
Lesson Drawing from Negotiated Transitions in Northern Ireland and South Africa

Dr. Helen Brocklehurst (INCORE), Noel Stott (CSV), Brandon Hamber
(CSV) and Gillian Robinson (INCORE)

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Abstract

The paper, based on initial findings from a current research project¹ provides a cursory assessment and mapping out of lesson drawing during the negotiated transitions from political violence in Northern Ireland and South Africa. Data is drawn from analyses of two parallel areas of policy development in each jurisdiction. In Northern Ireland the focus is on the Independent Review of Policing as well as Victim policy. The South African foci are the Truth and Reconciliation Commissions' (TRC) Committee on Reparations and Rehabilitation of Victims, and the National Crime Prevention Strategy (NCPS).

We begin with an overview of comparative analysis on these two countries. We look at factors which have made these countries significantly comparable from the perspective of analysts and practitioners. We suggest that Northern Ireland and South Africa have functional similarities, (such as commissions) and similar policy needs, and show how they have generated networks of actors and key individuals who are, and have been, engaged in lesson drawing from abroad.

Using more detailed evidence drawn from a range of actors involved in policy development in these areas, and particularly exchanges between these two countries, we outline reasons and in particular motivations behind lesson drawing. We assess these practices in the context of current interpretations of public policy making and lesson drawing and draw upon understandings of such processes from policy makers themselves. Throughout, we contend that the climate of transition shapes and facilitates lesson drawing.

Thereafter we explore how functional similarities impact upon policy development and also implementation. We look at how the process of transition has created spaces for lesson drawing initiatives and how similar 'disaggregated' structures became common to both jurisdictions. Using data from the NCPS and the TRC in South Africa, we briefly assess such structures and their impact on policy making. We consider how other consequences of transition, such as economic and resource shortages and personnel fractures, may have hindered lesson drawing and policy development and in particular generated an 'implementation' gap. We conclude with suggestions for further areas of analysis and the shortcomings in transfer literature.

Introduction

Both Northern Ireland and South Africa, in the shadow of political violence, are seeking to manage a diverse society through transformed public policies and new institutions of governance. The transition process in both South Africa and Northern Ireland has, for example, necessitated the restructuring of policing services and the

¹ *Developing and Implementing Public Policy in Northern Ireland and South Africa*. Project in progress funded by the Economic and Social Research Council (ESRC) at INCORE: Initiative on Conflict Resolution and Ethnicity (University of Ulster, Derry/Londonderry) and CSVr: Centre for the Study of Violence and Reconciliation: (Johannesburg) 2000-2001. Research methods include interviews with key policy makers in both contexts.

introduction of a legitimate, accountable and transparent community policing approach to combating crime.² The transition process in each of these countries has also resulted in both recognising the need to broadly compensate past victims of political violence. We begin with an overview of some characteristics common to both countries and some of the comparative analysis that has taken place in this context – both of which may underpin current lesson drawing.

Comparing Northern Ireland and South Africa

While it is true that comparisons between Northern Ireland and South Africa and linkages have been made since the early 1900s, more recent analyses and exchanges have taken on a fundamentally more progressive and conscious attempt to ‘lesson-draw’ for public policy development.³

There is a growing international trend toward analysing and trying to understand the shifts in policy development in countries going through transitions from authoritarian to democratic rule. South African and Northern Irish societies, despite a range of differences, have been systematically compared since the late 1980s and early 1990s.⁴

This is perhaps because Northern Ireland and South Africa have shared some unique characteristics. Johnston, while noting important differences (such as franchise rights), has argued that the two societies are similar in respect to, *inter alia*, segregation, discrimination, political violence, emergency and security legislation, struggles for self-determination, the withholding of the consent to be ruled by ‘alien’ majorities, and ‘liberation’ strategies.⁵ These and other related resemblances, may have had a significant impact on their respective and not too dissimilar negotiation

² As will be shown later, in South Africa the practice of community policing was not actually new.

³ See for example, A. Guelke, ‘The Influence of the South African Transition on the Northern Ireland Peace Process’ *South African Journal of International Affairs*, vol. 3, (2) Summer 1996, p. 132 on the role of General Jan Smuts and Justice Richard Feetman.

⁴ H. Giliomee, ‘South Africa, Ulster, Israel: the Elusive Search for Peace’, *SA International* Vol. 19 (1989) pp. 140-151; H. Giliomee & Jannie Gagiano (eds.), *The Elusive Search for Peace: South Africa, Israel and Northern Ireland* (Cape Town: Oxford University Press, 1990); A. Guelke, *Northern Ireland: the International Perspective* (Dublin: Gill and Macmillan, 1988); A. Guelke, ‘The IRA: Peace by Analogy’, *Indicator SA*, 12:1 (1994), pp. 62-6; A. Guelke, ‘The Influence of the South African Transition on the Northern Ireland Peace Process’, *South African Journal of International Affairs*, 3:2 (1996), pp. 132-148; A. Guelke, ‘The Political Impasse in South Africa and Northern Ireland’, *Comparative Politics*, 23:2 (1991); A. Guelke, *Interdependence and Transition: the cases of South Africa and Northern Ireland* (Johannesburg: South African Institute of International Affairs, 1993); A. Guelke, ‘Constitutional Compromises in Divided Societies’, in *South Africa in Crisis*, edited by Jesmond Blumenfeld (New York: Croom Helm for the Royal Institute of International Affairs, 1987); A. Guelke, ‘The Peace Process in South Africa, Israel and Northern Ireland: a farewell to arms?’ *Irish Studies in International Affairs* 5 (1994), pp.93-106; A. Johnston, ‘Participation and Paramilitary Options’, *Indicator SA*, 7:1 (1989), pp.15-18; A. Johnston, ‘Politics, Violence and Reconciliation in Northern Ireland and South Africa’ *South African Journal of International Affairs*, 4:2 (1997), pp. 71-94; A. Johnston, ‘Self-determination in Comparative Perspective: Northern Ireland and South Africa’, *Politikon*, 17:2 (1990) pp. 5-22; R. Taylor, ‘A Consociational Path to Peace in Northern Ireland and South Africa?’ in *New Perspectives on the Northern Ireland Conflict*, edited by Adrian Guelke (Aldershot: Avebury, 1994).

⁵ A. Johnston, ‘Participation and Para-military Options’, *Indicator SA*, 7:1 (1989), pp. 15-18; A. Johnston, ‘Self-determination in Comparative Perspective: Northern Ireland and South Africa’, *Politikon*, 17:2 (1990), pp. 5-22.

processes, and in the long-term, may have a similar impact on their public policy outcomes.⁶

Northern Ireland and South Africa have both engaged in similar negotiation processes to end decades of civil and social conflict. Despite dramatic differences in demographics and the balance of political forces, both the South African and Northern Ireland transitions have been characterised by the need for compromise by all the actors involved in the process. Both met the two main requirements for political transition, firstly that the parties involved had more to gain by negotiating than by fighting and secondly, there was an external consensus around this.⁷

Some concepts have been borrowed directly from each of the respective societies. For example, the use of the concept of 'sufficient consensus' developed during the South African negotiations process⁸ was adopted and adapted by the Northern Ireland negotiators.⁹ Discourses around 'creating a climate for negotiations', 'levelling the playing fields' and 'talks about talks' have also been similar. Unofficial and informal interaction between representatives of adversary groups to develop strategies and create an environment that could contribute to the resolution of their conflicts ('Track Two Diplomacy')¹⁰ was also important in both transition processes.

In addition, the Northern Ireland and South Africa negotiation processes were characterised by a significant amount of 'disaggregation', that is, a mixture of plenaries and sub-groups dealing with different topics and issues with different time lines for reporting.¹¹ It is significant that in both societies this 'sectoral/constituency-based approach' has been carried forward into the post-agreement phase and is seen as a way to constructively deal with what are often complex and difficult issues.

