other words, if policy on Ubuntu exists, it should permeate throughout government departments in a manner where people who receive government services can experience it. This should happen across the board but not in policy alone (Participant 3).

- **Response base**

Although some participants disagreed that Ubuntu should be a determinant of cultural relativism, 70% (7 out 10) claimed that it should. The participants who agreed that Ubuntu can be used as a determinant of cultural relativism said the following:

The Constitution of South Africa was actually inspired by the Freedom Charter. The principles of the charter were based on humanity or Ubuntu. The notions of the Freedom Charter are therefore prevalent in the policy and legislative landscape of South Africa. The Batho Pele principles of government are not just a guide for conduct of civil servants but you also find the same principles in the mission statements of several government departments of South Africa. The values of Ubuntu are embedded in several policy documents even though we have not fully internalised them as senior government officials (Participant 1).

The policies of South Africa, especially those that aimed at creating access or provisions to the indigent, do have the notions of Ubuntu in them. Given the problems that South Africa has gone through in the past during apartheid, it was probably humane for government to carry the burden of the masses who were victims of apartheid by making basic provisions such as shelter and basic education. Ubuntu is the means for survival of a community. Government of South Africa has consciously made provisions for social grants available in order to decrease poverty and if government was inhumane or if there was no Ubuntu, policies of social development and social grants would never be given to the indigent population (Participant 2).

Ubuntu was debated and allocated space within the landscape of South Africa in the early 1990s to address the macro problems. Ubuntu, in this context, was therefore used to build a gradual phase of transformation in the power-sharing process of governance in South Africa. It was used to replace punitive measures on those who were at fault at the time when apartheid was practised. So, it played a significant role in the transformation process of South Africa. If you draw from Ubuntu principles using policy, one should be asking themselves as to how do we do things better and in a more humane manner through policy instruments (Participant 3).

The concept of Ubuntu serves as a catalyst in the attainment of the right to development in South Africa. Ubuntu and its application in the attainment of the right to development have been tested in courts where the state is forced to adhere to their role as a government that takes care of the poor. There are many court cases where the state will be sued for the provision of water, sanitation, housing and education. For example, according to the South African policies and legislation within the context of the right to development, no one is allowed to evict a person from a home without an alternative means of shelter. When this happens, people's humanity will be tested through the courts and it is in this case that the notion of Ubuntu will be seen. There is a connection between cultural relativism and the right to development (Participant 4).

5.4   Theories or Matters not Asked in the Interview Schedule

Before concluding this chapter, it is important to refer back to the literature review and make reference to the theories on development. This research study has made reference to the theories of

Modernisation, Dependency, neoliberalism, human development, sustainable development and the right to development. During the interviews, some participants made reference to some of these theories in giving their answers to the questions asked. For example, one participant spoke about human development as the form of development that South Africa applies in its development effort through government programmes. The participant made this claim as a passing comment when speaking about the RDP. The participant, in this regard, claimed that South Africa was on course when it put into place the RDP. It was through the RDP that notions of human development would have been achieved. This includes the provision for free basic education, housing and health care.

Three other participants made reference to neoliberalism in explaining GEAR. One of them mentioned how GEAR was positioned as a policy that would allow direct foreign investment. In this case, it was the state who would regulate the existence of investors in the development sphere of the country. The citizens, though, would not be part of such development in the decision-making and development processes. In other words, this particular participant spoke about GEAR as a policy that would have excluded citizens in the development of South Africa in relation to policy decisions and direction for implementation. In reference to this, the literature review of this research study pointed out that the UNDRTD as a policy instrument is not just a legal document. It also presents a framework for operationalising development as a human right, with the purpose of instilling equality, non-discrimination and public participation.

The notion of lack of public participation in the development process would have been problematic if GEAR had been drafted to exclude citizen participation. This is because it is a requirement of the right to development to ensure that there is adequate participation in the development effort of a country. Articles 3 and 8 of the UNDRTD mention the notion of public participation in development. During the interviews, GEAR as a macro policy received the same amount of criticism as those (sentiments) that are explained in the literature review of this study. The main reference to GEAR by the participants is that the essence of GEAR was not conducive to the South African environment at the time it was drafted.

One of the aspects of the right to development which seems to be synonymous with the essence of the GEAR policy is, actually, foreign direct investment. Article 3 of the UNDRTD states the need for countries to cooperate in the sphere of trade and investment for development to occur. In the same breath, the same declaration cites the limitations and conditions for which this would occur.

For example, Article 5 of the declaration makes provision for states to work together to ensure that all the aspects that created under-development in developing countries are dealt with through cooperation between developing and developed states. Foreign direct investment, in this instance, would be relevant. Be that as it may, Article 5 of the UNDRTD stipulates a condition that prescribes that such development which happens through cooperation between countries must happen without foreign domination or threats against national sovereignty.

The challenge associated with GEAR is that its neoliberal stance would have arguably created a lot more problems. This is since neoliberalism as a development concept, as explained in Chapter 2, would have been against the spirit of the right to development even though some elements of neoliberalism, such as international cooperation, are mentioned in the UNDRTD. In the same vein, Article 5 of the African Charter also makes the same appeal of minimising interference in the local affairs of a country when international cooperation happens between countries, all in the name of development.

Key factors that refer to the right to development and are synonymous with the RDP include but are not limited to policy provision for access to education, housing and health care. More than half the participants from this study mentioned that health care remains one of the indicators of human development in many ways. This is measured by determining the mortality rate of a particular country on the basis of the longevity of people in that country. At least two participants mentioned that the average age of South Africans who died in 2001 was around the early 40s and, currently, this figure is in the 60s. An inference made by one of the participants is that this type of increase (of mortality rate) is an indication that South Africa has actually met its obligation on the right to development by increasing the mortality rate. This is since one of the key determinants of the state of human development is health care. Another participant mentioned that the mortality rate of South Africa partly increased as a result of government action towards dealing with the HIV/AIDS pandemic. The participant stated that government policy regarding HIV/AIDS was responsible for this increase.

In essence, one can deduce that South Africa, to some extent, practices elements of human development, which are borrowed from policy, namely the RDP and NDP. One of the participants lamented that South Africa tends to focus more on social development policy than on economic policy that is realistic and has achievable goals. This comment was in reference to the question

relating to the NDP and how it had come into existence. The participant was making an inference on how the NDP's success was dependent on an economic growth of 5% annually towards the 2030 development goals.

This particular participant argued that the target of 5% for economic growth was never achievable. Therefore, government's intent for the development of the country and the right to development was compromised due to policy that would never have been attained. This is because development, in this case, was rather conditional and dependent on 5% economic growth and, as such, the country's economic growth is (currently) recorded at -1%. This means that development would not happen if the economic growth of the country did not reach the 5% level of growth in accordance with government's intent for development through the NDP. The argument presented by the participant, in this case, makes a great deal of sense. To build a sustainable system of development, government would need to collect revenue for its attainment, which, in certain instances, relates to the building of schools, health care facilities and housing. At this point it should be mentioned that the RDP could not continue with its plans because implementing and maintaining the right to development aspects (housing, education, health care) require large capital expenditure. It therefore makes sense that revenue collection of the state through economic growth would have yielded positive results for the right to development in South Africa.

