Editorial

The announcement by the Minister of Higher Education and Training, Blade Nzimande, that fees for 2017 will be capped at 8%, lit a powder keg that immediately exploded. University students boycotted classes, took to the streets, and clashed with security and police on their demands for free education. Injuries, arrests, sorrow, tears, blood, torching of buildings and buses, overturned cars and general mayhem around campuses accompanied by teargas, firing of rubber bullets to disperse students and throwing of stones with mattresses used as shields, became the order of the day.

Caught flat-footed, napping or both government response has been muted. The common explanation being that it is waiting for the recommendations of the Commission of Inquiry into Higher Education and Training to complete its work. But these won't be the first recommendations on free education as other documents have been produced before.

Debates at academic, political and community fora, and discussions in taxis have captured social imaginations on free education and generally supported the students' cause.

Recognising the importance of free education at this point in South Africa's history we focus on this emotive issue which has been in the news: print, television and on the Internet. With social media abuzz with hashtags #Free Education and Fees Must Fall popular. But there is no consensus on what needs to be done perhaps we can talk of polarisation between those who say education cannot be free for all and those who say it should be.

Enver Motala, Salim Vally and Rasigan Maharajh look at these debates from the various arguments that have been put forward and conclude that instead of being narrow the debate should focus on education as a public good that should be accessed by all. Issues to look at include answering questions such as: What kind of South African society we want and what role education should play in relation to other social rights. The debates also raise issues of decolonisation, the transformation of post-apartheid SA and national development.

Bhabhali Ka Maphikela Nhlapo further argues that paying fees has social costs on the working class and the poor who have suffered under neo-liberal economic policies such as the Growth Employment and Redistribution programme and the National Development Plan. He argues that unions should support the students' because what they are waging is a working class struggle.

Other articles in this issue look at various issues including how workplaces in agriculture can be radically transformed? Glen Cormack writes that the South African Constitution's preamble is a good starting point as it provides a roadmap. For instance, discriminatory practices of the past must be eradicated and poverty and inequality addressed. Democratic values, social justice and human rights should be promoted at workplaces in such ways that farmworkers get above inflation increases, equal pay for work of equal value, improved health and safety, and better housing. Early childhood education for farmworkers children is also a must.

Workers education is central to building a strong working class movement in that it assists in fighting against internal divisions, creates spaces and builds working class alliances. With it also comes radical imagination writes Lucien van der Walt.

The 2016 local government election results show a change in voting patterns with the African National Congress (ANC) attracting older voters as compared to the Democratic Alliance and the Economic Freedom Fighters writes Marcel Paret. For the working class, although liberation credentials work in favour of the ANC there are also other factors at play when it comes to voting. Workers benefitting from state housing voted for the ANC whilst those living in shacks voted for other parties. LB

Elijah Chiwota
Editor

The *South African Labour Bulletin's* mission is to:

- provide information and stimulate critical analysis and debate on issues and challenges that confront workers, their organisations and their communities; and
- communicate this in an accessible and engaging manner.

In so doing the SALB hopes to advance progressive politics, promote social justice and the interests of the working class.

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In the workplace

In the union

In the community

contents

On politics and economics

Across the globe

Transformation of workplaces in agriculture

Not a hot potato

Despite the many challenges facing workplace relations in the agriculture sector in South Africa there are some simple but meaningful ways in which transformation can happen, writes **Glen Cormack** using the South African Constitution as a 'roadmap'.

REALITIES AND PERCEPTIONS

South Africa has an agriculture history similar to many nations that endured colonisation. On a labour front this included dispossession of land, stocks and other self-sustaining resources from the vulnerable inhabitants, exploitation through low wage policies, master and servant relationships and even slavery and forced labour. The Land Act of 1913 saw the mass dispossession of land with further programmes of relocation under the Group Areas Act and homeland policies. Apartheid policies brought the evil of race discrimination through legislation to the fore. Nonetheless, the country has progressed tremendously from this background, with employees in the sector now enjoying equal rights under the law, land restitution and redistribution plus security of tenure programmes, minimum wage determinations, unionisation and the rise of what has been termed 'emerging farmers'.

However, this progress has been accompanied by massive job losses in the sector, informed by a mix of increasing mechanisation and greater commercialisation of agriculture including economies of scale (larger and fewer farms) in keeping with global trends. Given the recent history of exploitation of farmworkers coupled to the racially discriminatory practices, perceptions of embedded exploitation still exist – with stereotyped reactions to current examples not helping in addressing issues. This feeds counter perceptions amongst white farmers of being 'under siege'. Farm attacks disproportionate to national demographics adds to this siege perception – with the cliché of perceptions being seen as reality being most apt. Debate and commentaries concerning the sector tend to emotional discourse, and cannot be separated from the land ownership question!

The critical issue of security of tenure of farm dwellers includes the realities of many farmworkers and their dependants finding themselves homeless when leaving their jobs on farms – for whatever reasons. Local municipalities do not provide ready housing opportunities and the spread of informal housing or squatter camps are aggravated by the job losses the sector experiences. The implications of the current drought on job losses cannot be ignored. All of these factors add to the tensions in the employer/employee relations in the sector.

CURRENT CHALLENGES

Recent research undertaken on behalf of the International Labour Organisation (ILO) highlights critical unintended consequences of recent legislation and policies implemented in the sector despite the progressive intentions of the same, including restructuring of workforces, decreases in employment, increases in casualisation of employees (only 51% of farmworkers are now permanently employed), and reduced hours of work – with commensurate reduction in wages earned.

The research also showed that market deregulation and trade liberalisation have seen tariff protections and farm subsidies phased out, producer support reduced to 3% compared to an Organisation for Economic Cooperation and Development (OECD) average of 20% and international and local retailers' power consolidated – all squeezing commercial farming margins and reducing the pie available for sharing. The expression 'Farming is not for sissies' comes to mind.

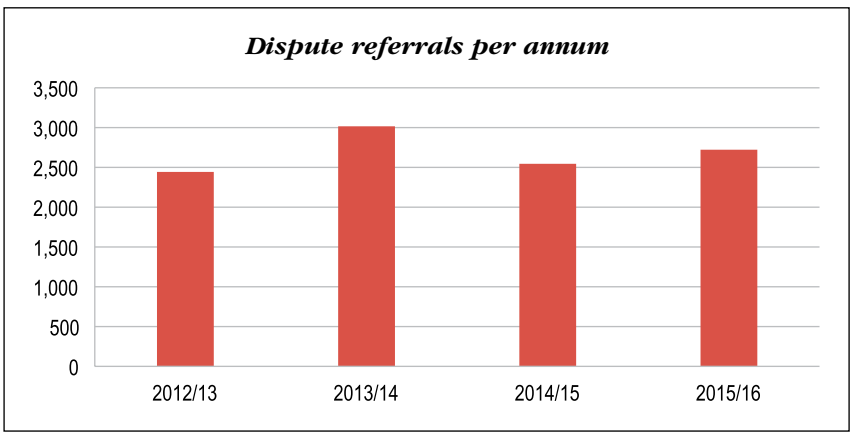
Political party manifestos ranging from nationalisation of land without compensation to free market

dynamics which embeds the 'willing seller willing buyer' philosophy do not help the emotional context within which sustainable solutions are sought.

Job losses across South Africa of 355,000 in the first quarter of 2016 have taken unemployment to record levels. Agriculture recorded 16,000 less jobs year-on-year for the same period. Chances of farmworkers that have lost jobs, given the unskilled/semi-skilled nature of jobs in this sector, are minimal in this high unemployment context. The sector has been identified in the National Development Plan (NDP) as one in which one million jobs could be created, bucking global agriculture trends. The NDP is short on detail on how this is to be accomplished.

Labour disputes referred to the Commission for Conciliation, Mediation and Arbitration (CCMA) have hovered around 4% of its national caseload for the last five years, but cognisance needs to be given to the particularly vulnerable circumstances that farmworkers find themselves in, given the rather unique employer/employee relationship that has and continues to prevail on the land, including the isolated nature of the workplace that doubles as the farmer's home and private property. However, this picture could benefit from research into causes of dismissals in the sector, i.e. digging down to the events giving rise to dismissals so as to address the same.