This is evidenced by the establishment of a number of bodies and commissions that have been mandated to carry out specific 'disaggregated' tasks. In South Africa some of these were provided for in the 1993 Interim Constitution¹² and are now provided for in South Africa's 1996 Constitution¹³ as independent state institutions supporting

⁶ Related resemblances include the fact that the African National Congress (ANC) and the Irish Republican Army (IRA) both engaged in a protracted "armed struggle" which ultimately led to a "stalemate" in the conflict. Both succumbed to a combination of local and international pressures to resolve their conflicts and to negotiate a peace settlement; and, all sides recognised the enormous political and economic costs of continuing the "struggle". For some analysts their common history of colonialism is also a factor.

⁷ Author interview with Mark Shaw, South African Institute of International Affairs, Johannesburg, 20 July, 2000.

⁸ A. Sparks, *Tomorrow is Another Country: The Inside Story of South Africa's Negotiated Revolution* (London: Arrow Books, 1997).

⁹ McWilliams, Personal Communication, 11 November 1998.

¹⁰ For an early analysis of the relative merits of Track One and Track Two diplomacy, see P. Arthur, "Negotiating the Northern Ireland Problem: Track One and Track Two diplomacy?" *Government and Opposition*, 25 (1990) pp. 403-418.

¹¹ D. Bloomfield, C. Nupen & P. Harris, "Negotiation Processes" In P. Harris & B. Reilly (eds), *Democracy and Deep-Rooted Conflict: Options for Negotiators* (Sweden: Institute for Democracy and Electoral Assistance, 1998).

¹² The Constitution of the Republic of South Africa, Act 200 of 1993. Chapter 8 makes provision for the establishment of, The Public Protector, a Human Rights Commission, a Commission on Gender Equality and for the Restitution of Land Rights.

¹³ The Constitution of the Republic of South Africa, Act 108 of 1996, Chapter 9.

constitutional democracy. Examples include the Electoral Commission, the Commission for Gender Equality, the Human Rights Commission and the Police Civilian Secretariat.¹⁴

In both societies these bodies have become critical determinants and creators of much of the social and public policy in the post-conflict period.

At a more political level McGarry has comprehensively argued that political and ideological relationships have played their part in the peace process. An analogy with South Africa has served distinct political purposes in Northern Ireland. Such political capital will later be seen to influence lesson drawing relationships in place at the moment. Since the 1960s nationalists have identified with the civil rights movement.¹⁵ Adrian Guelke argues that the relationship was such that the African National Congress's (ANC) suspension of its armed struggle – influenced the Irish Republican Army (IRA) to declare its cease-fire.¹⁶ Gueke also notes that the international community has largely accepted the republican's colonial analogy.¹⁷ In terms of the negotiated settlement – lessons have clearly been seen to be made. The Forum for Peace and Reconciliation, meeting in Dublin in November 1995 invited South Africa's (then) Deputy President F.W. De Klerk to address them on the South African example.¹⁸

Darby and MacGinty address the issue of including South Africa and Northern Ireland in a comparative context. They note that the South African peace process is significantly ahead of Northern Ireland and this “raises the risk that external factors, which affect all peace processes had altered the context to the point where comparisons were invalidated”, They continue though, that, “in effect [these] processes were creatures of the 1990s, and were played out within the same Post Cold war international context.”¹⁹ This study also accepts the limitations of detailed comparison, particularly in such highly politicised environments.

However, in the context of lesson drawing, parallels have often been established in practice and perhaps as importantly in *perceptions* of comparability – held by many policy makers – and this will be also be drawn attention to. We will now turn to examples of how this dynamic originated between Northern Ireland and South Africa through lesson drawers.

¹⁴ It should be noted that there are four main types of public institutions that enjoy formal independence in the new South African constitutional order. The Human Rights Commission for example is specifically mentioned in Chapter Nine of the Constitution. Institutions such as the Pan African Language Board are referred to elsewhere in the Constitution. Commissions established either specifically or indirectly under the Interim Constitution include the Commission on the Promotion of National Unity and Reconciliation (the TRC). Finally there are those established by ordinary legislation to perform constitutional obligations necessary for good democratic governance, such as the National Youth Commission. See S. Gutto, “The Commissions and the Transition,” *Development Update*, 3:1 (1999) pp. 82-94.

¹⁵ J. McGarry, ‘Political Settlements in Northern Ireland and South Africa’, *Political Studies*, 46: 5 (1998) p. 855.

¹⁶ *ibid.*, citing Guelke in ‘Comparatively peaceful’.

¹⁷ Guelke cited in McGarry and O’ Leary, *Explaining Northern Ireland* (Oxford: Blackwell, 1995) p. 312.

¹⁸ McGarry, *op. cit.*, p. 854.

¹⁹ J. Darby and R. Mac Ginty, *The Management of Peace Processes* (Basingstoke: Macmillan, 2000) p. 11.

"Lesson-Drawing" Between Northern Ireland and South Africa

Connections between these countries were in many cases forged prior to the shift in governance. Individuals and groups from across the board sought to make comparisons and build relationships between these countries – a phenomena that might not have been formally recognised as lesson drawing at the time. There have been a number of exchange visits between Northern Irish and South African politicians, policy makers, researchers and non-governmental organisation (NGO) staff over the last two decades or so. In the 1980s and early 1990s, contacts between sections of South African and Northern Irish civil society organisations were not uncommon. This was particularly true for church related service organisations and development agencies. Field trips and what were called exposure/immersion programmes were frequently undertaken in this period.²⁰

Topics of dialogue and action ranged from notions of ‘national democratic revolution’; ‘colonialism of a special type’; the relevance of the *Kairos Document*,²¹ development education; methods of organising and mobilising non-racially and on a non-sectarian basis; the sharing of experiences as Christians in the work of peace, justice and reconciliation, as well as reflections on the creative role of theology vis-à-vis political conflict and issues of ethnic cultural identity.²²

Exchanges also took place at higher political levels. In 1994 and 1995, the Institute for Democracy in South Africa (IDASA) invited, separately, two groups of Northern Ireland political leaders to South Africa to “provide them with the opportunity to study the South Africa experience and negotiations process since the 1990s”.²³ IDASA was careful to make sure that the programme was structured in such a way that it was not prescriptive. The aim of this particular South Africa - Northern Ireland engagement was to “show how against all odds a negotiated settlement and a negotiated solution is the only option to resolve seemingly insurmountable conflicts,”²⁴ and that those engaged in attempting to resolve other deep-rooted

²⁰ These occurred between institutions such as the South African Council of Churches (SACC), the Southern African Catholic Bishop's Conference (SACBC), the Institute for Contextual Theology (ICT) and the Theology Exchange Programme (TEP), later known as the Centre for South-South Relations (CSSR) in South Africa, and in Northern Ireland, the Irish Council of Churches (ICC), the Committee on the Administration of Justice (CAJ), the One World Centre, the Pat Finucane Centre for Human Rights and the now defunct Centre for Research and Documentation (CRD).

²¹ *The Kairos Document: A Theological Comment on the Political Crisis in South Africa* (Braamfontein: Institute for Contextual Theology, 1986).

²² See for example, “Student Christian Movement, Faith and Politics in Northern Ireland”, Unpublished Manuscript, August 1986 (a direct result of the impact of the Kairos Document internationally); “The role of religion in conflict situations: its use and misuses”. Conference organised by: The Middle East Council of Churches, the South African Council of Churches and the Irish Council of Churches, (Nicosia Cyprus, 1990); “Report of a Visit to Europe, 4 June-7 July 1994”, Centre for South-South Relations Collection, South African History Archives, University of the Witwatersrand;

²³ Press Release: “Northern Ireland Politicians to Visit South Africa”, 21 November 1994; Press Release: “Visit of Sinn Fein”, 9 February 1995. IDASA Collection, National Archives of South Africa.

²⁴ *ibid.*

conflicts can draw inspiration and lessons from the South African model while not presuming that parallels between the two situations could be drawn.