The DPME official, as one of the participants of this research study, pointed out that an apparently unprecedented recent decision of the department was to ensure that all aspects of the NDP will be costed in a five-year cycle. Even though the NDP has a 2030 vision for the attainment of development goals, the planning, monitoring and evaluation and budgeting or costing would be staggered over five-year periods to reach the 2030 targets. By implication, this means that development plans may be augmented in each five-year period, when problems and challenges have been identified by the monitoring and evaluation reports. According to the DPME official, it is in this instance that government's intent in relation to development (through the NDP) will be sustained. In this instance, it is important to mention that the DPME official stated that the five-year planning and costing cycle would ensure longevity and maintenance of development. It would do so even if political leadership of government were to change in the next decade or so towards 2030.

5.5   Conclusion

The results of the research study pointed out how development as a human right is implemented in South Africa. The connection between international instruments and domestic settings was explained by making sense of the information that was gleaned from the participants. Based on the information pertaining to theme 1 of the study, the right to development is a practice that is given effect through policy. Participants mentioned the manner in which the RDP and NDP sought to advance the right to development through policy provisions that relate to education, housing and health care. One would therefore argue that the macro-policy framework of South Africa, through the RDP and NDP, has made attempts to live up to the expectations of the right to development in South Africa. This is seen in the way in which government's intent was framed in as far as aspects of Article 8 of the UNDRTD are synonymous with certain principles of the RDP and NDP.

The issue at the core of this study is to also point out whether the provisions of the UNDRTD in South Africa occur with elements of cultural relativism or universalism. This research points out that due to the Constitution (1996) setting a particular context in relation to the history of the country and human rights, it seems that South Africa is likely to have developed policy that follow the spirit of such a constitution. This holds true particularly for the Bill of Rights, which makes provision for certain aspects that are synonymous with Article 8 of the UNDRTD and Article 22 of the African Charter. The spirit of Ubuntu or humanness is discernible in relation to the policies that aim to protect the poor from the indignity of poverty through social grants and other mechanisms by government to fulfil the right to development. In other words, cultural relativism exists in particular contexts in South Africa.

CHAPTER 6: RESEARCH FINDINGS

6.1 Introduction

This chapter aims to provide a discussion on the theory and views of the participants and to present the research findings on this basis. It is important to note that a context was created in the previous chapters of the research in as far as the right to development and cultural relativism are concerned.

The literature review in Chapter 2 of this research paper outlined the theoretical aspects which will be summarised in this chapter. This is done to reflect on the issues that have been explored in the earlier chapters of the research study. The theories on development present a perspective on the forms of development that exist so that the reader may understand these in line with the right to development in South Africa. This is because each country has its own development paradigm.

Apart from the latter, the literature review also aimed to explain cultural relativism in its shapes and forms from various perspectives. This was done through a historical account on how relativism in the context of culture has been defined and refined over the decades that have gone by.

It is also important to note that notions of universalism are mentioned throughout the previous chapters to highlight the opposite phenomenon, cultural relativism. This is important since few studies aim to explain cultural relativism in the context of development in South Africa. This is the reason why the study also attempted to spell out possible determinants of cultural relativism so that it is understood for the purpose of this study. This was done partly to avoid confusion. Each of the three key themes identified for this study will now be discussed.

6.2 Themes of the Research

6.2.1 Theme 1: Development and the right to development as a concept

Research question: Why and how is the right to development a tool that advances development as a fundamental human right in South Africa?

Theory indicates the following:

Most of the theory presented in this research study on the right to development aims to point out that the right to development is advanced through policy and law. Hence, reference is made to international instruments, laws and policies on the right to development. The international instruments that underpin the notions of the right to development are the UNDRTD as well as the African Charter.

The second tier of notions on the right to development is found in the Constitution of South Africa (1996). In Chapter 2 of this research study, reference is made to theoretical issues and aspirations of the right to development, which can all be found in the UNDRTD. These are outlined and discussed in Chapter 2, which unpack various sections of the UNDRTD as they carry the spirit and aspirations of the right to development.

Article 8 of the UNDRTD explains that the following are relevant to the South African environment: provisions such as health care, the right to access education and the right to housing. Apart from the UNDRTD, the same aspirations are also used as reference from the African Charter. For example, Articles 16, 17 and 22 are used to depict what the essence of the right to development is in the context of the African Charter. All of these, as they appear in theory, may be aspirational by virtue of the fact that the subject matter, namely the right to development, relates to development and human rights. In this instance, human rights are, by their nature, aspirational. Chapter 4 of this research study explained why and how international instruments are supposed to be driven from aspirations to practice.

The literature review in Chapter 2 recorded the connection between aspirations and policymaking. This is important because there needs to be an understanding of how the right to development appears in the South African context. Part of the problem in this regard is that even though South Africa has one of the best constitutions in the world, the Constitution (1996) does not mention the right to development. Rather, the right to development is implied in the policies and the Constitution (1996). Several South African scholars who have written about the right to development in the context of South Africa have raised this concern in a number of journal articles. Even though this is the case, the right to development can be found in the Bill of Rights of the South African Constitution (1996). Therefore, it is implied even though it is not spelt out in the

actual text of the Constitution (1996). Some countries do not have an inscription of the right to development in their constitutions. These include Malawi, Rwanda and Singapore to name a few.

Fieldwork results indicate the following:

Most of the participants mentioned that the two most important instruments on the right to development are the UNDRTD and the African Charter. In addition to these, the following tools were also mentioned by most participants as tools driving the right to development in South Africa:

- The SADC Protocol on Development
- Chapter 2 of the Constitution of South Africa (1996) / The Bill of Rights
- Sectoral policies on health, education and housing, amongst others.

The findings indicate that:

The findings indicate that legislation and policy on the right to development in South Africa do exist. It was also found that the local legislation and policy actually borrowed from the principles of international instruments such as the UNDRTD and African Charter. Chapter 2 of this research study makes references to the connection between the international instruments on the right to development (through the UNDRTD and African Charter).

As a member state of the AU and UN, South Africa reports to these unions on the state of development in the country. Because of this, South Africa ought to be bound to the principles of the UNDRTD in their Constitution (1996), laws and public policy. These unions make sure that governments implement these international instruments as it is stated in Article 10 of the UNDRTD and Article 15 of the African Charter. These two articles mention that member states of the AU and UN must adhere to the provisions for developing national policy on the right to development.

It was found that elements of the UNDRTD, as found in the Constitution's (1996) Bill of Rights, explain how human development can be enhanced by creating access to education, housing, water and sanitation and health care. This can be done in the same way that the UNDRTD states in Article 8. So, if policy is to exist, its outcomes should be measured, especially if these policies are related to development or the right to development (i.e. development as an entitlement).

The obligations for development as a human right are found in the Constitution of South Africa (1996) to advance the right to development. Without this prescription in the Constitution (1996), the public will not be able to hold the state accountable. The state must declare its intent to make provision for housing, education and health care in the same way that it has pledged in several sectoral policies of education, housing and health care. It must do so in respect of the right to development in as far as Article 8 of the UNDRTD is concerned. In essence, the value chain in the advancement of the right to development begins with international instruments that are foregrounded in law or the Constitution (1996). Therefore, there will be a need to develop policy for dealing with the details of solving developmental challenges.

