

**AUTHORS:**Sikanyiso Masuku<sup>1</sup>   
Sharmila Rama<sup>2</sup> **AFFILIATIONS:**<sup>1</sup>Institute for Democracy, Citizenship and Public Policy in Africa, University of Cape Town, Cape Town, South Africa<sup>2</sup>Society and Social Change Cluster, School of Social Sciences, University of KwaZulu-Natal, Pietermaritzburg, South Africa**CORRESPONDENCE TO:**

Sikanyiso Masuku

**EMAIL:**

sikhanyiso.masuku@gmail.com

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# A case study of government and civil societies' collaboration and challenges in securing the rights of Congolese refugees living in Pietermaritzburg, KwaZulu-Natal, South Africa

Several South African focused studies have identified the numerous challenges faced by refugees in securing their legal rights to employment, education, health care, etc. There is a need therefore to investigate the extent to which such challenges are conterminous with bureaucratic institutions (such as government departments) limitations in fully implementing the refugee policy. In cognisance of the many shortcomings associated with state-assisted integration models, we examined how bureaucratic efficiency (in the provisioning of refugee rights) can be achieved, i.e. the feasibility of instituting dependency partnerships between the state and civil society. A case study based interpretive research design technique was adopted, drawing from one focus group discussion with Congolese refugees and face-to-face in-depth interviews with three purposively selected NGO representatives. We used two theoretical perspectives, namely the theory of monopolisation and Weber's theory on bureaucracy, to analyse how bureaucratic arrangements can negatively impact on the implementation of the refugee policy and consequently on the refugees' quality of life and standard of living in their host country. We identified that primary cultural factors, amongst others, unruly practices, social closure, and institutional biases widen the chasm between the formulation of a progressive refugee policy and its efficient implementation. The setting up of human rights education interventions and dependency partnerships is recommended as a means of improving bureaucratic efficiency in the transfer or implementation of refugee social protections.

**Significance:**

- The originality of this paper emanates from its conceptualisation of the state as a bureaucratic institution whose efficiency in implementing policies can be undermined by the existence of not only structural but also primary cultural factors. Refugees' challenges are thus conceptualised as emanating from a failure to achieve bureaucratic efficiency.
- Multisectoral approaches (dependency partnerships) are suggested as an alternative to a purely vertical top-down model whereby a single bureaucratic institution (often prone to institutional biases and other challenges) is primarily responsible for implementing social protection policy.
- Apart from not providing a hypothesis-based analysis of refugee deprivations, other studies on refugees in South Africa and the region do not examine such deprivations from an institutional standpoint.

## Introduction and background

Chambers and Kopstein<sup>1</sup> acknowledge the importance of public and private sector partnerships in policy implementation as well as in averting refugee deprivations. In this paper, we examine how non-governmental organisations (NGOs) and stakeholders can augment governments' efforts in the refugee social protection discourse<sup>2,3</sup>, i.e. what Berten and Leisering<sup>4</sup> term 'inter-organisational exchanges'. We examine refugees' rapport with civil society through analyses of the findings from interviews with a sample of civil society groups as well as Congolese refugees in South Africa.

The existential limitations in the adoption of a collective approach to the transfer of refugee social protections<sup>5</sup> (multisectoral initiatives) are investigated. This inquiry is rationalised by the existential challenges to refugee groups' access to a spectrum of rights and services in South Africa.<sup>6</sup> These challenges are hypothesised as principally originating from the deprivations associated with vertical top-down interventions or state-assisted integration models, i.e. institutional biases, normative forms of exclusion and so forth.<sup>5,7</sup>

As found in Germany, through their national law on integration, as well as in Sweden, Italy, the Netherlands and Norway, through state-assisted integration programmes, multisectoral social initiatives often reduce refugees' deprivations.<sup>8,9</sup> Bottom-up approaches to refugee social protection have been discernible through civil society groups' principal role in organising human rights education in places such as Zambia, Sudan, Uganda and Kenya.<sup>5,10</sup> We therefore examined how NGO's greater access to grassroots communities means they are better placed to facilitate what Berten and Leisering<sup>4</sup> refer to as the 'bottom-up theorisation' of social protection policy. This paper is dissimilar to other studies on refugees in South Africa, in that we investigate the nexus between the existential challenges in forging inter-organisational exchanges (multisectoral partnerships) and the arising limitations in the transfer as well as implementation of refugee policy.