During the low key (but top level) visit, the groups consulted with role-players in the media, academia, NGOs and with politicians from across the political spectrum, as well as individuals that contributed to South Africa's transitional process. Emphasis was also placed on behind the scenes players and observers who could provide the delegations with insights helpful in developing an approach to their own peace-making efforts. Importantly, "the programme attempted to also give the Northern Ireland visitors space to have discussions on their own and so link and network outside [of] the Irish context".²⁵

In an article published in the *Sunday Times*, one of the participants, John Alderdice of the Alliance Party of Northern Ireland, claimed that "the lessons [learnt] have influenced my party to publish proposals for changes in police accountability in Northern Ireland".²⁶ Sinn Fein's National Chairman, Tom Hartley, was quoted as stating that they had learnt "imaginative ways of co-operation, compromise and the significance of personal contact and trust".²⁷

It is interesting to note that in contrast to IDASA's approach, the United States based National Democratic Institute for International Affairs' (NDIIA) programme in Northern Ireland aimed to assist the development of the Social Democratic and Labour Party (SDLP) in the light of Sinn Fein's high performance results in the June 1983 general elections in the UK.²⁸

This particular programme was terminated in 1988, and new projects to examine issues of politics in a divided society and political training programmes with the four constitutional parties - the SDLP, the Ulster Unionist Party, the Democratic Unionist Party and the Alliance Party - were established in 1994. Only later, and on condition that the September 1994 cease-fire held, did the NDI indicate its willingness to invite Sinn Fein to participate in its future programmes.²⁹

One possible reason why South African public policy is drawn on to the extent it is, is because post-Apartheid South Africa puts very few, if any, conditions on who it is willing to engage with.

In 1997, leading politicians from both the National Party and the ANC invited Northern Ireland's politicians to South Africa so that "they could benefit from their experience in reaching accommodation".³⁰ More recently and at the level of public policy development there has been a range of exchanges between South Africa and Northern Ireland. These have included a focus on community policing, the criminal

²⁵ "Report on the Northern Ireland Tour to South Africa", IDASA Collection, National Archives of South Africa.

²⁶ J. Alderdice, "If Talks Can Work in South Africa, Why Not Here?" *Sunday Times*, 22 January 1995.

²⁷ J. Masilela, "SA Hailed as a Beacon of Hope", *Pretoria News*, 17 February 1995.

²⁸ Decision Memo on Northern Ireland, from Kenneth Wollack to the NDI Board of Directors, 20 September 1994.

²⁹ *ibid.*

³⁰ J. McGarry, "Political Settlements in Northern Ireland and South Africa", *Political Studies*, vol. XLVI, 1998 p. 854. Reports can also be seen in *An Phoblacht/Republican News*, June 6 1997.

justice system, punishment beatings, restorative justice and victim-support work. Mechanisms to deal with past political violence is also being comparatively investigated, as well as the strengths and weaknesses of a South African style truth commission for Northern Ireland.³¹

In Northern Ireland many community level groups who are working with victims of political violence and community relations issues have established relationships with similar groups overseas. Members of such groups are often eager to share experiences and learn from practices elsewhere.³² Within civil society therefore there is a perception of the value of shared experiences in other countries undergoing transition from political violence. NGOs, such as the Foundation for Civil Society, were in 1995, able to bring major leaders from states undergoing transition together with their policy making counterparts from other countries to Belfast to discuss fundamental issues in a comparative manner.³³

The two societies have thus continued to show a keen and direct interest in learning from one another; a phenomena that easily catches media attention. The project on which this paper is based attracted attention in the Northern Irish media by virtue of its comparative dimension with South Africa.³⁴ Robin Wilson has observed the popularity of parallels or “clichéd comparisons” drawn between certain societies and not others – despite glaring similarities and contradictions. He writes that “there is something heroic” about emphasising the Middle East or South Africa analogy.³⁵

Public Policy in Northern Ireland and South Africa

In a broad sense, South Africa has developed what is considered to be some of the most progressive legislation and public policy in the world. This is in part due to the ANC's international exposure while in exile. More generally, South Africa's acceptance back into the international community and hence its improved international connections and communications has also allowed South Africa to benefit (and learn) from a range of international policy developments. As a result, South Africa has sophisticated policies in relation to gay rights, gender, human rights, crime prevention, land reform and the relationship between national and provincial governments. Many of these policies, and even similar wording in parts, has been drawn from a range of international sources and experiences.

Victims policy

³¹ B. Hamber (ed.), *Past Imperfect: Dealing with the Past in Northern Ireland and Societies in Transition* (Derry/Londonderry: INCORE, 1998).

³² See for example the work of the Corrymeela Community, Northern Ireland. Their recent project ‘Beyond victimhood’ looked to South African commentators amongst others for guidance. <http://www.corrymeela.org.uk>

³³ *Reconciliation and Community: The Future of peace in Northern Ireland. Report of the Belfast Conference*, June 6-8, 1995, Belfast. (New York: The Foundation for a Civil Society, 1995).

³⁴ For example, Seamus McKinney, “Magee links conflict studies with SA”, *Irish News* 16th June 2000, p. 20.

³⁵ Robin Wilson, “Asking the right question” in *Democratic Dialogue: Reconstituting Politics*, Report No. 3, Cain Web Service: <http://cain.ulst.ac.uk/dd>

The idea of the ‘truth commission’ strategy was adapted by the South Africans after a range of exchanges between South Africa and Latin American countries, including Chile, El Salvador and Argentina, as well as Germany. According to Hayner, South Africa very consciously reached out to persons, who had played pivotal roles in these countries with respect to transitional mechanisms.³⁶ This culminated in the birth of the TRC in 1995 which was the flagship of South Africa's policy towards dealing with the needs of victims of political violence. Its applicability to Northern Ireland, however, is still under review and it is postulated that “the debate should not be whether Northern Ireland should have a South African style truth commission or not, but rather, what strategy (or strategies) Northern Ireland should be considering for dealing with the past.”³⁷ In this context, a number of exchange programmes to explore the lessons for Northern Ireland in the work of the South African TRC have taken place.³⁸ It is thus interesting to note that attempts at lesson-drawing between Northern Ireland and South Africa in the post-agreement (or settlement) phase have already begun.

In Northern Ireland, The Good Friday Agreement, (also known as the Belfast Agreement or Stormont Agreement)³⁹, refers to the concept of “international best practice” with regard to policy development around child victims of the violence of the last 30 years⁴⁰. While the concept of “international best practice” is not yet defined, it is seen by some practitioners as a green light to continue looking for international support and recognition of victims practices. Victim policy in Northern Ireland is innovative in the sense that it is made on behalf of a newly recognised (though by no means agreed upon) sector of the community with distinct policy needs which need to be served across public policy sectors. It has no precedent.

A Minister for Victims, Adam Ingram, has been appointed and a Victims Liaison Unit was established in June 1998 to implement recommendations made by the Victims Commissioner in “The Bloomfield Report”.⁴¹ Since early 1999 victim policy has also been under the remit of the new department of the Office of the First Minister and Deputy First Minister. Each political party has also nominated a member to represent victims issues. Victim policy and its dynamics therefore are still unfolding. Although South Africa never had a Minister of Victims, broad areas covered in the report are reminiscent of issues of concern raised in South Africa and which are now firmly on the national agenda, that is, compensation for victims of political violence; recognition and acknowledgement of suffering; the need for trauma care and counselling; and issues such as truth, justice and reconciliation insofar as they relate to victims. The Bloomfield report itself was compiled quickly in order to “examine

³⁶ P. Hayner, “Same Species, Different Animal: How South Africa Compares to Truth Commissions Worldwide”, In *Looking Back Reaching Forward: Reflections on the Truth and Reconciliation Commission of South Africa*, edited by Charles Villa-Vicencio and Wilhelm Verwoerd (Cape Town: University of Cape Town Press, 2000).

³⁷ B. Hamber, (ed.), *Past Imperfect: Dealing with the Past in Northern Ireland and Societies in Transition*, (Derry/Londonderry: INCORE, 1998).

³⁸ See for example: *All Truth is Bitter: a Report of the Visit by Dr. Alex Boraine*, Deputy Chairman of the South African Truth and Reconciliation Commission, to Northern Ireland (Belfast: NIACRO & Victim Support Northern Ireland, March 2000).

³⁹ It is known formally as ‘*The Agreement*’.