Elsewhere in this research study (under the literature review), it is mentioned that South Africa has a human-rights culture. This presents an opportunity for South Africa to use its Constitution (1996) (through the Bill of Rights) to advance the right to development, even though the right to development is not inscribed in the Constitution (1996). To monitor the application of development as a human right, the South African government has even gone further to establish institutions that fall under Chapter 9 of the Constitution (1996). In doing so, these institutions ought to present results that can be measured.

Chapter 2 explains how supraordinate institutions such as the UN and AU are able to influence decisions on member states. The member states, in turn, become accountable to these institutions. This relationship, as explained in the literature review in Chapter 2, is functional. It is based on the obligations that the state parties or member states have over a particular agreement, in this case, the right to development. The theory in the literature review shows that there are a number of development models that countries may apply in their development endeavours. Some of these could be a mixture between the dependency and human development models and between neoliberalism and sustainable development, amongst other endeavours. In certain cases, countries may choose only one model. These models aim to attain certain outcomes. For instance, neoliberalism could dictate that governments free up the market for higher participation of the private sector in growing the economy in a laissez-faire manner, where government would only regulate the markets intended for growth. In this case, the state may have only limited room to participate in development, and the private sector rather becomes the main player.

Fieldwork results indicate the following:

Fieldwork results show that it is important for the South African government to advance development due to the obligations it had set out to achieve through international instruments. Participants gave examples of how the right to development is coherent with the ideals of the South African Constitution (1996). Even though the right to development does not exist in textual format in the Constitution (1996), it is indirectly implied. Some of the participants made reference to how the advancement of development through the Constitution (1996) has made it possible for the state to be held accountable. In this instance, participants mentioned the growing number of cases that are tried in court, compelling the state to live up to its policy ideals of creating access to housing, water and sanitation, and education. One of the participants spoke about the case law in South Africa. Case law is arguably compelling government to correct its mistakes or shortcomings in the provision of development. Therefore, due to case law, the government is compelled to ensure that development is advanced in South Africa.

The findings indicate that:

The government of South Africa is indeed bound by international instruments and protocols (of the UN and AU) which are ratified by world countries. Hence, the government is obligated to apply the right to development in South Africa. State parties have to adhere to these international instruments and will have to account to the respective union if they ignore them. The UNDRTD is thrust into the same mould, where member states such as South Africa carry the responsibility of advancing the international instrument by domesticating it for local outcomes. The UNDRTD is advanced through the Bill of Rights in the Constitution of South Africa (1996). Sectoral policies on health, education and housing are prevalent in South Africa. These are elements of the right to development, which are found in Article 8 of the UNDRTD.

6.2.2   Theme 2: Public-policy-creation process in South Africa

Theory indicates the following:

The literature review of this research study also took stock of previous and current macro policies on development to form an understanding of the policy regimes that were prevalent in South Africa

over the past 25 years. These include the RDP, GEAR and Asgisa and the NGP. Each of these are discussed again in brevity.

The RDP: The RDP was meant to strengthen human development by creating plans and implementing social programmes aimed at enhancing the human conditions of citizens. In drafting the RDP macro policy, policymakers intended to undo the policies of the previous apartheid regime.

GEAR: This was the type of policy document which created an overreliance on the global economy in relation to perceived outcomes with the prospects of attracting foreign direct investment to South Africa. In this case, the government was expected to provide the regulatory framework for development. From this framework, market force would be opened for external players and the private sector to play a part in the development of the country.

Asgisa: With the weakened position of attracting the much-needed foreign direct investment for growth (through GEAR), poverty continued to be prevalent in the South African situation. Consequently, the Asgisa policy was created.

The ontological assumptions created through this research were meant to be tested against the current macro-policy framework of South Africa, namely the NDP. Even though the NDP is not a policy but rather a development plan, it was used to examine how the actual policy plan creates space or room for cultural relativism as opposed to the policy document of the NGP.

Fieldwork results indicate the following:

The macro-policy regime of South Africa was meant to ensure that the right to development is advanced. An example of this is the RDP, which was meant to ensure that the majority of the population receive access to housing, health care and education. GEAR, on the other hand, was one of those policies aimed at allowing investors to enter the country and become involved in the growth of the economy, whilst government would be responsible for the regulation of the investors. This is why GEAR was seen as a neoliberal rather than a developmental policy. The NDP was adopted with the thinking that development programmes would happen with a five-year cycle, even though the ultimate deadline for the targets would be 2030, as per the NGP.

The findings indicate that:

The RDP and GEAR seem to be the only macro policies aimed at making sure that elements of human development are met. The right to development, in relation to Article 8 of the UNDRTD, places important emphasis on the need for countries to have mechanisms and plans in place to drive human development through education, health care and housing. The NDP came into effect after the RDP and GEAR had failed to make much of an impact. Lessons drawn from GEAR and the RDP are now being dealt with through the NDP.

6.2.3   Theme 3: Cultural relativism

Theory indicates the following:

Two main forms of cultural relativism were explored in the literature review of this study. These include descriptive (methodological) relativism and cognitive relativism. Descriptive relativism refers to the practice of suspending one's judgment regarding an issue until a full understanding of the belief system is understood in total context. The literature review explains that descriptive relativism is also referred to as "contextualism" or "situationalism". For this reason, some scholars do not acknowledge descriptive relativism as relativism at all but, rather, as the means to frame an issue within a context.

Fieldwork results indicate the following:

The notion of cultural relativism permeates through the policy framework of South Africa. Most of the participants mentioned the fact that the policy on indigent and poor communities is typical of framing policy that is intended to cater for the South African environment. Cultural relativism is more discernible in provincial and local government as opposed to the national government frameworks. Regarding this, one participant mentioned that Annexures B and C of the Constitution (1996) give powers to municipalities to develop policies that are informed by localised conditions. The participant mentioned that this, then, gives traditional leaders the opportunity to advance the cultures of local individuals or their constituencies through the Constitution (1996).

Findings indicate that:

Descriptive relativism is prevalent in South African society. The Constitution of South Africa (1996) gives prevalence to cultural relativism through legislation and policy. Apart from the latter, what remains or appears as situationalism in South Africa is given effect by Section 185 of the Constitution (1996). The context or contextualism would happen in local government through Houses of Traditional Leaders. At national level, the Constitution (1996) gives powers to Chapter 9 institutions to ensure that policy on cultural expression is implemented. However, cultural relativism in constitutional texts exists to promote the interests of local communities at local level only. Therefore, that which may be plausible in national policy texts may be deemed relative at local level because the local authorities are meant to promote specific cultural interests only at a specific level of local government. Based on the results on cultural relativism, cultural relativism is situated in localised spheres in South Africa but not at national level.

6.3 Researcher's Views: Interpretation of the Findings

6.3.1 Researcher's views: Themes and issues covered in the study

The focus of this study was on how the policy guidelines on the right to development in South Africa are advanced through cultural relativism. I have always seen this topic in three parts or themes. The first part to have been explored in this study relates to policy guidelines, the second to the right to development as a concept and the third and last, cultural relativism.