However, a deeper analysis shows cause for concern. Of the 2,722 disputes referred in 2015/16, only 20% were settled compared to a national average of 70%, with a staggering 80% going to arbitration. Of those arbitrated, the employers did not attend in 52.9% of the cases – resulting in default awards against them. This approach differed from CCMA region to region as seen in the table below.



Region	Arbitration Awards	Default Awards	% of Arbitrations
East London	32	19	59.3%
Port Elizabeth	110	47	42.7%
Bloemfontein	245	168	68.5%
Welkom	63	44	69.8%
Ekurhuleni	63	27	42.8%
Johannesburg	86	47	54.6%
Tshwane	81	45	55.5%
Durban	44	23	52.2%
Newcastle	21	16	76.1%
Pietermaritzburg	67	54	80.9%
Port Shepstone	31	26	83.8%
Richards Bay	22	15	68.1%
Limpopo	355	186	52.3%
Mpumalanga	241	166	68.8%
Northern Cape	56	34	60.7%
Klerksdorp	144	98	68.0%
Rustenburg	47	20	42.5%
Cape Town	150	83	55.3%
George	61	27	44.2%
Total	**2,182**	**1,156**	**52.9%**

Packing vegetables: Farmworkers at a farm in Boksburg. Credit: William Matlala.

INTEGRATED TRANSFORMATION – NOT A QUICK FIX

First the bad news! Workplace relations in agriculture will remain wrapped-up in the land restoration discourse because social partners will keep it there. Likewise, the land restoration issue will remain in the political discourse until it is settled as it was central to the broader struggle for economic transformation – as termed by some 'the second phase after political liberation'. It is imperative this process be addressed and resolved with a real sense of urgency before it spirals out of control.

Next the good news! Transformation of workplace relations does not have to wait until the land restoration issue is resolved, it can run simultaneously. It can continue immediately – continue because there are islands of healthy workplace relations across the sector. However, perceptions as described beforehand still dominate and will do so until a critical mass stage of change is achieved.

What is meant by transformation of workplace relations? Change, modification, adjustment, variation, amendment, revision, shift adaption, correction are all synonyms for the word but don't quite answer the question. As commercial agriculture is a business, the Business Dictionary version of transformation may be more apt, i.e. 'In an organisational context, a process of profound and radical change that orients an organisation in a new direction and takes it to an entirely different level of effectiveness. Unlike 'turnaround' (which implies incremental progress on the same plane) transformation implies a basic change of character and little or no resemblance with the past configuration or structure.' Getting closer to the answer but still not saying what workplace relations will 'look like' once transformed. The answer to this latter dynamic can be found in the preamble to the nation's Constitution:

'We, the people of South Africa,

- Recognise the injustices of our past;
- Honour those who suffered for justice and freedom in our land;
- Respect those who have worked to build and develop our country; and
- Believe that South Africa belongs to all who live in it, united in our diversity.
- We therefore, through our freely elected representatives, adopt this Constitution as the supreme law of the Republic so as to heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights;

- Lay the foundations for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law;
- Improve the quality of life of all citizens and free the potential of each person; and
- Build a united and democratic South Africa able to take its rightful place as a sovereign state in the family of nations.
- May God protect our people.'

Workplaces should reflect the constitutional norms and democratic values of human dignity, equality and freedom. Workplace relations should give meaning to the preamble of the constitution. What does this mean? Simply, this speaks to:

1. Recognising that the discriminatory practices of the past has generally put some citizens, mainly whites, in more favourable positions than others. This factor still perpetuates itself through the current generations having access to better housing and accumulated resources including better education and through that, better jobs, and through that better income levels and so the cycle repeats itself. Take the position of a farmworker from the 1960s earning R10 per month; 30 years later this may be R200 to R400 per month. How would this person ever accumulate enough money to purchase a house in a township, send his/her children to an equivalent of a Model C school so they can go on to university and acquire a well-paying job and break the inter-generational poverty trap? According to Stats SA results of this broad advantage or disadvantage can be seen in the following ratios of white to black:
    - The workforce profile in 2014 at the top management level by race remains at white 70.0% and African 13.6% – a tragic failure of transformation of workplaces 20 years into democracy.
    - In 2015 39% of black people were unemployed compared with 8.3% of white people.
    - In 2011 only 14% of university aged black and coloured youth were enrolled in universities compared to 57% of whites of comparable age.
    - Average white family incomes are six times that of average black family incomes.

The implications of this, not unique to agriculture, is that not only institutions and businesses should aggressively implement affirmative action programmes amongst their respective workforces. Those advantaged through the past should reach out at individual levels to 'make a difference' that would contribute to levelling the playing fields whist actively demonstrating that they have recognised the injustices of the past. This does not suggest just apologising for the realities of the past and expecting the slate to be wiped clean. It suggests concrete acts of restoring dignity and empowering workers and their dependants to participate at an equal level in the future.

In the agriculture sector this could include collective action amongst farmers in:

- Supporting early childhood development centres and 'adopting' or establishing well-resourced primary schools to ensure that children of workers receive the educational grounding necessary before reaching Grade 5 – a level established by empirical research beyond which it is deemed 'too late' to succeed in grasping the fundamental skills of comprehending reading, calculations and problem solving.
- Providing financial and/or organisational assistance to dependants of farmworkers to progress their studies, even if this is only ensuring they secure support from existing government student support programmes.
- Assisting existing workers to develop additional portable skills, utilising all the government and non-governmental organisations programmes available to do so as well as from Sector Educational and Training Authorities (Setas).
- Ensuring accommodation facilities provide a dignified level of living, including clean water, electricity and sanitation.
- Ensuring farmworkers and their dependants receive all the social services, grants and other rights to which they are entitled.

2. Installing respect for democratic values, social justice and fundamental human rights in all workplace policies, practices and procedures. Smaller farming operations (family run) need not think they have to adopt bureaucratic practices – it can be more in the way things are done, the way people are approached, treated, and the way in which hope of a better life is installed and nurtured. Established commercial farms and agri-businesses may have access to the more formal human resources support services to ensure systems reflect these values.
3. Implications include:
    - Understanding and accepting the meanings and workings of these concepts. If there is a right to freedom of association why do some farmers still actively resist and hinder unionisation of the workforce and the organisational rights that follow? The CCMA and other organisations such as employer associations

offer training and capacity building in these fields, but very limited call is made on these services. The Labour Relations Act (LRA) has as objectives the interdependent (the one relying on the other) promotion of economic growth, social justice, labour stability and democratisation of workplaces. This implies that without democratisation of workplaces (giving workers a say in how they are managed and allowing them to choose their own leaders/representatives) and social justice (knowing rights and how to access them) labour stability is unlikely. Without labour stability economic growth is unlikely. Some farmers see increased mechanisation and smaller workforces as the way to avoid having to deal with these issues, but one needs to consider what benefit there may be in having a highly mechanised, low labour intensive farming operation in a country that is consumed by social unrest and crime arising from intolerable and unsustainable levels of unemployment. Agriculture has always provided a unique means of employment for unskilled and semi-skilled workers, and whilst not suggesting that agriculture does not require an increasing level of skill, South Africa does require labour intensive workplaces to absorb the labour already existing in the labour market, as well as new entrants. An answer must include finding the balance between economic imperatives in a globally competitive sector and national imperatives for economic inclusiveness including the dignity of work.