⁴⁰ “Reconciliation and Victims of Violence: 6 6:12.”, in *The Agreement*: (Belfast: Northern Ireland Office).

⁴¹ Sir Kenneth Bloomfield, *We Will Remember Them: Report of the Northern Ireland Victims Commissioner, Sir Kenneth Bloomfield*, (Belfast: HMSO The Stationary Office, 1998).

the feasibility of providing greater recognition for those who have become victims” and did not make detailed international comparisons. It recognises international alternatives for example of war memorials. However it also notes that political accord to accompany policies seen elsewhere such as a “Truth and Reconciliation Commission” may not yet exist.⁴² A large downpayment made available to the VLU allowed them to implement policies rapidly. Decisions at this time were made in a highly pressured environment and the VLU instigated several months of intense and often difficult consultation and discussion with numerous victims groups. The progress of South Africa’s Truth and Reconciliation Commission (TRC), comparative international studies of trauma and the results of new local studies into children and traumas are typical areas being given consideration by politicians and policy makers in the ongoing assessment of where to direct policy in what was until recently a vacuum.

Policing

Policing reform in Northern Ireland and South Africa would appear to be influenced by the findings of senior officers who have visited other countries with the specific intention of drawing lessons from observation and discussion with their counterparts across the world. Actual exchanges, possibly assisted by international policing relationships, seem to be a prime method of learning. *The Independent Review of Policing* specifically recommends that “international training exchanges be further developed, focusing in particular on matters where the police in Northern Ireland need overseas co-operation and on best practice developments in the field of research.”⁴³ Amongst the police services compared in the Review of Policing, otherwise known as the Patten report were South African, American, Canadian, Spanish and Dutch forces.⁴⁴

Making international comparisons is not therefore new to the Royal Ulster Constabulary (RUC). International police networks on the issue of community policing for example originated in 1993. Lesson drawing on the issue of community policing has taken place between the RUC and various forces in the USA including the New York Police Department (NYPD), the Los Angeles Police Department (LADP), Atlanta and Baltimore. Canada and New Zealand have also been studied through exchange visits. In terms of lesson drawing a firm relationship between the SAPS and the Belgium *gendarmerie* was officially established in 1998 over the Belgian’s new model of public order policing – which is underpinned by a community policing ethos. This relationship has now been extended, by police officers and academics into a number of formal and informal channels and to Northern Ireland where interest in the model has led to officers in the RUC also maintaining contacts with the *gendarmerie*.

Many of these research trips involving senior officers have been as a result of key change agents in the RUC taking the initiative to explore other options. Senior

⁴² *ibid.*, p. 38.

⁴³ *A New beginning: Policing in Northern Ireland: The report of the Independent Commission, on Policing in Northern Ireland* (Belfast: HMSO The Stationary Office September 1999), p. 104. Section 18:18.

⁴⁴ *ibid.*, p. 127.

officers in Northern Ireland and South Africa have recently consolidated their relationship in “engagement sessions” between their respective Change Management teams.⁴⁵ Some relationships in which police officers consciously draw lessons were founded on *ad hoc* opportunities including such as designated exchanges provided by foreign governments’ peace funds or chance conference meetings, later consolidated into extensive research trips, practice transfer and trials and eventually filtered into police reform recommendations. The willingness to explore lessons is thus directly based on key relationships. It is not driven at the level of research within the institution. Nor is there an extensive body of literature within criminology on how and why particular international comparisons can be made. Nevertheless there has been a growing number of conferences addressing the issue of policing in transition and involving academics and police forces across the world.⁴⁶

The South African police were clearly influenced by the Canadian concept of community policing. In this the Canadians volunteered assistance. As one analyst has noted “South Africa learnt a great deal about Community Police Forums (CPF) from Canada where you have a society with a strong history of citizen involvement in decisions and where there is strong concern over policing. Quite clearly, if you tried it in a society with a history of weak interaction between citizens and government, history of weak responsiveness by government, weak public organisations, it will have a totally different effect.”⁴⁷ Countries under pressure to transform public policies may not be able to fully appreciate this. Though much of the South African Police Services (SAPS) influence has been from the West, there is now a move to look towards a range of countries in the South, including Brazil.

Clearly, therefore, Northern Ireland and South Africa have real and perceived similarities, institutional parallels, similar policy needs, and high profile networks of practitioners contributing to the degree of lesson drawing taking place. But how do these functional similarities relate directly to policy development and implementation?

It is to this that we now turn. The paper will continue to probe lesson drawing as part of policy development in the areas of policing reform and victims policy. In many examples during these transitions, actors voluntarily took part in exchanges and engaged in lesson drawing. However, this is not to say that the participants did or could easily extract what they wanted from exchanges nor effectively channel it into the policy making process. Using evidence from actors involved in these processes we will look in more detail at motivations for lesson drawing and conditions, which promote or hinder it. We will first provide an overview of understandings of lesson drawing as part of policy development exploring the notion of policy, public policy, policy transfer and lesson drawing as held by commentators and operationalised by practitioners.

Policy making and lesson drawing

⁴⁵ Independent Project’s Trust: “RUC/SAPS exchange” <http://www.webpro.co.za/clients/ipt/ruc/html>

⁴⁶ For example the forthcoming “Crime and Policing in Transition: Comparative Perspectives” Conference to be held in Johannesburg.

⁴⁷ Author interview with Steven Friedman, Centre for Policy Studies, Johannesburg, 28 June 2000.

Policy, public policy, policy transfer and lesson drawing are all subjects that are contested in theory and practice. This article is written from the premise that lesson drawing is an integral component of policy development and policy making. Initial evidence from sources involved in policy making suggests that actors typically perceive the process they are engaged in as complex and contextual and often obscured by the challenges of political transition.

Defining "Policy"

It is worth noting from the outset that there is no consistent understanding of the term 'policy' in the policy literature. It is interesting that in attempting to clarify this with policy makers in South Africa, the term was shown to be loosely defined and subject to multiple interpretations by a range of actors engaged in the policy making process. There is little sense of shared working definitions.

Current definitions in the literature convey this fluidity.⁴⁸ Typically policy has been described as "a set of interrelated decisions...concerning the selection of goals and the means of achieving them within a specified situation or as a course of action".⁴⁹ It is not a precise or self-evident term.⁵⁰

Another more useful assessment captures this problem:

[t]he term 'policy' is used even within ostensibly similar governmental agencies to describe a range of different activities including (i) defining objectives, (ii) setting priorities (iii) describing a plan, and (iv) specifying decision rules. These characteristics of 'policy' differ not only in their generality and the level at which they are supposed to occur, but also in whether 'policy' is assumed to be entirely prior to action, or at least partly a post hoc generalisation or rationalisation.⁵¹

'Policy' can also be said to be, "a purposive course of action based on currently acceptable societal values, followed in dealing with a problem or matter of concern, and predicting the state of affairs which would prevail when that purpose has been achieved".⁵²

Public policy is also difficult to define. It might be important at this point to draw attention to the condition of transition from political violence which will inevitably make it harder to determine "how why and to what effect governments pursue a particular course of action or inaction."⁵³ Public policy is also not necessarily a so-called 'rational' process. Analysis and judgement take their place alongside

⁴⁸ Chris Shore and Susan Wright, "Towards an anthropology of policy", in Chris Shore and Susan Wright, *Anthropology of Policy: Critical perspectives on Governance and Power* (London: Routledge, 1999), p. 7.

⁴⁹ Michael Hill, *The Policy Process in the Modern State*, 3rd edition, (Hemel Hempstead: Harvester Wheatsheaf, 1997) p. 7.

⁵⁰ H. Hecló, "Review article: Policy analysis", *British Journal of Political Science*, 2 (1972) p. 84.

⁵¹ Ian Gordon, Janet Lewis and Ken Young, "Perspectives on Policy Analysis", in *The Policy Process: A Reader*, edited by Michael Hill, (Hemel Hempstead: Harvester Wheatsheaf, 1997) p. 8.

⁵² Tim Hart (ed.), *Building Policy Skills in South Africa: a Resource Document on Policy Analysis* (Johannesburg: Centre for Development and Enterprise, 1995).