## State-assisted integration

Governments are obliged to play a pivotal role in securing refugees' social security rights. Government policies targeting inequality and favouring social solidarity can promote integrated societies. A considerable impediment to

state-assisted integration in South Africa has been the issue of exclusionary proclamations by the government through the existence of predatory/unpredictable immigration systems.<sup>11</sup> This includes the prohibition on the right to work for asylum seekers (finally overturned in 2002), the nationwide closure of refugee reception offices as well as the denial of the right to family for forced migrants in the country. As another challenge to state-assisted integration, there has also been little coordination in the implementation of refugee policy in South Africa.<sup>12</sup> These declarations have infringed not only on refugees' attempts to integrate into their host countries but also on their rights to the preservation of their dignity as enshrined in Article 12 of the 1951 Convention and Article 16 of the Universal Declaration of Human Rights.<sup>13,14</sup>

This situation has been worsened by some citizens' systematic blockade of refugee groups' liberties. Although we identify refugee groups service exclusion from government departments as a derivative form of exclusion,<sup>15</sup> such social closure is also conceptualised in the paper as a multidimensional phenomenon that state-assisted integration cannot remedy on its own.

## Refugee policy enactment: Locating the civil society

Civil society organisations across the globe are often proactive in facilitating refugees' access to both bridging and bonding forms of social capital.<sup>16</sup> Civil society organisations are thus particularly important in minimising refugees' deprivations through their role in the first steps towards developing a sense of self-identity (which does not necessarily emerge through engagement with the state). Civility, as defined by Harbeson et al.<sup>17</sup> advocates for equitable rights and entitlements within all human societies and it is through the collective efforts of civil society groups that this agenda has been pushed. Examples of where the model of civility has been successfully instituted include aid agency programmes designed to extend the rights to education, shelter and health care, i.e. through the Comprehensive Refugee Response Frameworks as implemented in Tanzania and Uganda.<sup>18-20</sup> Here we examine the model of civility in cognisance of how it promotes parity and equitable rights access for all.

Establishing the level of rapport between government and civil society is particularly important as it helps to ascertain the role of civil society as a stakeholder in human rights issues. Civil action groups formed by vulnerable groups (such as the Congoese refugees in this study) are a form of solidarism, symbolising a combined response to the challenges affecting them.<sup>21</sup> Fukuyama<sup>22,23</sup> argues that by coming together in civil associations, vulnerable groups become strong. As a means of mobilising power to enhance or defend a group's share of resources, Fukuyama<sup>23</sup> argues that, 'solidarism seeks to challenge the prevailing system of distribution'. Evidence of South African civil society organisations importance in cushioning refugees from social risks is provided by their pro-activeness during the perennial xenophobic attacks.<sup>8</sup>

## Theoretical frameworks

Weber's<sup>24</sup> theory on bureaucracy identifies government as a rational legal authority responsible for the drafting and implementation of policy. It is from such a hypothesis that Weber developed his concept of the ideal bureaucratic organisation which is characteristically rational and efficient. Weber<sup>24</sup> argues that what Selznick<sup>25</sup> refers to as a 'depersonalisation of administrative relationships', although important in ensuring organisational efficiency and egalitarianism, is difficult to achieve. In his micro-theory of class and stratification, he argues that such a depersonalisation is not possible because legal rational authority is always at threat from traditional and historical prejudices. The balance between the three types of authority (traditional, charismatic and rational-legal) is what ultimately determines bureaucratic efficiency.<sup>26</sup> The argument here is that the rational legal authority in South Africa (*Refugee Act 130 of 1998*), regarded as the more forceful and effective form of authority, is constantly undermined by traditional authority, i.e. the counteractive actions of street level bureaucrats within state departments. Amongst other issues, this action compromises the successful transfer/implementation of refugee social protections in the country.

This raises concerns about how primary cultural forms of exclusion (debilitative sociocultural relations based on race, gender, citizenship or nationality) impact on the effectiveness of government (as a bureaucratic institution) in its mandate to fully implement refugee policy. Fraser<sup>27</sup>, through his concept of unruly practices, argues that such practices in institutions often account for the 'gap between rules and their selective implementation'. Murphy<sup>28</sup> conceptualises the gap between rules and their prejudicial implementation as a derivative form of exclusion. Instead of operating autonomously then, 'dependency relationships' (minimal in both quantity and importance) should be sought between government and other organisations.<sup>29</sup> In examining how refugee policy implementation can be improved, this paper supports the view of the feasibility of inter-organisational exchanges.