- The paramount human rights embedded in the Constitution are that of the right to equality and dignity – 'the quality of being worthy of honour or respect'. All employment and interpersonal practices in agriculture should have this as the focus. This is not a light statement but equally is not complex. Gone are the days of paternalism at best and abuse at worst. If transformation is to happen, the sector needs 'a basic change of character and little or no resemblance with the past configuration or structure'.
- Equal pay for work of equal value, no less favourable terms and conditions of work between permanent workers and part-time or fixed-term workers are key standards farmers will need to look to in terms of equality. However, true equality goes much further – think of equal opportunities for children of farmworkers and those of farmers' children.
- It goes without saying the base foundation must at least be 100% compliant with labour legislation. Overall, thousands of farmworkers still do not enjoy the bare minimum protections of the law as seen in Department of Labour compliance levels arising from inspections – as few as they are.
- According to research, *Agriculture Lung Diseases: Environment Health Perspective* (2000). 'It has become evident that a significant percentage of agricultural workers have clinical symptoms associated with long-term exposure to organic dusts and animal confinement gases. Respiratory diseases and syndromes, including hypersensitivity pneumonitis, organic dust toxic syndrome, chronic bronchitis, mucous membrane inflammation syndrome, and asthma-like syndrome, result from ongoing acute and chronic exposures.'
- Whilst silicosis is measured and programmes to prevent it are prevalent in mining, similar programmes are almost non-existent in agriculture despite extreme dusty conditions. Measurement, prevention and treatment are key elements of health and safety programmes. How many farms have formal programmes to address these challenges?
- Sexual harassment and other forms of discrimination, including racism, should be eliminated to give meaning to the constitutional value of equality. Sexual harassment in the sector is notorious, remembering that harassment can be worker to worker, supervisor to worker, management to worker, supplier to worker, and anyone to worker or vice versa. Again, capacity-building services in this regard are available to the sector: both for employers and workers alike.

4. To improve the quality of life of all citizens' calls for the realisation that everyone has the right to improvements to the quality of life. The Labour Research Services states: 'Inflation affects low income earners more than high income earners. This is because low income earners' income tends not to rise as quickly as prices, therefore, their purchasing power decreases. It should be noted that high inflation generally leads to interest rate increases.

Nutritious fruits: Farmworker at a citrus farm in Zebediela. Credit: William Matlala.

This affects low income earners' cost of living and compounds the other effects of inflation. So, inflation decreases purchasing power of low income earners relative to high income earners, whose income increases as quick as inflation. Ultimately, income distribution becomes less equal. Currently inflation is higher in the very low (R1,750 per month), low and middle expenditure groups at 5.4%, 5.0% and 4.7% (when the national inflation rate was 4%).These are the groups where lower paid workers are found.' Farmworker minimum rates fall squarely into the very low ranking. Workers receiving only inflation rate increases were actually going backwards in terms of earnings. Inflation plus 1.4% would keep them 'marking time' – not improving the quality of their lives. Increases of inflation plus 10% would have seen farmworkers move forward by R3,000 in a year! For a worker with an average of four dependents, R3,000 doesn't go far over a year – and that's at inflation plus 10%.

5. Freeing the potential of every person – for each farmworker and their dependants means 'different things to different people'. A factor would include 'What do they aspire to?' A view expressed refers to 'By freeing your own potential you become aligned with what you want, others align with you and your world starts to change. Changing the way we see the world, changes the world,' as stated by Seb Adams. Is this not the foundation of transformation? Every employer in the sector choosing to contribute to transforming workplace relations can look beyond the employment contract, can look beyond the legal requirements of labour legislation, and can examine in what way she/he could assist in freeing the potential of farmworkers and their dependents – helping them to realise their full potential. There are thousands of ways this can be done but the journey starts with one small step – answering the question 'Do I want to?' If the answer is yes, one will find the way.

CONCLUSION

This article calls upon individuals to reach out and do whatever they can, for farmer organisations and producer associations to debate these issues in their structures and processes, for organised labour to look beyond the easy demands of wages and conditions of work and partner transformation across the sector, for government to play their part in bringing finality to the underlying issue of land restitution and redistribution and not allow another 20 years to pass by without reaching consensus and implementation. It also calls upon civil society to bring their activism and experience in facilitating change to the fore to assist other stakeholders and for all to find one another in this critically important sector. LB

Glen Cormack is a part-time senior commissioner with the CCMA and provides labour advice to employees, employers, government, employer organisations and trade unions.

Discrimination in the workplace

Stop insulting workers!

How would you feel if you were called 'a fat pig', 'stinky' and 'unclean' on a daily basis by your employer? A humiliating tirade like this can be demeaning and demoralising for any employee in the workplace. In addition, there can be severe legal repercussions for an offending employer, writes **Olivia Timothy**.

A recent arbitration award in the reported case of *Gumede v Crimson Clover 17 (Pty) Ltd t/a Island Hotel 2016 7 BALR 676 (Commission for Conciliation, Mediation, and Arbitration)*, revealed how this type of behaviour meted out to an employee, Gumede, was insulting and offended his dignity as a human being. A case of unfair discrimination on an 'arbitrary ground' was proven by, Gumede, using the Employment Equity Act 55 of 1998 (EEA) and the Promotion of Equality and the Prevention of Unfair Discrimination Act 4 of 2000 (PEPUDA) both of which emanate from the equality clause in s 9 of the Constitution of the Republic of South Africa, 1996.

BACKGROUND

Gumede was employed as a barman at a hotel. He was dismissed after being told he was 'unclean' and a 'fat pig'. His employer claimed that he had been warned several times to improve his personal hygiene and clean up the room that he occupied at his work premises. Gumede claimed that he had been discriminated against by being labelled 'smelly' and he sought compensation from his employer.

In order to prove unfair discrimination on an arbitrary ground, in terms of s 11(2) of the EEA Gumede had to prove on a balance of probabilities that:

a) The conduct complained of was not rational;
b) The conduct complained of amounts to discrimination; and
c) The discrimination is unfair.

Rationality

The arbitrator found that the employer's conduct was irrational as the untidiness in the room that Gumede lived in at work could not only be attributed to him alone because evidence before the arbitrator revealed there were co-workers that lived in this room but they were not accused of any wrong doing.

It was irrational to issue a letter of warning only to Gumede and none of his co-workers who also occupied the room. In addition, the suggestion that perspiring while on duty was unhygienic was found to be irrational. The employer failed to prove that Gumede perspiring whilst on duty caused any prejudice to the employer. There was no rational reason why the employer did not charge Gumede in terms of the company's disciplinary code and instead decided to insult and humiliate him.

Discrimination

The definition of discrimination from the PEPUDA was used:

'Any act or omission including policy, law, rule, practice, conditions or situation which directly or indirectly:

a) imposes burdens, obligations or disadvantage on; or
b) withholds benefits, opportunities or advantages from, any person on one of more of the prohibited grounds.'

The humiliation and indignity of being called 'unclean' or 'smelly' clearly imposed a burden on Gumede and disadvantaged him in comparison to his co-workers whom he shared the room with. The co-workers were not called to give evidence on whether Gumede was unclean or if they were offended by him as a roommate.

The grounds on which unfair discrimination is prohibited are listed under s 6(1) of the EEA and include: 'race, gender, sex ... or any other arbitrary ground'. Prior to the amendment of s 6(1) of the EEA with the inclusion of 'any other

arbitrary ground,' employees had to prove that the unfair discrimination was analogous to a listed ground. This amendment means that employees are now given greater protection against unfair discrimination.

The arbitrator was of the view that Gumede was victimised by the employer on arbitrary grounds: allegations of perspiring whilst on duty, a bad body odour and poor personal hygiene. These were seen as judgemental statements that impaired the dignity of the employee and demeaned his worth as a human being. The issuing of an offensive letter of warning and the derogatory remarks both directed by the employer to Gumede also constituted arbitrary action.

Unfair discrimination

Judging Gumede adversely on the basis of perspiration and body odour was discriminatory as none of his co-workers were subjected to the same type of treatment. Such discrimination was unfair as the employer failed to prove that Gumede practiced poor hygiene or that management of the hotel had arrived at this conclusion.

Gumede successfully proved on a balance of probabilities that he was unfairly discriminated against and he was awarded R15,000 as compensation for damages. This decision should steer employers away from subjecting their employees to such intolerable work environments. Employers should treat their employees with mutual respect and dignity and not follow capricious and irrational practices. Should an employee deviate from a firm policy and/or code an employer should use more corrective measures to rectify such behaviour. It certainly does not make sense for an employer to have a 'non-discrimination policy' and discriminate against its own employees. LB

Olivia Timothy is the Human Resources manager, Herbert Smith Freehills South Africa LLP.