Based on the above interpretation of the structural needs of the research study, all of the abovementioned themes needed to be explored, explained and given meaning. Policy guidelines served as a reference to the guidelines of the UNDRTD. This is one of the sources of policy that inspires the right to development in any country.

The right to development is a global concept which continues to be part of the current global debates in relation to the global inequalities that exist around regions of the globe. In this instance, the connection between South Africa and the right to development had to be explored. This was crucial because the right to development is not directly inscribed in the Constitution (1996) and national policy frameworks or the macro-policy frameworks of South Africa. This has been the case even though South Africa has ratified the UNDRTD. The inquiry, in this case, relates to

making sense of the connection between South Africa and the right to development. This, therefore, warranted an examination of whether South Africa indeed holds policy and practice on the right to development.

The second part of the examination relates to how South Africa caters for the right to development in policy. It was important to first connect South Africa to the right to development as a concept. Thereafter, it would have been ideal to examine how, then, South Africa advances the right to development if there is no inscription of the right to development in policy documents. The anchor, in this case, was to test either the African Charter or the UNDRTD to see whether indeed policy guidelines of the right to development exist in the South African context.

The third layer of the research or exploration of this topic was to tap into cultural relativism and unpack its meaning. Thereafter, it was important to ensure that it is given meaning in a particular context. Since the research topic makes reference to policy, the discipline of public policy was the reference point.

The right to development can occur in various contexts. It can happen in the context of community development or other forms of mainstreaming. This study was, however, intended to partly look into the policy guidelines of the UNDRTD. This required a way in which to connect all three themes to provide answers to the research topic – how policy guidelines of the right to development in South Africa are advanced through cultural relativism.

Delving into a number of factors that are not clearly known was therefore a challenge in that the exploration had to first prove or explain things that are not clearly defined. Secondly, it was important to connect all three the themes to arrive at the research answer.

6.3.2   Researcher's views: Methodology

The methodology section of this study was meant to explain the way this study would unfold. Qualitative research had to be done to make sense of the topic or to arrive at a conclusion. In addition, there was a need to ensure that those who interact with the three topics in their day-to-day lives were able to speak about their views on and experiences of interacting with the themes. This was also why it was decided that the interviews would be semi-structured, to allow the researcher to ask follow-up questions with ease. But, more importantly, it allowed for flexibility

and to obtain a better understanding of the answers. Through collecting data through interviews, it became apparent that follow-up questions were needed in the process of gathering information. This approach gave room for an open discussion as well as the space to seek clarity. I therefore believe that the methodology applied in this research was suitable.

The other aspect of the research methodology was the collection of data from existing literature. This was meant to build a theory basis for the first few chapters of the study. The first chapter of this study, as it partly explains the methodology, states that a variety of data sources were needed. In this case, it was explained in Chapter 1 that the data collected should be from various parts of the world and from different scholars. This was necessary in that the global perspective on the right to development and cultural relativism had to be explained in that context. In other words, the contents that informed the literature review was meant to be balanced due to the right to development being a global issue which is subject to global debates. These debates or the theories of the relevant scholars had to be tested out in the South African context. This was done making sure that various texts from different regions of the world were used to frame the discussions in the literature review of this study.

The other thing deemed important in the methodology was to ensure that historical factors that would lead to the connection between South Africa and the right to development was also investigated. It was important because there are historical events and things that were bound by time and all of these led to the current state of things. For example, the right to development became popular when South Africa was in isolation due to sanctions associated with apartheid. The importance of this rests in the fact that the concept of the right to development and its connection with public policy and cultural relativism are rather uncommon, especially in South African literature. To weave the results of this research into a meaningful conclusion, it was therefore important to ensure that the concepts (the right to development and cultural relativism) were first given meaning. The literature review contains some historical content to explain how things reached their current state, at least in relation to the two themes of the study, namely cultural relativism and the right to development. Policy, on the other hand, also had to be explained by pointing out the historical factors that led to the current state of South Africa's public-policy regime. All of the tools that were supposed to be used in making sure that this research happens were used for its intended purpose.

6.3.3 Researcher's views: Interpretation of results

Question 1: Why and how is the Declaration on the Right to Development a tool that affords development as a fundamental human right?

Discussion: All the participants mentioned that, through the Constitution (1996) and macro policies, South Africa has ratified and given effect to international instruments that give effect to the right to development. This means that the right to development in South Africa is advanced through the Constitution (1996) and subsequent legislation as well as policies. Participants also mentioned that South Africa has an obligation to the right to development since it has ratified the UNDRTD. Therefore, the right to development is given effect through obligation.

Question 2: How is cultural relativism prevalent in South Africa in past and current contexts?

Discussion: Most of the participants (approximately 80%, 4 out of 5 participants) said that there has always been a prevalence of cultural relativism in past and current policy texts. These participants claimed that traces of cultural relativism are depicted in the Constitution (1996), provincial governments and policies that advance the right to development. It should be borne in mind that 70% of the participants argued that cultural relativism in the South African policy landscape should be determined by Ubuntu. This is where the participants argued that, due to the policies and laws on the indigent population, housing and education policies are written in such a manner that they carry Ubuntu-based values. One of these values is reflected in the Constitution (1996) not allowing people to be evicted out of their homes without an alternative means of accommodation.

The Ubuntu values, in this instance, revolve around the idea that laws and policies that are perceived to carry humanness ought to do so for the benefit of the public. More views were given by participants which support Ubuntu as a determinant of cultural relativism. One participant suggested that, if government had been inhumane, such laws around eviction would be contrary to the constitutional provisions for the right to housing, as per the Bill of Rights. This means that notions of Ubuntu can be transposed into action and can therefore be framed within relativism. It is my view that this form of relativism that is expensed through Ubuntu is that of "contextualism". In other words, given the history of South Africa, it was important to ensure that the poor are taken

care of. In so doing, the Constitution (1996) and subsequent policies on housing made that provision possible.

The context of South Africa, in this case, is even given more emphasis in the assertion that the 1956 Freedom Charter gave life to the current Constitution (1996), with values of Ubuntu. This, on its own, relates to a particular context of history which was able to inform the current state of affairs in relation to the policies and legislation of South Africa. It is thus my view that, even though cultural relativism is not written into the policy frameworks of South Africa, its nuances are located in the Constitution (1996). This was not by accident as there are historical events that led to the current state of the Constitution (1996) and the subsequent legislation and policy.

The historical past of South Africa in as far as apartheid is concerned warranted policymakers to take corrective measures to deal with the country's legacy of separate development. They did this by dealing with aspects related to the right to development through provisions that are found in the Bill of Rights. But, in doing so, South Africa passed legislation that would also make sure that the right to development is effected in a particular context. This is why I believe that the form of relativism existing in the South African public administration is that of "contextualism".