⁵³ R. A. Heidenheimer et al., *Comparative public policy: The Politics of Social Choice in America, Europe and Japan* (New York: St. Martin's Press, 3rd edition, 1990), p. 3

personalities and guess-work.⁵⁴ Nor is there agreement as to how policy content and policy process can be separated in analysis.⁵⁵ This latter point would seem to be borne out by initial discussions with policy makers.

In the early 1990s when it was identified that the new democratic South Africa must avoid the policy elitism of the apartheid era,⁵⁶ it was also recognised by a number of groupings that “South Africans have very limited experience of systematic policy analysis and informed policy dialogue”. It was noted that the critical challenge was “to ensure that policy-makers and all stakeholders in the state and civil society have the skills to pose policy questions, to evaluate alternatives, and to anticipate the intended and unintended consequences of favoured policy initiatives.”⁵⁷

The result was that workshops on policy and policy-making were hosted by more experienced policy-makers often from outside the country. These very workshops themselves represent examples of ‘lesson-drawing and policy transfer’.⁵⁸ Put simply, policy makers had to be taught what policy was – and if they were not formally taught they learnt from elsewhere.

Defining “Lesson Drawing” and Policy Transfer

The particular content and context of policies being developed shapes the process which is adopted. In South Africa, new policy makers’ broad assumptions about the process they were engaged in possibly enabled more lesson drawing to take place on a wider scale than is typical in policy development. In Northern Ireland, lesson drawing is no less difficult to define in theory. In this article it is constrained to *conscious* efforts to learn from another jurisdiction, made in an environment of complex inference, with a particular emphasis on the context of transition, non-traditional agents and on non-linear understandings of policy making.

As Dolowitz and Marsh note, the study of lesson drawing has focused exclusively on voluntary transfer. For them lesson drawing is a subtype of policy transfer.⁵⁹ They continue “[p]olicy transfer, emulation and lesson drawing all refer to a process in which knowledge about policies, administrative arrangements, institutions and so on at one time or place is used in the development of policies, administrative arrangements, institutions and so on at another time or place”.⁶⁰ Dolowitz and Marsh define policy transfer as “the transfer of specific policies as a result of strategic

⁵⁴ Martin Minogue, “Theory and Practice in Public Policy and Administration” in *The Policy Process: A Reader*, edited by Michael Hill, *op. cit.*, p. 15.

⁵⁵ On the importance of this see Bill Jenkins, “Policy Analysis models and approaches” in *The Policy Process: A Reader*, edited by Michael Hill, (Hemel Hempstead: Harvester Wheatsheaf, 1997) p. 31.

⁵⁶ Tim Hart, *op. cit.*

⁵⁷ *ibid.*,

⁵⁸ See above, as an example of the proceedings of a workshop on building policy capacity presented in conjunction with Harvard University's Kennedy School of Governance.

⁵⁹ David P. Dolowitz and David Marsh, “Learning from Abroad: The role of Policy Transfer in Contemporary Policy Making”, *Governance, An International Journal of Policy and Administration*, 13: 1 (2000).

⁶⁰ Tom Mackie and David Marsh, “The Comparative Method”, in *Theory and Methods in Political Science*, edited by David Marsh and Gerry Stoker (London: Macmillan, 1995).

decisions taken by actors inside and outside government.”⁶¹ They argue that policy transfer takes place between and within nations and involves outside actors and non-voluntary decisions.

In a recent overview of the transfer literature, Evans and Davies describe policy transfer “as a conscious process involving agents, and distinguish between *soft* transfers – ideas, concepts and attitudes, and *hard* transfers (programmes and implementation).”⁶² Lesson drawing, therefore, forms a part of this process though is not synonymous with policy transfer as it (the lessons drawn) may result in decisions not to transfer or import policy.

Bennett, by comparison, describes lesson-drawing as “a quasi rational attempt to search for solutions to common problems across space and time”.⁶³ This is in contrast to *legitimation*, whereby “foreign” evidence is used within a domestic context of power and influence. He notes that “the major variable to consider is the inherent properties of the issue”. The issue determines the type of evidence that circulates about it.⁶⁴ In these cases we cannot seek to define Northern Ireland or South Africa as ‘borrowers’ or ‘lenders’ as some lesson drawing relationships may allow for both simultaneously. Lesson drawing, for example in the case of policing networks, impacts unintentionally as a conduit and as an end source of information. As Dolowitz notes, the opening up of analysis on policy transfer – be it successful or not, overcomes the rational conception of a policy process based on rational actors pursuing clear goals.⁶⁵

Lesson drawing may be facilitated by elected officials, political parties, bureaucrats/civil servants, pressure groups, activists or policy entrepreneurs/experts, networks, chance meetings and so on. Who draws what lessons and when, is likely to be difficult to trace. However, in attempting to map this out, it is clear that despite contested interpretations of the terms used, there are key conditions and factors which play a part in whether a particular policy is transferred or not and how the ‘lessons’ are used.

It is worth emphasising that the climate of transition in both countries seems to have provided a significant rationale for looking abroad for lessons. We will now look at these motivations and then factors particular to political transition which can be seen to promote or hinder lesson drawing.

Lesson drawing and transition

⁶¹ David Dolowitz and David Marsh, “Who Learns What from Whom: a Review of the Policy Transfer Literature”, *Political Studies*, 44:2 (1996), pp. 344-6.

⁶² Mark Evans and Jonathan Davies, “Understanding Policy Transfer: A multi-level, multi-disciplinary Perspective”, *Public Administration*, 77:2 (Spring 1999) pp. 361-385.

⁶³ Colin J. Bennett, “Understanding Ripple effects: the Cross-National Adoption of Policy Instruments for Bureaucratic accountability”, in *Governance: An International Journal of Policy and Administration*, 10:3 (1997), p. 228.

⁶⁴ *ibid.*, p. 229.

⁶⁵ David P. Dolowitz, “Introduction”, in *Governance, An International Journal of Policy and Administration*, 13: 1 (2000).

The concept of transition needs to be better explored in the context of policy making for a number of reasons; its impact on resources and institutions which we will explore in the next section, and also as a time of uncertainty and expectations which may prompt or inhibit policy initiatives. In South Africa, 'transition' is generally defined as something more than mere 'regime shift', something less than transformation and certainly not merely a shift from authoritarian to democratic rule.⁶⁶ As Friedman states "...if there is a reasonable expectation among a significant section of society that the basic rules governing society could change, then that society is still in a period of transition."⁶⁷ He argues that 'transition' involves a change from one set of rules to something else and that policy, therefore, is thus made in conditions of uncertainty.⁶⁸

Lesson drawing in transition may thus be part of a broader strategy of attempting to remove uncertainty in a complex and fast moving environment. As Haas notes "[i]nternational collaboration is an attempt to reduce uncertainty."⁶⁹ One reason why lesson drawing is particularly useful in times of transition is that it often enables policy makers to remove themselves from their own scene. Learning in another place, albeit in a closed and intense environment, away from the distractions of everyday work, is ideal for creating space conducive to learning and exchange. Secondly, where issues are particularly sensitive, for example, policing a divided society, it enables players to discuss reforms by alluding to the exporter environment and its parallels without using the highly charged identities and issues of the potential importer country. This has certainly been the case in recent exchanges between the SAPS and the RUC on the subject of Change Management.

However as Rose argues, policy makers do not have the time or knowledge to be 'maximisers', that is to fully exploit and recognise other options.⁷⁰ Lesson drawing is not an exact science. Policy makers in transition are often dealing with immense time and resource pressures. In academic comparative analysis and in the practice of lesson drawing between the two countries, this time lag is a significant factor. South Africa had a highly politicised society, which may have substantially contributed to what Mark Orkin *et al.*, call "a flurry of social policy formulation", as the key national organisations - loosely co-ordinated by the ANC - prepared to participate in government.⁷¹ In addition, civil society in South Africa consisted of some 50 000 voluntary organisations). Specifically, South Africa had an inordinate number of policy-related NGO type think-tanks.⁷²

It can be said that South Africa is further advanced down the path of transition than Northern Ireland as new policies have been developed and implementation is being

⁶⁶ Author interview with Jackie Cock, Department of Sociology, University of the Witwatersrand, Johannesburg, 15 June 2000.