In analysing the various ways through which refugees' access to a spectrum of services and commodity bundles is impeded, the study adopts the theory of monopolisation and exclusion.<sup>28</sup> This theory develops from the social closure tradition of Weber<sup>30</sup> and identifies conditions of exclusion as a multidimensional phenomenon, perpetuated on the grounds of an outside groups' deviance in race and other social attributes.<sup>28</sup> Through derivative forms of exclusion (exclusion based on racial, ethnic, religious, nationality or gender criteria), individuals can be disfranchised from accessing social protections and a host of other necessities.<sup>31</sup> Deprivations and social closure can therefore be attributed to an absence of social, symbolic and cultural forms of capital amongst refugees.<sup>32</sup> We thus hypothesise the challenges in provisioning refugees' social protections as conterminous with existential biases, unruly practices, monopolisations, etc. within bureaucratic institutions.<sup>7,32-34</sup>

## Methodology

We adopted an interpretive research design technique<sup>35</sup> and the case study is exploratory in terms of examining how a multisectoral approach could be adopted in containing refugees' deprivations and social exclusion<sup>36</sup>. In assessing the government's effectiveness as a bureaucratic institution, we utilised an approach whereby the refugee interview participants purposively consisted of the beneficiaries of the refugee policy under examination (section 24 permit holders). The need to interview government representatives was offset by the data obtained from the refugee participants on whether or not the state department services were indicative of an efficient bureaucratic institution. Their lived experiences and realities in South Africa give recognition to voices and experiences that are marginalised and devalued.

Through expert purposive sampling, we identified a Congoese representative association in Pietermaritzburg. We then utilised a homogeneous sampling technique to obtain eight focus group discussion participants from the association's membership. The use of only one nationality in the study was rationalised by how the Congoese refugees sufficed as an instrumental case in the examination of issues negatively impacting on the generality of refugees in South Africa.<sup>37</sup> The focus group discussion lasted a total of 90 minutes.<sup>38</sup> In selecting focus group discussion participants, the use of a non-probability homogeneous sampling method was necessitated because the study targeted candidates who shared similar traits or specific characteristics (Congoese refugees in South Africa).<sup>39</sup> Stratified purposeful sampling<sup>40</sup> was then used to sample four male and four female participants for the gender balanced focus group discussion. In having a gender-mixed focus group discussion, we identified power dynamics that came into play; in such instances, the facilitator moderated the proceedings by managing those who attempted to dominate the discussions. In selecting these participants, there was no focus on age although all participants were above the legal age of consent and had been in the country for a period not less than 10 years. For the purposes of an instrumental case study, a longer stay in South Africa ensured that the selected participants had a greater experience with the issues under discussion (this was then used to impress on the experiences of other refugees in the country).

In obtaining a sample from civil society, we utilised a purposive expert sampling technique. Participants were therefore experts purposively selected (based on their activism in refugee rights) and comprised one participant from the KwaZulu-Natal Christian Council and one from

Lawyers for Human Rights (LHR). In assessing the expertise of the organisations, we examined their scope, their programme's focus areas and overall social impact. We interviewed one participant from the civil society organisation representing Congoese refugees, the Congoese Refugees Association (CRA). Apart from these participants being active on provincial and national platforms, they were well informed about the issues affecting refugees.

Ethical clearance for the study was provided by the University of KwaZulu-Natal Humanities & Social Sciences Research Ethics Committee (reference number HSS/0810017D).

## Results and discussion

### Challenges to state-assisted integration

South Africa is signatory to a number of international conventions governing the well-being of refugee groups; establishing the role of government in inhibiting refugees' social disaffiliation particularly in accessing the available social protections is important. A beneficiary-based inquiry on the institutional efficiencies and deficits is therefore equally relevant and insightful in terms of understanding how social deprivations are exacerbated and experienced because of the actions or inactions of public servants and institutions. While refugees are defined in the Geneva 1951 Convention as groups or individuals who have left their own countries because of persecution or violence,<sup>14</sup> South Africa initially classifies such arrivals as asylum seekers, i.e. section 22 permit holders, with section 24 permits (refugee status) only being conferred after a lengthy (individualised) adjudication process. For that reason, refugees in South Africa (as guided by the *Refugee Act 130 of 1998*) were taken in this study to mean section 24 (refugee status) permit holders.