The notion of contextualism was used in the literature review of this study to make reference to the fact that the form of relativism that may occur in certain countries will eke out things that are unique to that country. These things will, however, be based on the context or the issues that affect society. In this instance, I make the following argument. If the contextual framing of the Constitution (1996) was made with reference to the values of the Freedom Charter, which were aimed at equality, entitlements and sovereignty, these values were thought of in the context of South Africa alone. They are not contextual in any other country. This is not the same as South Africa's ratification of SDGs, for example. The context of framing the Constitution (1996), with reference to the Freedom Charter, shows that it was inwardly driven when the Charter was drafted and later given effect through the Constitution (1996).

Even though Ubuntu is seen by some participants as a source of cultural relativism in policy texts of South Africa, these same participants gave a word of caution. Some mentioned that Ubuntu should not be found only in the values of policy. Rather, it should be a living concept that addresses problems that the country faces. I would like to borrow from one of the participants in arguing that

there can never be Ubuntu if there is corruption and maladministration in government. This means that there would be an antithesis if corruption takes place and yet we claim to practise Ubuntu. This research study was unfortunately not designed to deal with the psychological aspects of greed or drivers to corruption but to rather determine whether cultural relativism happens through policy frameworks on the right to development.

Furthermore, I would also like to borrow the thoughts of one participant in saying that there would never be Ubuntu if South Africa had not done something to curb extreme hunger by making provisions for social grants. I understand this statement to mean that the humanity of Ubuntu is arguably seen through government's intent to make social grants available to the public. Indeed, the government has, over the past two decades, pledged their support to the poor by making grants available to the indigent population. The issue here is not whether this is the correct or wrong way to develop people. It is rather a depiction of an ethic of Ubuntu which refers to the means of survival in a society that could be faced with hunger.

Based on the results of this research study, an assertion was made about how cultural relativism practically occurs in South Africa yet might not be given effect through national instruments. In this case, the Constitution of South Africa (1996) has made it possible for traditional leaders to preside over certain communities in relation to cultural practices and the means that give effect to those practices. This is given effect in the Constitution (1996) in Section 185, which advances the promotion and protection of cultures.

The Houses of Traditional Leaders was mentioned during the interviews as one of those institutions that gives effect to the practice and preservation of cultures per province. This means that it is highly probable that Houses of Traditional Leaders will preside over communities that practice certain cultures that are unique or particular to a specific location. In the literature review of this research study, "particularism" happens to be one of the things pointed out that define cultural relativism.

It is explained in the literature review that cultural relativism will happen if there are particular cultures that are unique as compared to the global norm. In this case, one assumes that practices that are unique to the Sesotho nation, for example, will be presided over by a community that performs those practices. In addition, this will be led by a traditional leader who is recognised by

the Constitution of South Africa (1996) as per Section 185. Again, there is "contextualism" in the way cultural relativism appears in this instance. The context here relates to Provincial Houses of Traditional Leaders, who are given the space to advance and protect cultures, with recognition by the Constitution of South Africa (1996). In essence, cultural relativism does not happen in the practical sense at national level, but it does happen in areas where cultures are unique. This is important because the preamble of the UNDRTD states quite clearly that development is not about economics, but that it is an economic, social and cultural process.

This means that the form of development that needs to take place should cut across three spheres, namely social, economic and cultural. The cultures of provinces, in the case of South Africa, may be different from one another, from province to province. Provinces may be unique and particular according to the beliefs systems of the various cultures from different locations. This means that cultures are relative to each other.

On the other hand, one participant spoke about how modern cultures of South Africa may be given effect by the cultural values that have lived on for centuries. In relation to this, the literature review delved into the forms and types of development that exist in a cultural context for the upliftment of people. These include Letsema as a developmental practice. Letsema exists within the context of collectivism, where sharecropping is achieved by community members in a collective way to stave hunger and poverty. This is almost similar to goal 1 of the SDGs, which would arguably have been the same goal held by communities of yesteryear through Letsema. This is because Letsema, as indicated in the literature review of this study, refers to the means of survival, care and compassion, and all of these things are notions of Ubuntu. The relative nature of Letsema exists in the sense that the modern terminology of Letsema is similar to cooperatives. So, the relativism, in this case, also exists, where the practice of Letsema would have been unique at the time of its establishment but yet it is also universal.

The relativity, in the case of local settings and practices, is depicted by the particularism of a practice or culture (like Letsema). Its uniqueness, however, is relative because there are other nations that may practise the same form of development (although they may call it something other than Letsema). Based on these arguments that I have presented here, I do believe that the cultural relativism that happens through policy and legislation in South Africa is that of contextualism and particularism.

One of the participants of the study mentioned that Letsema is a source of Ubuntu as it renders the survival of communities against hunger and poverty. These are things that are important in the area of human development. Another participant mentioned that stokvels in the modern township culture are almost equal to Letsema, because it is through Letsema that crops are planted and harvested by the community members who contributed to the planting process. This can, of course, be easily equated to the modern practice of stokvels and burial societies, where communities can easily bury their departed through the community funds committed to such a practice. There are similarities, in this instance, to the construct of Ubuntu, where communities would come together as a collective for a common purpose or for common benefit. Even though the functions of stokvels and similar practices are not described in that manner, the practices are similar. It is a collective process that benefits the community of members who adheres to its policies and rules.

Question 3: How and why did South Africa adopt the NDP as a macro policy, with reference to the past epochs of development policies?

Discussion: Eighty per cent (4 out of 5) of participants gave an account of the historical steps that made it possible to arrive at the NDP as a macro policy. In this regard, the participants argued that the NDP as it arises from the NGP is a culmination of other forms of macro policies that had never worked for the benefit of the public in the past. The participants referred more to the RDP and NGP as two policies that aim to drive the right to development in South Africa.

None of the participants spoke about the GEAR macro policy as the means to attain the right to development in South Africa. The association of the RDP with the right to development, based on the results of the research study, is important. It means that it is through the RDP and NDP that the state had made an intent to drive the principles of the right to development. In this case, participants mentioned a number of key variables of the right to development during the interviews. These include the right to water and sanitation, the right to housing, the right to education, and the right to health care. The aforementioned principles are the same as those found in Article 8 of the UNDRTD and in Article 22 of African Charter. In this instance, the right to development in South Africa is depicted by the Bill of Right of South Africa's Constitution (1996). This is the case even though the right to development as a concept is not described in the same way it appears in the constitutions of other countries, such as Malawi.

The Bill of Rights of the South African Constitution (1996) gives effect to access to housing, education and health care, amongst other things. It would appear that the principles found in the Bill of Rights, as related to housing, education and health care (principles of Article 8 of the UNDRTD), are also found in both the RDP and NDP. This assumption is made in light of the literature review on the theories of development in Chapter 2 of this study. The NDP was used as an anchor to illustrate how the government's intent in relation to the NDP gave meaning to the right to development. The participants who used the NDP as a source of elements of the right to development also made reference to chapters of the NDP document. These chapters specifically refer to some of the things that are identical (to that of the UNDRTD) through the provisions for access to housing, education and health care.