⁶⁷ Author interview with Steven Friedman, Centre for Policy Studies, Johannesburg, 28 June 2000.

⁶⁸ *ibid.*

⁶⁹ Haas, cited in David Dolowitz and David Marsh, "Who Learns What from Whom: a Review of the Policy Transfer Literature", *Political Studies*, 44:2 (1996), p. 347.

⁷⁰ Richard Rose, *Lesson drawing in Public policy* (New Jersey: Chatham House, 1993), p. 58.

⁷¹ Mark Orkin, Jackie Dugard & Zwelakhe Tshandu, *Research and Social Policy Formulation in a Contested Context: Two South African Case Studies* (Braamfontein: C A S E, 1995).

⁷² Author interview with Mark Shaw, South African Institute for International Affairs, Johannesburg, 20 July, 2000.

attempted. In addition, South Africa has a unique corporate image of successful transition and as a “miracle unfolding”, and consequently attracts international interest. However, as Adrian Guelke notes, the pervasive notion of a South African ‘model’ or ‘miracle’ could be more accurately be described as a myth. Myths “gloss over the substance of the changes, while exaggerating the significance of some of the symbolic trappings of the transition.”⁷³

In a positive sense South Africa now serves as a conceptual benchmark for others. “Policy-making through lesson-drawing is a sort of transition dividend if you like.”⁷⁴ Key players (in South Africa) are often assertive and realistic in their understanding of the frameworks they were operating in and factors they were subject to. South African commentators and analysts are now more likely to give a critical reflection of the factors that were influential in policy development, including, the policy formulation process, civil society/community participation, government’s consultation strategies, particularly with the benefit of hindsight.

Policy ideas are also likely to be consciously exported and willingly accepted by other countries with stretched funding for research and evaluation and under pressure from an expectant domestic constituency and a watchful international community. As South African commentators have noted – looking around for different policies was often dependent on, for example, the experience of the new bureaucrat or politician’s international and/or NGO experience, access to funding, biases for or against certain ideological/economic systems, training, etc.) Some countries were excluded as possible models, being perceived as too wealthy or not successful enough to warrant imitating. Other factors, less easy to evidence, such as personalities and incentives provided by particular countries to key policy makers may also propagate and push the direction of lesson drawing. Shared ideology between the ANC, Cuba and Nicaragua allowed for policy initiatives on health issues to be explored before transition took place in South Africa.⁷⁵

States that are seen to be engaged in successful implementation of policies are also regarded as ideal environments from which lessons can be drawn. This can however be an inappropriate way of doing things as the particular context which allowed these policies to be successfully implemented is not taken into account sufficiently.⁷⁶

Transition and ideology

In South Africa after 1994 there was a broad concern that policies were perceived as legitimate and in the interests of the ‘new’ South Africa. Community Policing in this sense was an ideal police strategy to develop. It carried with it connotations of justice and legitimacy, mirroring the democratic shift. Oppler however argues that

⁷³ A. Guelke, *South Africa in Transition: the misunderstood miracle* (London: Tauris Academic Studies, 1999) p.183.

⁷⁴ *ibid.*

⁷⁵ T. Shefer, “Mental Health Services in Nicaragua: Lessons for South Africa”, *Psychology in Society* 11 December 1988, pp. 31-38; See also, J. Coovadia, “The Role of Mental Health Professionals in Psychological Rehabilitation of Victims of State Violence in El Salvador”, *Mental Health: Struggle and Transformation: Proceedings of the Third National OASSSA Conference, 9-10 September 1988* (Durban: Organisation for Appropriate Social Services in South Africa, 1989).

⁷⁶ Author interview with Steven Friedman, Centre for Policy Studies, Johannesburg, 28 June 2000.

“partnership policing”, known to most as “community policing” was not new in South Africa, “[i]ndeed before the political transition, public/private partnerships had already emerged...the development of neighbourhood watch schemes in white suburbs [for example] were partnerships attempting to combat crime. The concept changed after the 1994 elections with public/private partnerships becoming legitimate, accountable and transparent”.⁷⁷

Players involved in the reform of the South Africa police service held the notion of the respectable ‘British Bobby on the beat’ in particular high esteem. Community policing was to become the bridge between rules based policing and idealistic notions of the British ‘Bobby’. The introduction of Community Policing in South Africa was thus seen as facilitating “the transformation of the police force while simultaneously enabling communities to oversee the nature of that transformation.”⁷⁸ This approach was thus entrenched in the Interim Constitution and called for greater community involvement in policing and in setting policing policy.⁷⁹

The apparent transferability of community policing, as a model, may, it is argued, mask a more complex process taking place. Community policing began in the early 1970s and has quickly become one of the most popular policing doctrines – if not the most extensively exported. It has significant ideological appeal and is difficult to reject. As one police academic has noted, it is a vague philosophy that has “unparalleled *political* success, because it satisfies important interests.”⁸⁰ It is a practice that lends itself to evangelising. An important point to note is the legitimisation effect of lesson drawing. As a practice it may serve political function and appear to embody the good practice of research and evaluation and at a more basic level openly conceding a need for advice from elsewhere. Lesson drawing from abroad may increasingly be an essential part of the profile of change presented to the public. In the case of policing – it is possible that some lessons learnt from within the rest of the UK may also be as valid as those from abroad.

Political context too may direct attention in one area only – towards perceived politically legitimate or ‘politically correct’ areas. Political and other motivations for selecting areas to observe may play a greater role than resource provision in determining lesson drawing. There may be capital in the form of personal, economic or political trade-offs to be gained from such relationships. The link between the RUC and the SAPS may well depend on how comfortable RUC officers are, being associated with an increasingly less effective South African Police Service. The shared experience of being viewed as ‘pariah’ police may however be the factor that explains why these particular forces can and will learn from each other.

In terms of lesson drawing from the Southern hemisphere *per se*, Thunhurst and Ruck argue that there is a tendency in the West to downplay the success of policies in Africa and Latin America⁸¹. South Africa has not been immune to this either. South

⁷⁷ S. Oppler, “Partners Against Crime”, *Crime and Conflict*, 9 (Winter 1997), p. 18.

⁷⁸ D. Mistry, “A Review of Community Policing”, Unpublished Paper. No Date.

⁷⁹ Rob Midgley and Geoffrey Wood, *Community Policing in Transition: Attitudes and Perceptions from the Eastern Cape*, South Africa, Unpublished paper. No Date.

⁸⁰ P. A. J. Waddington, *Policing citizens: Authority and Rights* (London: UCL Press, 1999).

⁸¹ C. Thunhurst and N. Ruck, “A lesson in Southern Comfort”, *Health Service Journal*, 10th January 1991, pp. 24-5.

Africans, despite being from the South, experienced a great deal of pressure to emulate successful Northern states rather than those in the developing world. As some key South African players now reflect, examples from countries closer to home – now ‘discovered’ six years further down the line – may have offered much more than practices taken from Germany for example. As Friedman notes, “there was a strong need to show that we could do things the same way as those successful folks in the North...and to neglect what for example, Uganda was doing with respect to AIDS or Botswana with respect to traditional leaders.”⁸²

Other reasons for this include the fact that in the era of the Internet, policy information from, and about, Northern countries is more likely to be available than from African states. As of January 2000, the total number of computers permanently connected to the Internet in Africa (excluding South Africa) stood at only 12 000. This means that Africa (with a population of 780 million people) has about as many hosts on the Internet as a small eastern European country such as Latvia (with a population of 2.5 million).⁸³ In addition, it is Western countries who have both the willingness and the financial ability to assist.⁸⁴

Policy transfer holds layers of symbolism depending on the relationship between the importer and exporter. As Common notes, policy transfer is context sensitive “often it is the rhetoric, rather than the substance, that is adopted”.⁸⁵

We will now look at how transition has created functional similarities between the two jurisdictions and the extent to which these functions have generated or encouraged lesson drawing practices.