Unlocking labour laws

Drunk enough to be dismissed?

Dismissing a worker for being drunk is not as easy as it seems. The employer has to follow proper procedure before taking such drastic action including counselling the worker, write **Hugo Pienaar** and **Elizabeth Sonnekus**.

One would think that an employee found to be under the influence of alcohol at work would be accused of a straightforward dismissible offence. Recent case law has shown that this is not necessarily so. Employers often operate under the mistaken belief that testing positive for alcohol equates to the employee being under the influence of alcohol.

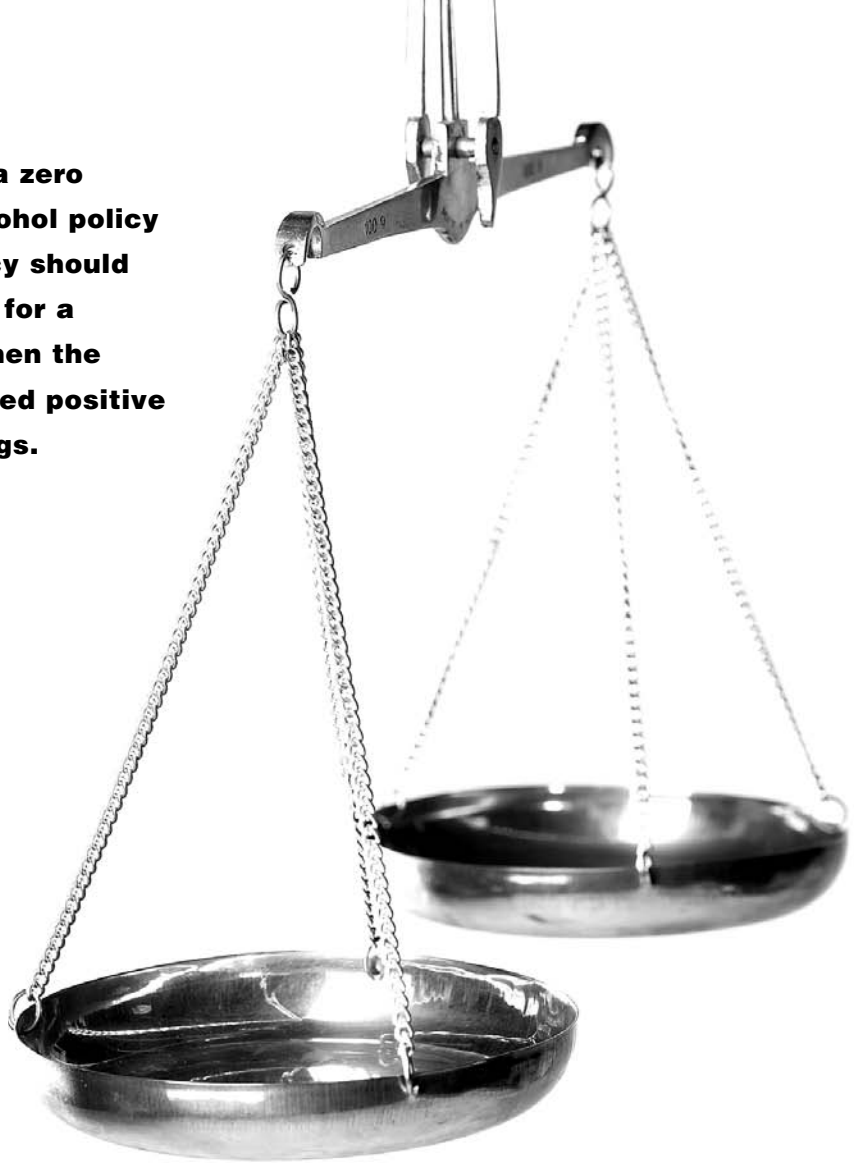
Alcohol and drug abuse is a form of misconduct. Schedule 8 of the Code of Good Practice of the Labour Relations Act 66 of 1995 (LRA) recognises misconduct by an employee as a fair reason for dismissal.

There are two scenarios in which an employee may be charged for their use of alcohol at the workplace.

The first scenario is where the employee's drunkenness can be proven by sight, smell and/or the conduct of the employee. Factors showing drunkenness include aggressive behaviour from the employee, slurred speech and bloodshot eyes. The degree of drunkenness has to be to such an extent that it impairs the employee's ability to work. The onus is on the employer to prove this. No expert witness is required for such purposes.

The second scenario is where an employee tests positive for alcohol on a breathalyser apparatus. A positive outcome does not necessarily prove that the employee is under the influence of alcohol or that the employee's ability to work has been impaired. Employers often mistakenly believe that a positive test result is sufficient proof to show that the employee was under the influence of alcohol and then mistakenly charge the employee for being under the influence of alcohol.

The employer should adopt a zero tolerance in terms of its alcohol policy in the workplace. Such policy should be specific and also provide for a summary dismissal, even when the employee has just been tested positive for the use of alcohol or drugs.



Recent case law has confirmed that a positive test result is not necessarily sufficient to dismiss an employee. In *Tosca Labs v CCMA* 2012 33 ILJ 1738 (LC) the Labour Court found that a positive test result on a breathalyser test is not sufficient proof to indicate that the employee was under the influence of alcohol. The court referred to *Tanker Services (Pty) Ltd v Magudulela* 1997 12 BLLR 1552 (Labour Appeals Court (LAC)) which stated that the real test is whether the employee's competence to perform his work has been impaired. In this case the employee was able to perform his tasks and the court held that the dismissal was substantively unfair.

WHAT SHOULD AN EMPLOYER DO?

- The employer should adopt a zero tolerance in terms of its alcohol policy in the workplace. Such policy should be specific and also provide for a summary dismissal, even when the employee has just been tested positive for the use of alcohol or drugs. The rational for such policy should be based on the safety considerations of the employer. This means that an employee may be summarily dismissed irrespective of whether his/her ability to work is impaired or not. To adopt such a policy depends on the status thereof and may sometimes simply require consulting with the employees before the implementation of such policy. The employer should always ensure that all employees are aware that there is a zero tolerance policy and that if they test positive for any usage of alcohol, they will be in breach of the policy and may be subjected to disciplinary action and possible dismissal.
- In addition to the above, the breathalyser apparatus should be properly calibrated and the person administering the test should be trained to do so correctly. The test should also always be done in the presence of a witness.
- However, where possible and applicable, evidence should preferably be obtained to show that the employee's ability to work was impaired – if that was indeed the case.
- If it emerges that an employee is dependent on alcohol the employer has an obligation to consider providing counselling and assist the employee as is set out in item 10 of Schedule 8 of the LRA. LB

Hugo Pienaar and Elizabeth Sonnekus are based in the employment practice of Cliffe Dekker Hofmeyr.

No fee increment and violence in institutions of learning

The **South African Communist Party (SACP)** and the **Congress of South African Trade Unions (Cosatu)** met on 20 September in a bilateral strategic session to assess the challenges and opportunities, and analyse the threats facing the national democratic revolution. The objective of this meeting of the socialist axis of the Tripartite Alliance was to develop shared perspectives on the way forward, including immediate tasks.

Both organisations could however not remain behind closed doors, while a situation that needed urgent attention was developing a few metres away, at the University of the Witwatersrand (Wits) with a potential to cause serious problems not only at Wits but in other institutions of learning. The bilateral meeting convened a press conference, as a matter of urgency, to communicate organisations' positions in no uncertain terms with regard to the issue of no fee increase for 2017, the need to accelerate our country's progressive rollout of free post-school education, and address the violent forms of mobilisation violating the constitutional rights of other students.

The SACP and Cosatu were fully in support of the students' struggle, which is in fact a working-class one, for the realisation of the accelerated progressive rollout of free post-school education for students from working-class and poor households, including the lower strata of the middle class, who cannot afford to pay. The SACP and Cosatu both believe the announcement made by the Department of Higher Education and Training on 19 September that all students in public colleges and universities qualifying for the National Student Financial Aid Scheme (NSFAS), as well as students falling in the category of the so-called missing middle, will all experience a no fee increase in 2017 is progressive.