In South Africa, refugee legal rights are an Act of parliament enshrined in Regulation 27 (G), Regulation 27 (F), Regulation 27 (B) and Regulation 27 (D) of the *Refugee Act 130 of 1998* as well as Chapter 2, Articles 9 and 11 of the Bill of Rights. Weber's theory on bureaucracy and conceptualisation of government as a rational legal authority supports Congoese refugees' perceptions and beliefs that the host government is the principal custodian of their legal rights.<sup>41</sup> This study foregrounded how Congoese refugees anticipate the government to facilitate their integration and civil rights access in the country.

Although the legislative arms of government were progressive through liberal policy formulation, the study identified how such reforms were often undermined by the existence of an exclusionary traditional authority. Murphy<sup>28</sup> and Weber<sup>24</sup> submit that, despite the existence of progressive policy, group attributes (such as race, ethnicity, religion, language, nationality or citizenship) can be utilised to close off social and economic opportunities to perceived out-groups, i.e. traditional and historical prejudices can be a threat to the realisation of legal rational authority. South Africa's historical past of colonialism and apartheid has mutated into the perpetuation of racialised and discriminatory attitudes/actions post-apartheid. The ensuing ideological gaps between the *Aliens Control Act (No 96 of 1991)* and the *Refugee Act 130 of 1998* is a prime example of the disjunction between ideologies, action and authority.<sup>12</sup> The prejudicial attributes of traditional authority instigated through the unruly conduct of street-level bureaucrats (police, social workers, refugee status determination officers etc.), partly accounts for the gap between progressive policy formulation and its implementation.

Although Selznick<sup>25</sup> argues that there is a need for a 'depersonalisation of administrative relationships', the prevalence of corruption, and institutionalised prejudices and unruly actions is evidence of this failure<sup>34,42</sup>. Referred to by Brauns<sup>26</sup> as the intermission between legal rational authority and traditional authority, this has compromised the efficiency of government and its bureaucratic institutions to implement the refugee policy. The refugee participants indicated how this phenomenon was most prevalent amongst public servants or staff, and government's apparent failure to ensure the realisation of the *Batho Pele* [People First] principles.

Principal forms of exclusion and monopolisation can be enforced by the apparatus of the state through legal and coercive sanctions.<sup>15,33,42</sup> One civil society representative mentioned how the issues exacerbating refugees'

deprivations and derivative exclusion were administrative. As opposed to integrating refugees within areas of commerce, certain councillors were closing off refugees based on their group attributes (race, ethnicity, language etc.).<sup>32</sup> One participant complained: 'There are some councillors who are saying we no longer want any foreign nationals to operate here.'

Through Murphy's<sup>15</sup> theory, such social exclusion and prejudices in defiance of pre-existing progressive laws, can be seen as being premised on the grounds of 'credentialism, racial, ethnic monopolisation and social exclusion'. Weber's micro-theory on class stratification also illuminates how exclusionary traditional and historical prejudices may subvert a progressive legal authority. Such a subversion may manifest through unruly practices, biases, monopolisations and exclusion. As a consequence of government's failure to effectively facilitate their integration, Congoese refugees indicated that they were deprived of equal access to health, education, shelter, etc. Such deprivations mainly emanated from structural or principal forms of exclusion.

Refugee participants also complained of victimisation within government departments:

*Most refugees are being victimised by the SAPS, you will be at your place at night and the police officers will just pop in pretending that they are looking for illegal immigrants. So, when you open, they will start asking for papers for furniture, television licence etc. and if you don't have receipts, they will threaten to take you to the police station until you come and prove that you bought it in the shop. It can also happen at the place of work, they will come in the saloons and say all of you present your papers, whoever does not have they take him to a corner where you have to pay [a] bribe.*

The conduct described above in which workers within the public service disregard refugee policy edicts, reflects a situation whereby traditional authority incapacitates rational-legal authority and ultimately bureaucratic efficiency.<sup>26</sup> Khan et al.<sup>43</sup> conceptualises it as a form of unruly practice which impedes state-assisted integration models. The interviews therefore revealed how Congoese refugees expect the state to address the exclusionary nodes not only within their communities of residence but also within the civil service. Public service employees' ignorance of refugee policy was identified as an additional impediment to refugees' access to their legal rights. Other studies corroborate these findings and allude that the exclusionary actions of public service staff often exacerbate refugees' deprivations.<sup>44,45</sup> The prejudice and deprivations refugees face due to social exclusion were confirmed by the following responses:

*When it comes to social services there is the belief that refugees are dirty, there are certain mind-sets that should be changed with regards to frontline service providers who deal with refugees.*

*...in the trainings that we have, the government officials will come in the open and say we don't know these things, which means they are not alone they are a lot out there and maybe some refugees can be disadvantaged because somebody doesn't know.*

In addressing the above challenges, participants suggested a sensitisation programme for public servants due to their role as key players in the aversion of social exclusion both inside and outside public institutions. These sentiments are substantiated by other researchers who argue that issues of social inclusion require awareness campaigns and a change of consciousness.<sup>46-47</sup> Khan et al.<sup>43</sup> concur and argue that such a change of consciousness should be instigated amongst stakeholders so as to produce effective interventions at different levels.

### Social cohesion and engagement: Civil society

Civil society participants also mentioned having made several inroads in addressing refugees' challenges by coordinating programmes (social

cohesion activities) involving both citizens and refugees to promote cultural tolerance. This was essential in the fight against social exclusion and the associated deprivations because it created what Putman (2000 cited by Cederberg<sup>32</sup>) terms 'bridging forms of social capital' and what Telles<sup>48</sup> terms 'vertical relationships'. Through this form of social capital, disadvantaged groups can overcome their group identities, and go beyond the tribal, racial and cultural boundaries while benefiting from other groups monopolies over opportunities. Another form of social cohesion is one whereby civil society organisations micro financed income-generating projects that were jointly implemented by refugees and South African citizens. We recognise the importance of such activities in deterring social exclusion because social disengagement (a lack of participation in social activities) is one of the key forms through which social exclusion manifests.<sup>43</sup>

A group's ability to harness cultural and symbolic capital is also essential in the deterrence of social exclusion because social capital cannot be examined far from social exclusion (due to its focus on the role of networks and human relationships as assets). A lack of certain forms of capital (cultural and symbolic) can increase refugees' vulnerability, the importance of such programmes thus cannot be undermined due to how they often help improve the level of social contact between migrants and citizens.

The interviews also revealed that civil society was embarking on paradigm shifts aimed at promoting bonding forms of social capital for refugees. Given the existence of top-down power hierarchies within communities (that contribute to the exclusion/disaffiliation of perceived out-groups)<sup>49</sup>, the civil society hosting of community workshops (themed along topics of acceptance and tolerance), helped distil some of the group-based exclusionary nodes<sup>50</sup>. A faith-based organisation representative said that theology was also important in inculcating tolerance amongst citizens. On the question of how they alleviate some of the challenge's refugees face in socially integrating, the representative said:

*...we normally have workshops and we have presenters who talk about the theology of strangers, the theology of migration that all humans are in the image of God regardless of nationality, race, etc. So, if churches can emphasise the message of how all are in the image of God regardless of where you are coming from, let us accept one another – that will help reduce the friction.*

## Advocacy and rights sensitisation: Civil society

Issues of human rights education are very important and challenges in effectively sensitising the public on such content is tantamount to a limitation in the implementation of refugee policy. In South Africa, there is a lack of knowledge on such rights not only amongst refugees but also amongst street level bureaucrats.<sup>27</sup> In the furtherance of what Berten and Leisering<sup>4</sup> refer to as the 'bottom-up theorisation' of social protection policy, civil society representatives mentioned how they routinely hold sensitisation workshops with refugees and street level bureaucrats, focusing on refugee rights in the country. Through human rights education and similar interventions,<sup>49</sup> civil society is thus a principal player in the creation of communities where refugee rights are accessible. A civil society participant commented, saying that it is only after workshops that government employees become aware of key issues relating to refugee rights:

*...workshops should also be done on the rights of refugees nationwide, this is very important because there are a lot of people who do not know about the rights of refugees, you will find that only after a workshop someone will say I did not know.*