Lesson drawing and institutions

The ongoing institutional transformation in Northern Ireland and South Africa is no doubt a key factor in the facilitation of lesson drawing and the implementation of new policies. Public and social transformation is often supposed to be carried forward by ‘disaggregated’ units such as the Commission for Gender Equality and the Human Rights Commission in South Africa. The exact origin of many of the South African bodies is difficult to trace and not always clearly delineated in the interim or final Constitution. It has been argued however, that despite the best intentions, these are not always the best mechanism for implementing social change. Though not the only or main means of policy development – we will turn to the issue of commissions and their impact of policy making in this context.

Many commissions in South Africa were set up as consolidations of the political agreement, and though not assumed to be rational, are not holistic solutions to areas of policy being carried forward. As a result some have attracted criticism. Some organisations in the voluntary sector in South Africa have argued that they “are

⁸² Author interview with Steven Friedman, Centre for Policy Studies, Johannesburg, 28 June 2000.

⁸³ M. Jensen, African Internet Status. May 2000 <http://www3.sn.apc.org/africa/afstat.htm>.

⁸⁴ Author interview with Mark Shaw, South African Institute of International Affairs, Johannesburg, 20 July 2000.

⁸⁵ Richard K. Common, “Accounting for administrative change in three Asia-Pacific States”, *Public Management*, 1:3 (1999), pp. 429.

toothless watchdogs, compromised by their dependence on the state for funding, constraints on their resources and an unwillingness to take on the state”.⁸⁶ When analysing the history of many countries in transition, a tension is often apparent between the theoretical and legislative powers of such bodies and their ability to actually contribute to fundamental institutional change. Roht-Arriaza states that transitional governments which face the paradox of having to institute changes before they lose widespread credibility and are overwhelmed by intractable social and economic problems, tend to first turn to institutions that they can create from scratch such as commissions of investigation and enquiry.⁸⁷

The real difficulty is that often these bodies are empowered to develop and recommend rather than to implement new public policy; a process which is infinitely more complex than the recommendations that generally come out of government commissions set up during times of transition. By simply being bodies which recommend policy changes - commissions set up with a mandate to guide future policy are often limited from their very inception. Policy makers are thus starting to take cognisance of the widening gap between vision-based policy creation and actual implementation capacity.⁸⁸

The Gap between Policy-Making and Policy Implementation

Rebecca Sutton argues that there is a perceived dichotomy between policy making and implementation that fails to take into account policy making as a highly interactive and variable process that continues to remain live throughout implementation. This dichotomy enables policy makers to not take the blame for failures in implementation. She highlights the importance of change agents who will add momentum and direction to proposed changes but conceded that the policy process may thus be described as “messy and evolutionary”,⁸⁹ or as a “chaos of purposes and accidents”.⁹⁰

The establishment of the TRC in South Africa provides us with a good example of the gap between policy making and policy implementation. The TRC, amongst other functions, was mandated to make recommendations with regard to granting reparations to those, and their families, who were found to be victims of murder, attempted murder, torture or severe ill-treatment between March 1960 and May 1995 in South Africa.⁹¹ The TRC outlined such a policy in its Final Report handed to the Mandela government in October 1998; according the legislation that established the

⁸⁶ S. Gutto, “The Commissions and the Transition”, *Development Update*, 3:1 (1999) p. 82-94.

⁸⁷ N. Roht Arriaza, “Conclusion: Combating impunity”, in N. Roht-Arriaza (ed.) *Impunity and Human Rights in International Law and Practice* (New York, Oxford University Press, 1995).

⁸⁸ G. Simpson & Rauch J, “Reflections on the National Crime Prevention Strategy”, in G. Maharaj ed., *Between Unity and Diversity: Essays on Nation building in Post apartheid South Africa*, (Cape Town: IDASA/David Philip Publishers, 1999).

⁸⁹ Rebecca Sutton, “The Policy Process: An Overview”, Working Paper No. 118 (London Overseas Development Institute, August 1999) citing Juma and Clarke: 1995, p. 32.

⁹⁰ *ibid.*, citing Clay and Schaffer: 1984, p. 32.

⁹¹ For a more detailed discussion of the powers of the TRC to grant amnesty to perpetrators and to document the stories of victims see B. Hamber & Kibble, S., “From Truth to Transformation: South Africa’s Truth and Reconciliation Commission”, Briefing paper published by the Catholic Institute for International Relations (CIIR), (London, 1999).

TRC it was then the responsibility of the President (now Thabo Mbeki) to consider the recommendations and make suggestions to Parliament.

Despite this process being extremely slow (two and half years since the publication of the report, President Mbeki has not even made his suggestions to Parliament), a number of issues are strikingly apparent. Firstly, the TRC could only make recommendations with regards to a reparations policy. The implementation of the recommendations lay with government and as such much of the recent criticism levelled at the South African Truth Commission regarding the lack of reparations to victims of gross human rights violence is misplaced.

The TRC was mandated to recommend the type of reparations needed - this they did, in the form of annual monetary payments, monuments, statues and tombstones. The government is however the implementing agency and because of the potential costs of implementing these recommendations is slow to deliver; this ultimately amounts to an inability on government's part to match the demands of visionary new policy formation with the technical and financial capacity to implement these policies.⁹²

The TRC, more broadly, also confronted other problems as it sought to elaborate its mandate. For example, the amnesty process has extended some two years over its mandated time frame; the TRC claims to have lacked funds for a more extensive public communication strategy; and the number of researchers to investigate the 35,000 reported violations was hopelessly inadequate.

The TRC's problems resulted from financial and technical constraints, but in part they were also the consequence of over-ambitious policy objectives, which were contained in legislation, rooted in political and constitutional compromise and which at a practical level, remained substantially detached from the needs and expectations which had been generated at a grass-roots level as a result of the TRC process.⁹³

This is also evident in South Africa's National Crime Prevention Strategy (NCPS). The NCPS, which was passed by Cabinet in May of 1996, presents several fundamental challenges to government. It seeks to develop a victim-centred approach to crime prevention; demands that violent crimes against women and children are given priority, highlights the central role of firearms in violent crime and places the youth constituency at the heart of any crime prevention initiatives. The NCPS argues for a long-term developmental approach to crime prevention and advocates an integrated, cross-cutting approach from the various departments of government.⁹⁴

It is arguable that precisely because of its forward-looking nature and view of crime as a complex and multi-layered problem, that the NCPS ultimately represents the kind of ambitious policy making which a government in transition is probably incapable of implementing effectively.

⁹² G. Simpson, "The Challenge of the State in Transition: From Policy to Delivery", Centre for the Study of Violence and Reconciliation, *Annual Report*, 1996. (Braamfontein: CSV, 1997).

⁹³ Author interview with Graeme Simpson, Centre for the Study of Violence and Reconciliation, 19 July 2000.

⁹⁴ *ibid.*

On the one hand, the ANC government, in large part drawing on its traditional intellectual power-base within the NGOs, the trade unions and the universities had, a uniquely powerful intellectual capacity for creative and innovative policy making. On the other hand, however, government's capacity to implement these policy visions has been dependent on inexperienced new recruits into government departments who have frequently proved to have little capacity to drive and operate state bureaucracies. Many activists have found the shift from being in a "revolutionary underground movement" to working within a governing political party a difficult one to make.⁹⁵

This situation has been further exacerbated by the fact that, South Africa favoured the maintenance and reliance upon the pre-existing civil service. The new governing party, the ANC, inherited bureaucrats from the old order, who have often been either passively or actively resistant to implementation of certain policies of the new political leadership, or simply, at times were, incapable of doing so as they lacked the same vision as the policy makers. Furthermore, the bureaucracy itself was often not flexible enough to deal with the type of policy suggestions made.

The NCPS policy in South Africa, for example, demanded the establishment of programmes and policies which cut across various government departments and ignored the extent to which a new political leadership will struggle to assert vertical lines of accountability within individual departments and bureaucracies which were inherited from the former government.

Added to this are the budgetary constraints, which demand an uncomfortable process of prioritisation if the massive task of redressing historical inequities at the social, political and economic levels are to be undertaken. Budgetary constraints also foster intense competition between various departments and this often motivates against the cross-departmental co-operation mentioned above.