The government's intervention represents a milestone while the Higher Education and Training Commission, also known as the Fees Commission established by the president conducts its work. The Commission must develop measures to accelerate progressive rollout of free education for those who cannot afford it. This is firmly in line with the Freedom Charter, the country's Constitution and the Polokwane resolution of the African National Congress (ANC) on this matter.

Education is and must be seen to be a societal priority. The private sector is disproportionately benefiting from our education and training and is the sole consumer, on a private basis, of the wealth produced by our workforce – minus the cost of production, yet its contribution is almost invisible.

The SACP and Cosatu are urging students to redirect their mobilisation to the doorsteps of capital – which is where the problem emanates, rather than fight against the government that is trying its level best to expand access to post-school education as evidenced by the massive progress our country has achieved since 1994 and more so after 2009.

Both of our organisations are pledging their joint support to this mobilisation directed at the exploiters of our education, training and labour power. In this regard, the SACP and Cosatu will fight side by side with students. We have been consulting with students on a national day of action. Cosatu and the SACP have confidence that the leadership of the South African Union of Students (SAUS), a body representing universities' Student Representative Councils or SRCs, has adopted progressive positions on this matter.

On 14 October, the SACP and Cosatu supported a march, together with students, to the Chamber of Mines and other centres of private capital and called on them to make a meaningful contribution from the wealth produced by workers but appropriated by the greedy bosses.

The SACP and Cosatu are calling for a decisively progressive or graduated tax on the rich and the wealthy to finance education as an apex priority. We are calling on the state to move forward and introduce this direly needed tax reform. For the SACP and Cosatu, the pursuit of radical to fundamental economic transformation as the focal point of our Alliance's shared perspective, of the need to place our democratic transition on a second radical phase, remains central in our national project of overarching social transformation.

Cosatu and the SACP called on students who want to exercise their right to protest as enshrined in our country's Constitution to do so peacefully, observe the rule law and respect the rights of other students.

The SACP and Cosatu condemn in the strongest terms possible, the violent conduct by a few disruptors who found their way among students at Wits. We are not only concerned about public property but the human rights of other students who are being forced to abandon their studies. South Africa is a country governed by the rule of law. No person has a right to advance their demands by means of violating the rights of others as enshrined in our country's Constitution. A legitimate state that seeks to preserve its democratic integrity has the responsibility, and will undoubtedly exercise its functions and strategic discipline, to protect the rights of all its citizens, including students. LB

Statement from SACP and Cosatu bilateral meeting.

Cosatu President Sdumo Dlamini speaks at a march.

Not yet *uhuru* for SA women

More action needed

South African women still carry the yoke of patriarchy and chauvinism in a society that is complicit in tolerating harmful cultural practices such as virginity testing and *ukuthwala*, writes **Lebogang Pule**.

Who are the providers for our households? Many will say men, because the society we live in believes so. We are made to believe that it's a man's duty to provide, support and take care of his family. One would simply ask themselves this question: What about households that have single parents and women in same sex marriages. We live in the 21st century and anyone can be the breadwinner, and it doesn't have to be the males only who provide for their families.

Let's not forget women who took a stand for justice and humanity. Many years ago, a group of women marched to the apartheid government offices in Pretoria to demand an end to the pass laws that severely restricted the movement of black people. These women risked their lives fighting for democracy and equality. They marched to the Union Building carrying petitions, chanting and singing 'Strijdom (Apartheid Prime Minister 1954 – 58) *wathint' abafazi, wathint' imbokodo*' (You strike women, you strike a rock) and not forgetting that they also had to fight for liberation with gender equality. These women took part in fighting for freedom and for us to live in a democratic country. Who can forget Winnie Mandela, the late Lilian Ngoyi, Helen Joseph, Albertina Sisulu, Ruth First – the list is endless. Such women had to live and learn to balance being politically involved and also paying attention to being there for their families. The road for them was not easy but at the end it was worth it.

Fast forward to the 21st century after attaining freedom. We live in a society full of norms and culture that are taking their toll on women and exploitation is rife. Women are made to believe they are not yet liberated. Take virginity testing for instance which still stigmatises women. Further, after paying *lobola* a man believes he can treat his wife as an asset because of the *ilobolo* money paid to her family, and that the woman must abide and obey his rules. When paying *lobola* virginity is taken into account, because such will determine whether to pay a more or lesser amount. However, testing for male virginity is not even an option, and men are allowed to marry a handful of wives and have as many children as they want, and such is regarded as being a man.

Yes, we still live in a patriarchal and chauvinistic society, where men are the only ones considered for traditional leadership as chiefs, kings or leaders. Males dominate in politics, while some careers are still considered being for men only. We live in a society where women's success is feared. Society tends to forget that times have changed. Unlike in the olden days where only boys were allowed to go to school, girls nowadays also have the same opportunity as boys and have access to good quality education. Hence, they are getting educated and having careers yet it seems so hard for women to make it and make a name for themselves in their careers in a male-dominated world. They have to fight twice as hard as a man to prove their capability in the workplace. As a country we need to reflect, look back and go back to our roots, and not forget that we are equal regardless of race, colour, and gender etc.

BEDROOM CONTRACT

Women nowadays are doing things just to make it in life and as Charles Darwin put it, it is the 'survival of the fittest'. It's unfair that women are still being forced to do uncomfortable things such as making a living from sex work so they can pay bills and support families or to the extent of sleeping around with their bosses just to get a job or get a promotion. In the 21st century we call this a 'bedroom contract' and it has its after effects and consequences. It might be good at the start but it will eventually end up bad, because for you to get the contract you have to play 'lovey-dovey'. As is in most cases you enjoy the first semester of the relationship, up until reality hits back that you are being owned by your senior boss and entitled to them. It can end up creating loop holes and

such can result in the other party resigning. It would be the female while the male boss keeps his job. Although some females would argue that it has worked well for them, and it has gotten them very far in life concerning their careers, unfortunately we are not the same: what can work for you cannot work for the other person.

In the meantime, the struggle continues. What about the cheap labour power the women face in their daily lives? Even when it comes to sport, women are still being oppressed, financially and otherwise, they don't get adequate support when compared to their male counterparts. When it comes to abuse which mustn't be tolerated every day we watch news, read newspapers, find out about women abuse, child abuse and the rape cases that keep on increasing. You ask yourself, for how long must we tolerate such evilness?

Another problem which we mustn't forget is *ukuthwala*: abducting young women and forcing them into marriages against their will. This practice should be stopped.

The list of challenges faced by women in a patronising, patriarchal and chauvinistic society is endless. We salute those women and some men who speak out against them. Yes, there is progress that has been made in addressing inequalities, but there is still a long road ahead of us until we can safely say much has been achieved towards women's rights. We call on the government to continue playing a leading role in all these instances, but as the general public we must also play our part. LB

Lebogang Pule is an intern at the South African Communist Party Media and Communications Department and a member of the Young Communist League.

Social grant recipients face worsening poverty

As SA economy struggles

Poor performance of the South African economy is hitting recipients of social grants, who are often unemployed and from poor households, the hardest, writes **Mzingaye Brilliant Xaba**.

In 2016, the South African economy escaped junk status but the country has been experiencing low economic growth of about 0.6% and a negative growth of 1.2% which means loss of jobs, according to the *Mail & Guardian*. The livelihoods of retrenched workers and that of social grant recipients are at the receiving end of a failing economy in that the job losses reduce the average households' income.

Additionally, the affordability of social grants provision would depend on economic growth and job creation, so that the state can have a broader revenue base. Africa Check states that in 2015, the Treasury assured the nation that if growth remains at 3% per year, South Africa would be able to fund the social grants, but with poor growth rates, the fiscal sustainability question will always come to the fore.

The lack of economic growth should be concerning for social grant recipients because it would be difficult to alleviate income poverty substantially without adequate growth. Even, the main opposition party, the Democratic Alliance (DA) petitioned the government to increase the social grants to ease the burden of the vulnerable poor. By August 2016, the weak rand and drought had pushed the basic food basket by 24%, increasing the burden for the poor.