Discussion: In recapping the results and findings and based on my opinion, this is what the ultimate outcome of the research study amounts to:

- Policy guidelines of the right to development are advanced in South Africa as an obligation to the UN and perhaps to the AU as well. Particular reference is made, in this case, to the fact that South Africa has adopted the UNDRTD as a non-binding policy instrument.
- Macro policies of South Africa, with reference to the RDP and the policy plan of the NGP, namely the NDP, aim to advance Article 8 of the UNDRTD through the provision of housing, education and health care.
- The South African Constitution (1996) and the Houses of Traditional Leaders are two important aspects that make reference to cultural relativism found in policy and legislation.
- Given the abovementioned points, the right to development in South Africa is advanced through cultural relativism through the Constitution (1996) and through institutions such as the Houses of Traditional Leaders. The Constitution (1996) carries Ubuntu principles that permeate through the policy and legal landscape. As such, the results of this study show that, for this reason, the country will ensure that its intent to provide housing, education and health care will be arbitrated in courts. This was asserted by some of the participants in the interviews. The cultural relativism that exists, in this case, is that of contextualism.

6.4 Conclusion

Chapter 5 provided information to make a conclusion on the overall topic of the research, and the information was synthesised in this chapter. The research question of this research study was to explore whether policy guidelines on the right to development in South Africa are advanced through cultural relativism. Taking stock of the means to arrive at the conclusion for such a study entailed an effort to determine what cultural relativism means for the policy landscape of South Africa or in public administration.

One of the things that remains clear is that cultural relativism does exist in the South African government. In some instances, efforts have been made to even fashion some of the practices of government through Batho Pele principles. From a distance, it seems that there has never been a barometer to determine whether the noble Ubuntu ideals, as found in the Batho Pele principles, were ever really measured to determine the outputs of such a policy. In certain instances during the data collection process of this research study, it became apparent that human development was synonymous with the development efforts of South Africa. However, most participants never made extensive comments on the economic aspects of development in South Africa. Be that as it may, it should be remembered that human development is an antecedent of economic growth. The more a population gains access to education, the more it will be able to contribute to the economic needs of the country. The same applies in that if health care is provided for, the population would live long enough to become part of the development activities of a country over time. In this instance, consideration ought to be taken that the human-development index should take stock of health care in a country for measuring the extent to which development happens. The issues raised in this chapter have therefore addressed the research question with narratives, perspectives of the research and the theories explored in the literature review.

CHAPTER 7: CONCLUSION AND RECOMMENDATIONS

7.1 Introduction

The research undertaken warranted an exploration on the right to development in as far as how it occurs in the policy framework of South Africa. It should be noted that there are SDGs which are aimed at eradicating poverty, but, more importantly, at ensuring that development takes place in all countries. What this study has illustrated is how international instruments of development are adopted and applied in domestic settings, particularly in South Africa.

The inference drawn from the theoretical assumption made at the beginning of this study was that South Africa is a country with its own cultures, ways of being and belief systems. This was, however, not enough to arrive at a conclusion as to whether the cultural being of South Africans finds expression in policy texts on the right to development. The right to development is a form of rights-based development that revolves around the aspect of entitlements. Since human rights are important in South Africa, it was important to examine these entitlements. This is because the spirit of the right to development, as per the UNDRTD and African Charter, presents opportunities to make development possible by focusing on human development. That human development, according to Article 8 of the UNDRTD and Article 22 of the African Charter, is people-centred. It was therefore important to identify what of South Africans, in relation to their belief systems and culture, finds expression in the policy framework of the right to development.

Through this study, it became clear that there is a frame of reference when policy is created. What this study was able to show is that Ubuntu has become one of those frames of reference that are used to internalise the intent of government. In essence, the sentiments related to the notion of a country that practises humanness, a value of Ubuntu, seem to resonate with the participants of this research study.

The research study was aimed at examining policy text and determining the way it is advanced. Localising international policy instruments has been part of global debates in recent years, especially after the MDGs had come to an end. This period is characterised by several assessments of how countries fared in their obligations to citizens by examining how policy on development and accompanying tools and systems were used in the process.

There are many reasons why development goals have not been met in certain respects. One of these reasons is related to the policy question – the inquiry of whether national policy meets the global development goals. However, simultaneously, it should be determined whether these goals are achieved with reference to the domestic circumstances that are unique to the country or environment. An instrument such as the UNDRTD cannot preclude the local dynamics when it is advanced. In other words, the domestication of the right to development in South Africa should take into account the local dynamics, especially when shaping policy.

There are many reasons for this. According to the preamble of the UNDRTD, development is a cultural, social and economic process. All of these things cannot preclude the social and cultural systems of a populace, particularly because people are actually participants of the development process. For that reason, their frame of reference in relation to the form and direction of development should fit with their social and cultural ethics. In the case of this study, one such ethical element is that of Ubuntu. Inasmuch as Ubuntu is a South African construct, its values are synonymous with the universal notions of humanness. In this case, another reason should be determined for why relativism exists in the policy frameworks of South Africa.

The results of this study show that Ubuntu-based ethics are practically applied in courts when administering justice in the provision of the right to development. In other words, the notions of humanness are found in the justification of why and how poor citizens are treated when finding themselves in impoverished situations. The provision of social-development grants or a social-security system that aim to curb hunger may be interpreted as the means for government to apply humanness to the people it seeks to serve. This is important since South Africa is a country that prides itself on human-rights values. As such, even the Constitution (1996) happens to be a document that declares entitlements, equality and compassion. Through this research study, the manner in which humanness is practised through the right to development is indicative of the cultural relativism that participants referred to in the interviews, namely situational relativism.

Undertaking this form of research was challenging in the sense that the right to development is not a commonly used term in South Africa. Other countries that have adopted the UNDRTD and African Charter do, however, inscribe the right to development directly into their national policy frameworks. The research undertaken has attempted to explain how the right to development is prevalent in South Africa. The study has determined that the right to development is grounded in

Chapter 2 of the Constitution (1996), the Bill of Rights, of which some of the content is synonymous with some of the provisions of the UNDRTD. The second layer to this was how, then, these notions of the right to development are advanced in the South African setting. The idea of making sure that policy follows the history and circumstances of a particular country gives a perspective on issues that are unique to a country. The danger of not doing the latter rests on the idea that applying policy at a global level cannot be done through a one-size-fits-all approach but through unique things within the environment being taken into account. In essence, the domestication of international instruments should be congruent with the localised dynamics.

7.2   Future Implications Based on the Research Conducted

Conducting a research study such as this one remains important for South Africa and the rest of the world. It should be borne in mind that in the introduction of this study it is stated that the UNDRTD is a non-binding declaration. This means that countries that accede to the instrument cannot be bound by the UN to ensure that the right to development is fully realised. This particular aspect of the debate was never meant to be part of the discussion in this research study. However, the outcomes of this study remain important for those countries that are party to the UNDRTD.

It should be mentioned that on 1 November 2019, the UN called for the progression of the UNDRTD into a treaty. According to media reports, the reason the UN has moved to change the UNDRTD into a treaty is because very little has happened around the world in relation to the full realisation of the right to development. This means that, soon, the UNDRTD will be a binding document holding member states accountable for the implementation of the right to development in their respective contexts. South Africa is obviously affected if one takes into account the discussions in this research study. Therefore, as with many other countries from across the globe, South Africa needs to prepare itself for the full or at least partial realisation of the right to development.