A further related problem, was the extent to which any crime prevention strategy was ultimately dependent on the key processes of internal transformation of government's criminal justice institutions. Yet this objective presented government with competing needs which were difficult to prioritise, because effective crime prevention was dependent on institutional transformation, but at the same time, popular confidence in the processes of transformation were equally dependent on successful crime fighting.

In framing long-term developmental solutions to the crime problem, the NCPS developed a vision, which consciously anticipated media and popular political pressure for immediate solutions from government. Its authors, however, could not anticipate the extent to which an embattled and defensive government, in responding to this popular political pressure, would ultimately retreat from the principles which underpin the NCPS as a strategy document.

Finally, the commitment within the NCPS to partnership between government and civil society in seeking to develop effective crime prevention, was also inadequately sensitive to the disproportionate influence which could be brought to by specific, well-resourced and interest-based lobby groups. The implementation of this partnership-based approach had not realised any significant expansion in capacity-

⁹⁵ Author interview with Mark Butler, Critical Resources, Pietermaritzburg, 29 May 2000.

building partnerships between government and the NGO sector, resulting in many of the noble constituency-based objectives of the NCPS, amongst women, children, the youth and victims, being substantially neglected or under-utilised. Such policy development, although visionary, may have failed to adequately prioritise short term, deliverable objectives which resonate closely enough with grass-roots needs and which are realistically operable within tight budgetary constraints and cycles.⁹⁶ The Human Rights Commission and the Gender and Youth Commissions may well also suffer from an irreconcilable gap between their elaborate policy mandates and the resources with which they are expected to fulfil these mandates.⁹⁷

At this stage of the project it is too early to judge to what extent Northern Ireland policy making institutions and interim arrangements will impact on policy development with regard to victims. The Good Friday Agreement also leaves the Northern Ireland civil service totally untouched. So, similar problems and issues may arise in the future.

Initial evidence in relation to victims, suggests that there are a number of key issues including the fragmentation of the policy arena, lack of money and lack of skills or overall vision that may have a negative impact on policy implementation. In Northern Ireland, the ability of traditional policy makers and the everyday subjects of policy to communicate with each other has been lost over 30 years of highly compartmentalised policy structures and the cost of sectarian overtones rendering most explorations of “policy”, for example on victims, impossible. Thus effort is now going into courses in these skills – extending from civil servants – to health professionals. The whole issue of generating a macro victim policy is a challenging one.⁹⁸ The identity of victims is contested and victims’ issues are notoriously difficult to abstract from a plethora of highly politicised and emotional voices, and to a still large extent silent and silenced thoughts on how to go forward

One consequence of the lesson drawing is that it may take place at the expense of drawing lessons from home. Lesson drawing through international exchanges may serve to reassure or build confidence amongst networks of practitioners for example⁹⁹ – but on issues such as victims policy – it is the home environment and experiences that may hold the clues to more appropriate solutions.¹⁰⁰ The opportunity cost of lesson drawing from outside might be worth considering.

Conclusion and Issues for Further Research

This paper, drawing from an initial analysis contends that lesson drawing between Northern Ireland and South Africa, has impacted on the development of public policy

⁹⁶ G. Simpson(1997), *op cit.*,

⁹⁷ Author interview with Graeme Simpson, Centre for the Study of Violence and Reconciliation, 19 July 2000.

⁹⁸ Brandon Hamber, “Comparing Northern Ireland and South Africa”, in *Remember and Change: Survivors of the Conflict Shaping Their Own Future: A Report of the Conference Proceedings*, March 1999 (Belfast: Northern Ireland Voluntary Trust, 1999) p. 112.

⁹⁹ Author interviews with ‘victims’ policymakers. May 2000.

¹⁰⁰ *ibid.*

in policing reform and for victims, and provided in itself an opportunity for innovative cross-disciplinary comparative research.

The project is taking place in real time and it is hoped that this will be reflected in the results of the ongoing research being able to feed directly into the policy debates. A recent publication has successfully adopted this ‘evolutionary’ as opposed to a retrospective approach in order to provide valuable insights from actors at this difficult time of transition.¹⁰¹ It is also important to note the role of the researchers in this environment. The nature of the project means that researchers are themselves consolidating lessons and drawing attention to perceived linkages between countries and the challenges they share. Much of the evidence is based on contacts forged on trust. Owing to the sensitivities of informants in these policy areas much qualitative data can be obtained through in-depth interviews and various grey sources on the basis of anonymity. These have provided valuable insights into the subjective nature of human affairs.¹⁰² The project will continue to uncover perceptions of transition held amongst policy makers and also the importance of perceptions of legitimacy in terms of which countries are looked to draw lessons from.

Following Ivanova further investigations will analyse the shortcomings of transfer literature in terms of less mature political systems, and consider the significance of such a meso level as having a decisive impact on societies in transition – in consultation over best practices for example. She writes that, “in a transitional environment, policy transfer networks built in the process of voluntary transfer, may outlive the individual transfer program and become the structures for continuous search, evaluation and implementation of policy changes.”¹⁰³ It is their continued remit and abilities therefore that may determine the degree of lesson drawing and the future success of policy. Evans and Davies also note that this meso level of analysis “may serve as a corrective device for ensuring that policy scientists don’t lose sight of the macro or micro level questions, whilst simultaneously observing that much policy making takes place within multi-layered, self-organising, inter-organisational networks.”¹⁰⁴ It is also worth noting that policy making is a continuous process of adjustment – and as such interim institutions with lesson drawing capabilities should not end once procedures for implementation are in place. It is perhaps this closure and separation between development and implementation that prevents sensitive and appropriate implementation – and transition is notably a long journey of constantly shifting sensitivities which demand such responsiveness.

We will examine the significance of the scope and dynamics of research sectors for example in the Northern Ireland civil service and in the Police including the Royal Ulster Constabulary, the Police Authority, the Northern Ireland Office and attempt to map out who directs research. We will analyse in more detail the related strengths and weaknesses of civil society organisations in South Africa and Northern Ireland as a factor in determining policy development and implementation in countries in transition. In Northern Ireland the relationship between this sector and the civil

¹⁰¹ Darby and Mac Ginty, *op cit.*, p. 8.

¹⁰² Babbie, 1987 cited in M. Landman, *Mobilisation of Social Support for State Patients*, DPhil Thesis, (University of South Africa, 1994).

¹⁰³ Veronica Ivanova, “Policy Transfer in a state in transition: A case study of the Ukraine”, Paper presented at ESRC Workshop, Manchester, 2000, p. 12.

¹⁰⁴ Evans and Davies, *op. cit.*, p. 363.

service, may be a key area to pursue. It has been suggested that where there have been strong non-governmental organisations focusing on a specific policy issue, transition has gone faster and more efficiently e.g. the Truth Commission.¹⁰⁵ Where there has been less civil involvement the development of policy and its implementation has been weaker. These hypotheses have not been tested or analysed in detail as yet. Finally, the degree to which development agencies and external funders operating in South Africa and Northern Ireland influence lesson-drawing and policy development will be investigated. The study will contribute to analysis of global South-North transfer and South-South transfer, including non-state material and less formal literature. The majority of transfer literature thus far has been concerned with transfer between the UK and the USA.¹⁰⁶ The need for this redirection is echoed by advocates of the analysis of “ideas, interests, behaviours, perceptions and cultures which move or change as much as policies” and not just state issues derived from networks and epistemic communities.¹⁰⁷ However, it would also be important for the study to examine the role of multi-lateral forums and negotiations in policy-transfers and lesson-drawing. By further analysis of the complex relationships of actors and contexts outlined above, we would hope to further contribute to a timely understanding of how lesson drawing is part of negotiated political transitions.

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¹⁰⁶ Diane Stone “Learning Lessons and Transferring Policy across time, Space and Disciplines”, *Politics*, 19:1 (1999), p. 57.

¹⁰⁷ Anthony Nedley, citing (Freeman and Tester, 1996) “Policy Transfer and the Developing Country Experience Gap: Taking a Southern Perspective”, Unpublished paper.

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