The LHR, an implementing partner to the UNHCR, focusing on the legal aspects of refugee lives across South Africa was also interviewed. Although the *Refugee Act 130 of 1998* exempts refugees from some discriminative policies that apply to resident foreign nationals,<sup>27</sup> the South African government has in some instances enacted restrictive

measures to disfranchise them. In such instances, the LHR has lobbied against prejudicial laws that disaffiliate refugees and promote deprivations and institutional biases i.e. as exemplified by the Department of Home Affairs systematic closure of refugee reception offices.<sup>44</sup> In response to such office closures (which adversely hamper refugees' access to legal documents), the LHR took the Department of Home Affairs (DHA) to court. An interviewee representing the LHR said that:

*Our organisation is here to enforce and protect refugee rights in all aspects therefore where we need to litigate, we will litigate against DHA....*

Other instances where similarly exclusionary laws have been successfully challenged through litigations by the civil society include the 2002 declaration on the right to work for asylum seekers and the 2003 legal action against the Director and Minister of Social Development. Owing to such litigations, in 2003 the government availed social protection amenities that are not enshrined within the *Refugee Act 130 of 1998* and these include the South African Social Security Agencies which although not contained in the policy framework, they are in line with global best practices on refugee social protection.<sup>13</sup> The availability of such social safety nets is essential because service exclusion is one of the numerous ways through which deprivations and social closure is perpetuated.<sup>47</sup> A legal attorney from the LHR said:

*Recognised refugees can also access social grants, which was initially not in the Refugee Act 130 of 1998 but it was a case that was actually brought to the courts that then created the judicial precedence that recognises refugee access to social support grants.*

In facilitating for refugee's inclusion and social protection in South Africa, the LHR also offers migrants free legal assistance through their four legal clinics in Durban, Johannesburg, Pretoria and Mussina. The LHR continuously engages with the UNHCR to bring about awareness on the numerous issues affecting refugees in South Africa.

## State and NGO partnerships

### *Collaboration (dependency relationships)*

In exploring what are referred to as dependency relationships,<sup>29</sup> we examined the working relationship between the government and civil society organisations. The United Nations recognises the importance of such cross-sectoral partnerships, with the Comprehensive Refugee Response Framework going beyond the state-civil society partnerships and extending the model to encapsulate think tanks, financial institutions, academia, faith leaders and so forth.<sup>51</sup> While Rosenblum and Post<sup>52</sup> have described civil society as both 'autonomous to the state as well as being dependent on the state', due to how social movements often facilitate the turning of grievances into a form of collective injustice, and then action,<sup>43</sup> in certain instances, they often operate either independently or against the state. An analysis of the level of cordiality between the two sectors in implementing refugee policy was thus carried out in recognition of civil society's role in the global fight against prejudice, inequity and social exclusion.<sup>17</sup> The available studies focusing on refugees in South Africa, the *Refugee Act 130 of 1998* and those focusing on the concept of social exclusion,<sup>5,53</sup> do not discuss such issues within a comparative analytical framework. As contained in this paper, a comparative analytical framework examines the role of the state as well as civil society in alleviating refugees' challenges.

We discovered that civil society in South Africa assumes a relatively collaborative partnership with the state in precluding refugees' social disaffiliation and associated deprivations. This collaboration was best exemplified by the Department of Sport and Recreation's donation of trophies towards some of the social cohesion sporting activities hosted by the civil society in Pietermaritzburg. Khan et al.<sup>43</sup> also identified a multi sectorial approach (integration and collaborations) between the state and civil society as an effective intervention model against social exclusion. To foster information sharing, a participant from a faith-based organisation mentioned how they often invite government department

representatives to their community workshops. In the long run, such dependency relationships improve bureaucratic efficiency on the side of government, as this creates a channel of communication with the refugee communities.<sup>28</sup> Such a line of communication is also essential in whistle-blowing against unruly practices, institutional biases and exclusion within areas of public service.<sup>6</sup>

The prevalence of exploitative structural systems<sup>33,42</sup> can also be mitigated through the establishment of the above-mentioned channels of communication. In reference to such workshops, undertaken with the support of government, a civil society representative said:

*We are in close relations with government, the Department of Social Development, the SAPS, Department of Sport and Recreation, Department of Health, DHA, Department of Education. Officials are invited from these government departments during workshops.*