The intent of the state needs to be clear in relation to what ought to happen with the right to development in South Africa. This issue relates to public policy in the sense that everything related to public policy is about the intent of a state to solve a particular problem or about the advancement of a society. In essence, public policy should provide an answer about what the state needs to achieve in relation to social issues. The right to development is placed under "particular

circumstances", where its implementation should start with defining and describing what South Africa ought to do in relation to it.

The question about state intent with public policy also has some implications for the form and type of policy to adopt. The results of this research study show that there is a need to further give meaning to the form and type of policies to establish in the future.

It should be noted that the right to development policies in South Africa may resonate with the Constitution (1996) (as already explained in this research study), bills of parliament and macro-policy frameworks. Even though this was not the focus of the study, particular aspects were noted in this study. The first is that the results of the study show that the Bill of Rights in the South African Constitution (1996) has similar principles on the right to development. It would seem that Chapter 2 of the Constitution (1996) (The Bill of Rights) directly or indirectly addresses all of the key factors found in the UNDRTD. It is unclear as to whether this was done on purpose or whether it is a mere coincidence. However, it is worth noting that there is a correlation between the principles of the Bill of Rights with the UNDRTD. From the Constitution (1996), there are other forms of policies that are adopted in the spirit of the Constitution (1996).

The second aspect noted in this research study is the fact that the Constitution's (1996) preamble carries the same spirit of human rights that is found in the preamble of the UNDRTD. The preambles of both documents make reference to human rights and to matters of equality. For this spirit (of human rights and the right to development) to have resonance, it may be important to gauge the aspirations of the Constitution of South Africa (1996) and the UNDRTD. This particular consideration has everything to do with public-policy design. For instance, in one of the stages of public-policy design, there is often a need to engage the public through direct participation. It may be important to understand the thoughts of the public in relation to their aspirations, which may well be derived from their socio-cultural backgrounds. Therefore, the issue of culture becomes important.

According to the theoretical discussions in this research study, the issue of culture has everything to do with people's belief systems. In essence, the aspirations of people may be informed by their cultural disposition. Policy is advanced having taken into account the beliefs, aspirations and perspectives of ordinary citizens. There are times when cultural systems become relative. The

relativity in this case, especially in the context of public policy, should never be a deterrent but the process of its implementation should be harmonious.

Even if the cultural standing of South Africans may differ in certain respects, the intent of the state should not be affected by the differing cultural views. This is a problem that should be dealt with within the public-participation processes of policies on the right to development. Even though this was not explored within this research study, it needs a great deal of emphasis. Reference is made to all the outlying factors of this research in explaining why it is crucial for it (this research study) to happen in the current epoch of the right to development. As the treaty of the UNDRTD is adopted (perhaps a few years from now), South Africa will have had to prepare itself to deal with the contents of this research. If, for instance, South Africa becomes state party to such a treaty on the right to development, the stakes for accountability will remain relatively higher than the current times – simply because the treaty is binding.

The issue concerning the type and form of policies for development in South Africa is one that concerns the framing of such policy on the right to development. Even if South Africa does not adopt the treaty on the right to development, government will still be compelled to account to the public with regards to Chapter 2 of the Constitution (1996), namely the Bill of Rights. In essence, the question on the form and framing of public policy (for development purposes) still arises. The only difference between adoption and non-adoption of the treaty rests on the idea that South Africa would need to account to the UN with regards to the right to development should the treaty be adopted. On the other hand, if not adopted, the South African government will only be accountable to its people.

Future policies on the right to development in South Africa should continue to take into account two implications. The first is the fact that the Constitution (1996) is a human-rights-based document which carries some principles of the UNDRTD, an international policy instrument. The essence or spirit of this Constitution (1996) should be reflected in the requisite legislation. Noting that legislation and policy seek to address problems that affect the citizens of a country (in general terms), these citizens ought to be understood for adequate framing of policies. This is important even if there is relativity in the perception of cultural or general beliefs. It is perhaps in this case that government should attempt to manage public-policymaking processes with relativity in mind.

For example, Ubuntu has been used in the Batho Pele principles in order to encourage ethical conduct of civil servants in South Africa. This follows the understanding that in the recent past a cultural system such as Ubuntu was used with a particular purpose to achieve a particular outcome. Irrespective of whether this outcome has been achieved or not, the intent of government is to encourage Ubuntu principles in the delivery of services to ordinary citizens.

In cases where relativism becomes a challenge in championing the right to development, it would be ideal for policymakers to consider understanding the aspirations of society, including their worldviews and beliefs. This serves to ensure that whichever policy on development is drafted in the future meets the aspirations of the people for who it is written, yet in so doing also meeting its development targets. This has implications if relativity becomes a barrier to development purposes. This is simply because all the factors discussed in the Bill of Rights (right to access education, water and sanitation, housing and health) tend to be contested by society at the time when service delivery of basic needs arises. The right to development in South Africa is therefore a concept that is thrust under that type of scenario.

Accomplishing the intent of the state requires building an ethic of understanding the aspirations of people even in relation to their cultural beliefs or worldviews. A proper understanding of the beliefs and worldviews of the beneficiaries of policy may be helpful for the state to understand the expectations of people in attempting to meet the targets of the right to development.

The second and last implication for South Africa in relation to this research study and the UNDRTD treaty is centred around the improvement of public-policy mechanisms for evaluation. Designing public policy requires "framing". Framing of public policy should take into account the aspirations of people, their thoughts, belief systems and worldviews. The public-policy-creation process bears the potential for policymakers to understand the beliefs, thoughts and needs of people through their aspirations. Such aspects are arguably important to avoid causing misalignment between what government puts forth as policy and the needs of the people with reference to their belief systems or worldviews.

Understanding the needs of people based on their worldviews is a factor that should be taken into account when policy is being devised. When such information is known to the drafters of policy, it makes it easier to ensure that the state's output on policy is also understood from the perspective

of people's views and belief systems. In other words, the policy effect of any document covering the intent of the state in some matter should be understood from the perspective of the people. This is important because the people are the beneficiaries of public policy. At present, it appears that cultural systems such as Ubuntu should be evaluated in the outcomes of any policy that is devised with the spirit of Ubuntu. This is also in line with the outcomes of this research study. In this case, Ubuntu is used as example. Nevertheless, there are perhaps other cultural systems that may form part of the evaluation for the sake of understanding whether the beliefs, worldviews and norms of society have been understood when implementing policy.

The notion of public-policy effect bears reference to this research study. In other words, it should be the norm that even the tools of evaluation are designed in such manner that seeks to understand whether the effected policies match the aspirations of the people in relation to their cultural understanding of the societies they live in. As already explained, cultures may be relative, but if the relativism becomes counterproductive for policy implementation, government, civil society and other state entities have the power to determine a middle ground. This is in the same way that Ubuntu as a cultural system was defined and used for particular objectives. An example in this case is the Batho Pele principles. As the world awaits the UNDRTD treaty, countries such as South Africa should closely look into the issues covered in this research study. In doing so, the right to development will find adequate meaning in the development processes of the country.

7.3   Recommendations

The recommendations are made in light of the results and interpretation of the researcher and the issues discussed in the literature review. In this section, suggestions are made in relation to the future of policy creation in as far as the right to development and cultural relativism are concerned.