In this article, which is based on fieldwork in the Eastern Cape, I want to stress that, while grants are important in alleviating poverty (absolute and relative), they are not adequate to get rid of poverty. Grant recipients are still in uncomfortable situations, in the context of rising food costs, the worst drought, water shortages, large families, and job losses versus small amount of grants. The grants are simply too small to do much more than provide very limited aid: they cannot get rid of poverty. Poverty is linked to poor economic growth and growing job losses, and the ongoing cheap labour system, all of which inevitably reduce the income of the average household in SA. At the same time, there are no grants for the long-term unemployed, besides the Unemployment Insurance Fund (UIF) which operates for a short period and only for those previously employed.

Thus, there is a definite link between poor economic growth, job losses and the livelihoods of social grant recipients. According to the South African Constitution, the state is mandated with taking care of citizens who cannot otherwise take care of themselves, but its ability may be compromised by the low growth rates, which limit the revenue base, and a growth model that has failed to create work. Provision of state social grants is at the core of alleviating poverty and inequality, as well as bettering lives for all.

Trade unions have fought against job losses because retrenchments threaten the livelihoods of retrenched workers.

It is clear that only stable, well-paid jobs provide a sustainable solution to poverty. Therefore, the labour movement needs to look at ways to fight against job losses, and for job creation, including by active work to mobilise the unemployed. Job losses in South Africa have been massive and have worsened quite recently due to a struggling economy, with the mining and agricultural sector hit hard as the global economy slows. Even during the recent local government election campaigns, the political parties focused on creating jobs and avoiding job losses. In April 2016, the Solidarity Trade Union reported that about 60,000 workers faced retrenchment in 2016 with the mining sector being the hardest hit. Although figures differ, there is a general picture of an ailing economy in SA.

This means that retrenched workers add to the burden of the already high number of households that are solely dependent on social grants. It also becomes difficult for retrenched workers to find a meaningful source of income. One should also bear in mind that one of the sources of income for poor people are remittances from employed relatives. Therefore, if those employed relatives lose jobs, this means that the average household income decreases, while needs increase.

In this case, job losses and low wages for those who have jobs are the major drivers of poverty, and the solution for poverty does not lie in grants (which the state cannot afford to expand much more anyway, due to fiscal sustainability concerns among other reasons) but in creating more and better jobs. The state's economic policy has clearly failed to create jobs, and does not provide grants to the unemployed, except for the UIF which covers loss of employment in the case of retrenchment but also loss of a breadwinner through death, loss of a job due to illness, maternity leave and during adoption. However, one must stress that the UIF payments are short-term depending on the type of claim. In this way, one way forward is for unions to fight against job losses and for more jobs, and this requires unions to be more effective and to organise among the unemployed not just the employed.

DEBATES

Social grants in post-apartheid SA have been a contested terrain because of the controversy around them. Despite empirical evidence showing the positive role of grants in alleviating poverty, the public, commentators and critics have often viewed grants with scepticism. According to the Human Sciences Research Council (HSRC) critics have argued that grants create 'welfare dependency,' discourage employment, support lazy behaviour, encourage teenage pregnancy, less payment of remittances, lead to perverse incentives and inappropriate spending. Hence, recipients hardly ever escape depending on social grants while critics raise the fiscal sustainability argument. However, empirical studies have refuted these views.

In South Africa, nearly half of the country's households receive a grant and many households rely on grants as their basic means to survive. Sadly, there are now more people on welfare, than people who work for wages. This means that trade unions should wage more fights against retrenchment. In his *Business Day* column in 2014, Peter Bruce noted that welfare payments and public service were consuming 56.4% of the overall state expenditure, leaving 43.6% for the rest of expenditure.

Judging from the studies I have conducted, there is no doubt that, if it wasn't for these grants, some poor people would have been worse off. However, the biggest problem faced by these grant recipients is that they have been caught up in a 'debt trap' or 'debt curse' as they try to meet their needs with their small grants. Without these grants, children, the elderly, the sick, and other vulnerable groups would struggle to eat, bath, get electricity, access healthcare, get clothes and education. While these grants help recipients to access basic needs (cash for other expenses), others are accessed through increased loan sharks or banks, leading to debt, which means recipients are always stressed. Hence, recipients continue to 'dance' in the same cycle of poverty and generally remain poor.

HOW SOCIAL GRANTS HELP

Empirical evidence shows that grants are effective in reducing poverty as they help children in terms of school enrolment, reduce hunger and improve nutritional levels. Importantly, grants are the only source of income in some households. Grants are also related to a decrease in stunted growth in children, decrease in income inequality and improvement in meeting basic needs. Grants also help recipients pay for funeral covers, buy furniture and in some cases medical costs. One respondent said she used the grant money to send her grandchild to the mountain (initiation school and traditional circumcision).

It would appear that the recipients of social grants do not appreciate social grants, but the reality on the ground is that social grant recipients, in the context of a struggling economy are caught up in a 'debt trap' as they try to meet their needs with the small grants.

THE DEBT TRAP

The worst part of the debt trap is that interest keeps increasing, which means grant recipients are never able to pay back the money.

There exists an argument that the African National Congress (ANC) has no choice but to provide these grants because grants win them votes. Although senior ANC leaders have spoken strongly against too much spending on grants, social grants have been viewed as a 'vote buying mechanism' for the ANC. It is important to note that all grant recipients are eligible to vote, and grant recipients have told me that voting for the ANC is a way of appreciating grants which 'the ANC gives them'. Recipients see grants as provided by the ANC, and not the state, hence this makes them to blindly vote for the ANC. Others suspected that grants would be taken away if they did not vote and all recipients said they would never vote for a party that wants to remove grants. Interestingly enough, one respondent said that if the ANC was to remove grants, they would not have the energy to vote for the ANC.

In the context of low employment rates and low economic growth, reliance on grants is not only justifiable but inevitable. It would appear that the recipients of social grants do not appreciate social grants, but the reality on the ground is that social grant recipients, in the context of a struggling economy are caught up in a 'debt trap' as they try to meet their needs with the small grants. There is therefore a strong need for trade unions to take active steps to block retrenchments, to fight for pro-working class development policies, and to help organise the unemployed, including into campaigns for decent, useful jobs at decent wages. This is because jobs are a sustainable solution to poverty. LB

Mzingaye Brilliant Xaba is a PhD student at Rhodes University.

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Educators' perspective

On the challenges in adult education

The Department of Higher Education and Training (DHET) is faced with the enormous task of ensuring that post-school education meets the needs of all South Africans. For the department to successfully administer this task it needs all the help it can get, including from researchers, writes **Sandile Zwane**.

This is why DHET commissioned the Education Policy Consortium (EPC) to embark on a two-year research project titled Emerging Voices 2 (EV2). EV2 aimed at finding ways that post-school education could better meet the needs of the poor and working-class communities in South Africa. The research was conducted from 2013 to 2015 and took place in four research sites namely: Kwa-Magxaki, Dwesi, New Brighton and Zwide townships in Port Elizabeth; Alice, Ginsberg, Quigney, Mdansane township and Nompumelelo informal settlement in East London; Sekhukhune in Limpopo; and Orange Farm, Evaton, Sebokeng, Sharpeville and Vanderbijl Park which are all in the Vaal region of Gauteng.

This article focuses on Gauteng and will present some of the key findings with regard to Public Adult Learning Centres (Palcs).

AIMS OF ADULT EDUCATION AND TRAINING (AET)

During the EV2 research project, we visited four Palcs in the Vaal (Sharpeville and one of its satellites, Sebokeng) where we conducted eight individual interviews with educators comprising one supervisor and a chairperson. We also conducted eight interviews with learners, four at Sebokeng and another four at Sharpeville; and also held one dialogue with educators from the Sharpeville.

The Palcs (which are soon to be categorised as community colleges) are perceived to potentially play an important role in tackling illiteracy.