Civil society groups also made efforts in discouraging community attitudes that promote inequities and deprivations while at the same time advocating for refugees' social cohesion.<sup>43</sup> In keeping with what Chambers and Kopstein<sup>1</sup> term as being 'in dialogue with the state' and achieving what Weber<sup>41</sup> in his bureaucratic theory refers to as bureaucratic efficiency, the interviews revealed that civil society was facilitating communication between the refugees and local government. Apart from existential monopolizations, other studies have shown that refugees' deprivations in South Africa are also worsened by municipal workers' ignorance of refugee rights and issues.<sup>31,54,55</sup> The social services that municipalities are legally mandated to provide to refugees include trading licences, municipal trading sites, low-income accommodation, among others. During the interviews, the CRA representative mentioned how they were engaged in negotiations with the officials:

*We always try to be in touch with the officials, but nothing has come up from them. So briefly, there is no channel of communication between refugees and officials in government.*

The ambiguities in the Refugee Act regarding probable channels of communication between refugees and government also debilitate bureaucratic efficiency,<sup>26</sup> as they impede refugees from establishing any form of rapport with the government. Although the duty of civil society is in part to engage the state in dialogue,<sup>1</sup> this has not been the case for the CRA. Such a void in communication has adversely worsened the many challenges refugee status (section 24) permit holders already face in South Africa.<sup>7</sup>

## Conclusion

In delimiting the sample (to focus on section 24 permit holders), as well as determining the social protections due to such a group (as enshrined within the *Refugee Act 130 of 1998*), the study was informed by the South African legal framework. From a legal standpoint, access to the rights within the Refugee Act were understood as being contingent on one's possession of a section 24 permit. Ipso facto, the assumptions drawn from the analysis of data were only indicative of the situation with regard to section 24 permit holders (regardless of the conditions that led to the individuals seeking refuge in South Africa, e.g. conflicts, economic issues).

As compared to other African states with refugee camp settlement systems, a free settlement system as found in South Africa is prone to jurisdictional limitations, i.e. within a free settlement system, refugee rights are primarily enshrined within the Constitution. Consequently, 'the government (rather than the 'international community' or NGOs) becomes solely responsible for the social protection of forced migrant groups'.<sup>45</sup> However, if the government does not fully accord such groups with the requisite social protections, they become exposed to a spectrum of risks. This was exemplified by how most refugee participants in the study complained of neglect and the absence of support systems towards social integration and life-skills training.

In the face of the many aforesaid challenges that are often synonymous with free settlement systems, it is of paramount importance to curb the existential gap between the states' formulation of progressive refugee

policy frameworks and the policy's dismal implementation (due to credentialism, racial/ethnic monopolisation and social exclusion). This disjuncture was conceptualised in the paper as principally compromising the efficiency of the state (as a bureaucratic institution) in fully operationalising the refugee policy edicts. Multisectoral approaches were then examined, with the determination that the prevailing partnerships between civil society and government in South Africa are multidimensional, i.e. collaborative but mostly conflictive.<sup>52</sup>

Collaborative partnerships were identified as existing between civil society organisations and state departments such as the Department of Social Development, South African Police Service, Department of Home Affairs, Department of Health and Department of Education. These collaborative partnerships (which resulted in a greater degree of bureaucratic efficiency), mainly consisted of information sharing, co-hosting and co-organising of workshops, and social cohesion events. Engagements with the state were also riddled with several challenges – a situation which made collaborative partnerships (dependency relationships) a challenge.

We identified how conflictive partnerships between the two sectors in the country were mostly emanating from a poor working rapport. In the absence of reasonable communication avenues through which effective engagements could be fostered between the two, litigations were the most common and effective methods utilised by civil society in restraining some of the government's excesses. Cases under legal contestation included but were not confined to the nationwide closure of refugee reception offices and the denial of the right to family for forced migrant groups. In advocating for the well-being and integration of refugee populations in South Africa (through mediatory functions, advocacy, human rights education, etc.), it was noted that civil society groups often have to work in autonomy to the state. Although not as extreme as the conflictive type of partnerships, autonomy was also revealed in the paper as presenting several challenges which debilitate the efforts to fully protect refugees. Through the adoption of multisectoral consociations, the state and civil society can forge formidable panaceas against some of the complex (multidimensional) challenges facing refugee groups in the country.

## Authors' contributions

S.M. conceived the presented idea and developed the theory while S.R. gave some conceptual guidance. S.M. developed the methodology and analytical methods. S.R. also supervised the data collection and analysis of findings. Both authors discussed the results and contributed to the final manuscript.

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