7.3.1   The right to development in South Africa

Based on the research conducted, it seems that South Africa does adhere to the UNDRTD even though the terminology found in the UNDRTD is not present in South African policy and legislation. It is important to ensure that the guidelines of the UNDRTD be spelt out in policy texts to avoid confusion regarding the form and type of development policies that are being made. The examination of policy in relation to form and type should easily make sense to those who wish to

make reference to the policy regime of South Africa to determine the slant of policies being made. This may be either human development, neoliberalism or the right to development to name a few. The determination and definition of forms of the right to development deserve attention as the means to ensure that policy thought is given meaning. Part of the aim of this research was actually intended to give meaning to the right to development in the South African context. More needs to be done through research and framing of the development agenda by development experts and government officials.

7.3.2   Advancement of policy

Part of this study made it clear that policy can be derived from aspirations that are carried by non-binding agreements found in international instruments such as the UNDRTD. It is important to note that the right to development is a rights-based approach to development and that human rights are by their nature aspirational in that they are not always guaranteed. The guarantee, in this case, depends on the extent to which each country is able to turn those aspirations into legislation and with reference to the intent of the state (through policy) to actualise these aspirations.

In this study, it was ascertained that the right to development policy appears in a discursive manner in sectoral policies of housing, education and health care. However, there is not one singular policy framework that cusps all these factors into one. This is important because as policies are denoted for their purpose, the same should apply in relation to the right to development. This study has indirectly identified a gap in that there is an absence of the right to development in the policy framework of South Africa. It is important that such a policy framework be considered because the right to development consists of a composite of rights which are not divisible from each other.

7.3.3   Cultural relativism

The aspirations of a society are often carried out by policymakers, including citizens who are by their nature the recipients of policy outcomes. In light of this, it may be important to always take stock of the extent to which policies are products of particular needs of a society and are identified due to significance to the local environment.

The domestic environment is depicted as the basis on which the right to development policies ought to be made, as per Article 10 of the UNDRTD. If this is the case, it is important that the

policymakers in South Africa indicate clearly how global policy instruments give effect to localised policy. Policy thought is important to avoid confusion about the intent of the state in making provisions for the right to development. More research is needed to also measure the extent to which cultural norms such as Ubuntu find expression in the policy regime of South Africa. This will be indicative of whether policy thought follows local conditions and context from which international policy instruments are applied.

7.4   Conclusion

In the final instance, this study found that the relative influence of cultural aspects on the right to development manifests in various policies and in diverse ways. The study herein brought about knowledge and information on the existence of the right to development in South Africa. The study also found that South Africa applies the right to development from Constitutional provisions, which are also given effect by macro policies. South Africa's past and current macro-policy frameworks were and are aimed at advancing the right to development.

All the elements of the right to development exist in the Constitution of South Africa (1996) yet in an indirect manner. In essence, the right to development is implied in the Constitution (1996) under the Bill of Rights. It has been stated in this study that during the discourse on the right to development at the UN and the AU, South Africa was in isolation due to sanctions imposed due to apartheid. It is perhaps for this reason that the actual terminology of the right to development is missing in the policy text of South Africa. The notion of the right to development may be explained in the context of South Africa through a study such as this one.

Part of the body of knowledge generated from this study points out that the South African government has its own way of actualising policy guidelines of the right to development. The government uses localised systems grounded in the cultural knowledge of the population. More research is needed in this regard to further explore other means to which cultural norms, systems and values are used in the development or the right to development policies in South Africa.

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Appendix A

Interview schedule

Institution: School of Public Leadership, University of Stellenbosch

Student: Mofihli Teleki

Student Number: 20620268

Qualification: Master of Public Administration

Type of Research: Qualitative Research

Research topic: An exploratory study on how policy guidelines of the right to development in South Africa are advanced through cultural relativism

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The questions posed in the schedule aim to tap into the policy guidelines of the right to development and how these policy guidelines could be advanced through cultural relativism. It is required that the interviewees provide written consent for the interviewee to participate voluntarily. It should be noted that interviews will take place during arranged contact sessions. The interviews will take place face to face. It is in this context that the interviewers would be asked about the suitable date and time, and alternatives would be made if face to face interviews are not feasible, i.e. video-conferencing. All interviews will be recorded through suitable devices, i.e. Dictaphone (face to face) or video recording (for video conferencing or Skype). Due to the fact that interviews will be unstructured, follow up questions will be asked based on the literature review that has already been conducted. It is in this context that the interviewee may either refute, support the literature review, or shed light on information that is relevant to the themes. The interviewees may cite their own experiences, role in the processes of policy creation in South Africa with reference to the nature the policies that exist in South Africa. Below are themes and questions that will be asked during the interviews.

NAME OF RESPONDENT: ……………………………………………………………

NAME OF ORGANISATION: ……………………………………………………….

POSITION /OCCUPATION: ……………………….……………………………….

DATE OF COMPLETION OF QUESTIONAIRE/INTERVIEW SCHEDULE:

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Schedule A: Scholars in Cultural Relativism and the Right to Development

Summary of Themes and Questions

Section A

Theme 1: Development and the Right to Development as a concept

Research Question: Why and how is the right to development a tool that advances development as a fundamental human right in South Africa?

Section B

Theme 2: Public Policy creation process in South Africa

Research Questions:

- How and why did South Africa adopt the National Development Plan (NDP) as a macro policy with reference to the past epochs of development policies?

- How is cultural relativism prevalent in South Africa in past and current policy contexts?

Section C

Theme 3: Cultural relativism

Research Question: How is cultural relativism prevalent in South Africa in past and current policy contexts?

Section A (Academia and Experts on Development)

Theme 1: Development and the Right to Development as a concept

Research Question: Why and how is the right to development a tool that advances development as a fundamental human right in South Africa?

1. Explain how development is a human right in South Africa?

2. What gives effect to development as a human right in the context of the law?

3. Why is it important for development to be a fundamental human right?

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4. How is the right to development catered for in the Constitution of South Africa?

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Section B (Public Officials)

Theme 2: Public Policy creation process in South Africa

Research Questions:

1. How and why did South Africa adopt the (NDP) as a macro policy with reference to the past epochs of development policies?

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2. How is cultural relativism prevalent in South Africa in past and current policy contexts?

3. How does cultural relativism give effect to the right to development in South Africa in past and current policy contexts?

4. How does the right to development as a Constitutional provision feature in policy context of South Africa?

Section C (Academia and Experts)

Theme 3: Cultural relativism

Research Question: How is cultural relativism prevalent in South Africa in past and current policy contexts?

Rights based development

1. Explain how government is able to advance development as a human right

2. Describe all policies that advance development as a human right

3. Explain how the right to development is being advanced as a Constitutional provision.

Monitoring and evaluation

4. Describe all policies that advance development as a human right

5. Explain the practices of monitoring and evaluation in South Africa's public administration.

6. Explain how monitoring and evaluation supports the right to development as a? Constitutional provision.

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Ubuntu

7. How does Ubuntu manifest in the South African public administration policies?

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8. Describe the practices of Ubuntu in public administration

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9. Explain how Ubuntu supports the notion of the right to development as a Constitutional provision