AET is based on a concept of lifelong learning and development and is framed as flexible, development oriented and targeted at the specific needs of particular audiences and, ideally, provides nationally recognised certificates.

Adult Basic Education and Training (Abet) grew out of adult literacy work. The adoption of Abet rather than adult literacy work was the result of political struggle informed by research (Department of Education).

Therefore, argued the department: 'Abet was meant to offer an appropriately adult route to a general education aimed at making a significant improvement in the quality of life. It was supposed to be flexible and targeted at the specific needs of particular audiences.'

AET ON THE GROUND

The AET system is top-down: It does not target particular needs of certain audiences.

The research revealed a lot of discontent around the top-down nature of AET. The first facet to this top-down critique is that money and resources are used up at the central and district levels, leaving little for teachers and learners. The second is that the curriculum is highly prescriptive and adult learners struggle with it. Educators note that learners are forced to write standardised tests from the department which forces them to use books called 'Accelerate' which they described as a nightmare because of their complex nature, mainly because of the difficult language used. Learners struggle with them so much that they end up having to fill in these booklets themselves to guarantee their payments.

Educators we interviewed tended to feel that the department is only concerned with ticking boxes and not the actual well-being of learners. This approach then renders the Palcs just as rigid as main stream high schools instead of being flexible.

Educator A notes: 'ABET centres are there to undo the injustices that were created by main stream schools but how are we going to achieve that if we operate exactly like main stream schools?'

Educator B notes: '*Go na le mme o batlang ho tsiba* how to read the bible (There is an old woman who just wants to learn how to read a bible) and that's it, then we say write standardised tests, that is why adults end up dropping out.'

Educators value the community views and believe that the community should be given a voice when it comes to their education or institutions. They state that students are prescribed something else whereas they would prefer to be studying something they are interested in. Educator C explains: 'We can go out and interview the community about the skills they want to learn in our centre. Already we have ancillary healthcare which is health, they learn more about health promotion. We also have sewing, plumbing and fashion design.'

UNDER-SUPPORTED, UNDER-APPRECIATED

ABET educators reported that they suffered under poor conditions of work: they have no job security, they are paid poorly and do not receive benefits. They are also not given the status or recognition which they feel they deserve because they believe they work even harder than their counterparts in the main stream schools. An educator states: '*Nna teacher ya ABET keqalaka motivation ntate* (I, as an ABET educator, start with motivation'). I start by motivating a learner. I go and recruit her from her house and bring her to school ... Do you know why other learners drop out from main stream schools? They are called dunderheads (stupid or slow learners).

The educator continues to explain that part of their work is to motivate these so called 'slow learners' and encourage them to come to school but that hard work is not recognised.

POOR COURSE ARTICULATION

One Palc manager states: 'Learners pass their level 4s and get their certificates which are supposed to grant them access at Technical Vocational Education and Training colleges (TVET) but TVET Colleges turn them down, they do not recognise these certificates and thus rendering them useless.'

When asking why this is happening, the manager's response was: 'I don't know.'

In a conversation with some TVET educators and student advisors, it appeared that there was poor communication among institutions. EV2 research pointed to many issues that proved that education institutions work in isolation from one another and communication between them and the community is poor. DHET is also aware of this articulation issue and on the White Paper it promises to establish the South African Institute for Vocational and Continuing Education and Training (SAIVCET). One of SAIVCET's primary responsibilities will be to promote dialogue, coordination and linkages between TVET and Community Colleges and between these institutions and universities, Sector Education and Training Authorities, employers and workers in order to enhance coherence and articulation.

FROM PALC TO COMMUNITY COLLEGE

AET educators expressed much scepticism with the envisaged change that is to be brought by the DHET to the Palcs. They feel there have been many unfulfilled promises and a lot of name changes of institutions but with no change to the daily running of events in their institutions. The department's White Paper states that a new type of institution will be established to cater mainly for youth and adults who did not complete their schooling or who never attended school. Without this, they do not qualify to study at TVET colleges and universities. These institutions will be called Community Colleges and Palcs which would be clustered into new Community Colleges or Learning Centres. DHET further promises that these Community Colleges will be provided with 'adequate infrastructure and a critical mass of full-time staff', who would enter into partnerships with private, community owned or church run institutions.

WAY FORWARD

Even though the DHET's White Paper is mainly focused on TVET and very little on the envisaged Community Colleges, I think the implementation of these so-called colleges could be more effective. Firstly, resources must be provided as promised and educators must be employed on a full-time basis and they must be given all the benefits and recognition they deserve.

Secondly, educators' views and opinions need to be taken seriously because they are better positioned to see all the challenges and suggest sound solutions. The top-down approach is clearly not working.

Lastly, during the EV2 findings presentation workshop in the Vaal we established a task team that will meet regularly to discuss issues affecting their institutions and work together to find solutions. Some of the duties of this task team which is made up of Vaal community members, the youth, Palcs, TVET staff, Vaal University of Technology and Centre for Education Rights and Transformation at the University of Johannesburg is to improve the communication and working relationships between post-school education institutions and to ensure the youth and community members get as much information as possible. AET facilitators or educators and centre managers will have an opportunity to sit together to discuss issues affecting them, their institutions and the community. LB

Sandile Zwane is a researcher at the Centre for Education Rights and Transformation at the University of Johannesburg.

Education, the state and class inequality

The case for free higher education in SA

The events of 2015 and 2016 confounded those who made unflattering observations about the social consciousness of students, allegedly consumed by the effects of being 'born-free' and without a sense of history or mission. These cynical assertions reflected ignorance about the simmering tensions at the chalk face of our education institutions, and indeed the coal face of our mines and in the impoverished communities around the country. Now the issue of the funding of higher education is writ large in the national consciousness, write **Enver Motala**, **Salim Vally** and **Rasigan Maharajh**.

It is widely accepted that higher education in South Africa is chronically underfunded. This is hardly contentious, since even the Minister of Higher Education and Training has accepted the need to access additional resources for higher education. Similarly, the shocking levels of social inequality in South Africa is hardly an issue since South Africa ranks amongst one of the most unequal societies on earth.

Yet, there are important misconceptions in some of the arguments about the chronic underfunding of education and social inequality as it affects 'poor' and 'middle' class access to higher education leading to narrow conceptualisations of both the role of higher education and its relationship to social systems. The questions raised by students and other participants in the struggles around education are not simply about education, nor are they resolvable by better education policies, plans and strategies, or by increasing state budgets for the higher education system, alone. They raised fundamental questions about the very nature of the 'decolonisation' and 'transformation' of post-apartheid society and how 'national development' and its political, socioeconomic, and cultural goals are to be realised.

In this article we will concentrate on one issue alone – that is, the debate around the question of free higher education and whether it should be provided for the 'poor' or more universally 'for all'. We know there is a raft of other issues that have been raised in the recent events around the role and purposes of universities bringing into focus conceptions of the decolonising of the university and simultaneously of its curriculum, forms of leadership and management, the racism and gender violence which has characterised university life at many campuses, the commodification of knowledge, the limited nature of its conceptions of scholarship and pedagogy, together with issues about intra-institutional inequality, matters concerning the governance of institutions, the 'culture ' of universities, language and other pertinent issues.

Ours is a more focused examination relating to the interpretations of what might be included in any discussion about the costs of education. The focus on this issue should be obvious because it is in some senses central to the debates not only about the 'transformation' of universities but its relationship to social change, inequality and society more generally. We examine the approaches opposed to the idea of 'fee-free for all', relative to those that ostensibly favour the idea of fee free higher education for the 'poor'. As we will show the underlying rationale for opposing free higher education 'for all' is misconstrued. These misdirected approaches are reliant on an assessment of the quantum of available government finances for higher education in South Africa and reflect a particular orientation to the role of education in society. In our view this opposition to a more universal approach to free education reflects a particular perspective about the form of social reorganisation that is prefigured through it.

Contestation around higher education and its social role is not unique to South Africa either historically or at this time. Over the last few years there have been similar stirrings and the emergence of student organisation and public protest in a wide variety of states in the North and South according to Estian and Johan. These struggles are not only about the rising costs of higher education but also raise questions that go to the core of the socio-cultural and intellectual project that is represented by the process of knowledge production and its dissemination in society – and in particular about the role of the institutions of higher education in that regard.

We approach this issue from the perspective of alternative social choices, values and purposes not only for education but as a precondition for the realisation of a democratic society. Discussions about education are inseparable from an examination of the dominance of those approaches that have disengaged education from its broader social remit either deliberately or by omission. We are critical of the reduction of educational issues to the purpose of economic ends alone. Such instrumental approaches arise from the paralysing discourses about education as a 'human resource' avoiding its wider social purposes.

Essentially two arguments are used to support the view that 'free higher education for all' is not achievable.

ARGUMENTS AGAINST FEE FREE 'FOR ALL'

The most frequently referred to argument against 'free higher education for all' (which is more limited in some ways than the 'full cost of study') is to be found in the writings, comments and public pronouncements of Nico Cloete, director of the Centre for Higher Education Trust and extraordinary professor at both Stellenbosch University and the University of the Western Cape.

In an article titled 'The flawed ideology of free higher education,' Cloete argues that despite its 'revolutionary appeal' the idea of free education is both 'financially impossible and morally wrong, as free higher education privileges the rich' in the context of a developing country. He argues in favour of 'affordable higher education for all', making a case for differential costs for separate groups of students supposedly addressing inequality through such an approach. He points to the distinction between the idea of 'free higher education for the poor' and 'for all' and asks whether the latter is achievable, answering as follows:

'The short answer is: "No, and there is not enough money in any developing country for free higher education." ...The examples they usually cite are Norway, Finland and Germany – the richest and most developed countries in Europe – but never Africa or Latin America'.

This leads him, a-contextually, to Mahmood Mamdani's view that higher education in developing countries was for a 'privileged elite' since its purpose 'was to train a tiny elite on full scholarships which included tuition, board, health insurance, transport and even a "boon" to cover personal needs'. This, according to Mamdani was to lead inevitably to 'commercialisation' and the growth of private colleges, full scholarships to the children of the elite, and because of the negative impact of these policies on access for the poor, their enrolment in fee-paying private institutions. The further effect of these policies was 'regressive' since (according to research by Sean Archer) 'poorer members of society end up subsidising the rich'. Cloete uses Barr to suggest that the reality is that 'the overwhelming subsidy in public universities accrues to students from middle- and high-income families'.

Cloete examines government's contribution to the costs of education relative to students' contribution, and provides data about the comparative expenditures for higher education in various countries. He points to the reality that the proportion of the gross domestic product spend on higher education in South Africa is markedly below that of many other developing economies, let alone developed ones. In addition, Cloete makes a number of other claims relating to the mismanagement of the National Student Financial Aid Scheme (NSFAS) and gratuitous comments about the lack of financial analysis skills in the higher education bureaucracy. He refers also to the policy of 'fee-capping' opposed by university Vice Chancellors because of its many adverse effects, including on 'the autonomy and flexibility of individual higher education institutions'; on 'higher education becoming cheaper for the rich'; discouraging 'institutional differentiation' while advancing 'institutional homogenisation' and also its effects on quality and the possibilities for the cross subsidisation of 'needy students'.

Cloete's solution to these problems is the establishment of what he calls a 'war room' to devise a strategy, to increase higher education budget to 1% of GDP, deal with systemic inefficiencies, rethink the ideas of loans to the 'very poor' because of their non-recoverability, the prescribing of higher fees for the 'rich' since 'For the rich, higher education in South Africa is a bargain'. He strongly prescribes support for those not presently covered by NSFAS funding and not able to fund their education (the "missing middle") to avoid 'Arab Spring type uprisings' and because as he revealingly asserts: 'The 'missing middle' is not only the backbone of higher education worldwide, but a productive and well-educated middle class is also the glue that holds society together.'

Elsewhere, following these criticisms about government underfunding and 'inefficiencies', he asserts that the undergraduate system is 'too expensive', unable to produce highly skilled graduates (to drive down the exorbitant rates of return); neither can it absorb large numbers of successful (academically and materially) poor students. His judgement is that the present mode of funding higher education 'is not only morally questionable, but also a lose-lose situation for the poor students and the economy'. Cloete discusses the ineffectiveness of the 'revolving door' outcome of the present system where 'poor students are enabled to enter the higher education system, but being unable to complete their studies, are "revolved" into poverty, but in this case with the additional burden of a student loan debt they are unable to repay because they lack the qualifications to secure formal employment', and makes the extraordinary claim bordering on the kinds of hysteria and sensationalism of some media reports that: 'there is considerable anecdotal evidence that the ones who tried to run down university administration buildings containing fee records were the ones with bad debts and bad academic records'.

Drawing on human capital theory about the rates of return to investments in higher education he avers that 'the system must change'. Such systemic change, we are informed a la Piketty, being dependent on higher investment in education since 'education and technology are the decisive factors'.

He argues that although the government's position about free education for the poor 'should be supported' questions of 'how will free education be undertaken and for how many?' remain since (unsurprisingly for us) there is indeed 'no evidence anywhere in the world that large numbers of the poor can, through higher education alone, take one giant step into the middle class'.

In a more recent article Cloete argues that 'international research shows that there is broad agreement among economists of higher education funding that government subsidies are 'regressive', meaning that subsidies favour the rich.

He has obviously not heard of other 'international' research (or chooses to ignore it) such as by Johnson which after a systematic examination of the argument propounded by Hansen and Weisbrod about the allegedly 'regressive' nature of the subsidies which had 'stirred up a hornet's nest of controversy by claiming that public support for higher education could well be regressive found that '... while high income households receive larger benefits on average than low income households, the taxes they pay to finance those benefits are even greater, so that benefits net of taxes are not regressive and low income households receive positive net benefits while very high income households receive negative net benefits'.

Worker students' alliance: Students march to the Congress of South African Trade Unions (Cosatu) head office in Braamfontein, Johannesburg.

Similarly, Vanderberghe found as follows: 'Using Belgian data on higher education public expenditure and income taxes paid by both graduates and non-graduates over their lifetime, we show that the implicit reimbursement rate ranges from 37% to 95%. It is much higher for bachelors than master graduates, and for males.'

As for the argument by Cloete and others that free higher education advantages the rich because they 'are overwhelmingly drawn from high income families' and come from 'the new political and business elite who have the significant social, cultural and economic capital' is hardly a discovery since it is well known that they are so advantaged. The real question is how to deal with their social advantage in ways that reduce their advantage as a class and by reference to their structural location in relation to their high net worth and income and assets.

For Langa and others, the argument for free higher education is 'illusory'. They criticise its proponents by referring to the alleged record of free higher education in post-independence African states – using these as comparable contexts for South Africa and abjuring 'lessons from the global north'. For them if one 'looks to Africa it will find that free higher education failed to achieve universal access or social inclusion', arguments not dissimilar to Cloete's earlier argument drawing on Mamdani.

These arguments go beyond Cloete's earlier views in which there was support for 'free education for the poor'. Now however these authors (including Cloete) raise a different perspective. Now it is argued that despite the demand for free higher education from as far back as the 1960s the state failed to achieve 'universal access or social inclusion' – leading to a crisis for higher education in the 1970s. The consequence of this inter alia was that it engendered postcolonial inequities with regard to distribution of schools and privilege, and therefore of the beneficiaries of free higher education (advantaging) the new political and business elite who mostly gained access to the free education.

We are further informed that Kenya introduced a dual track fee payment system as from 1991 differentiating between fee paying and subsidised students.

This is followed by a discussion about the inadequacy of the NSFAS system funds in South Africa and suggests that 'higher education has become a very crowded but narrow ladder of opportunity into the middle-class'.

Yet they concede contradictorily that 'Given general dissatisfaction with the present tuition fee regimes vis-à-vis the higher education participation inequalities in the country, a policy of free higher education is a potentially useful strategy for compensatory legitimation by a government whose "core" constituency is becoming increasingly dissatisfied with service delivery. On the face of it, a policy of free higher education would be consistent with the country's overarching post-apartheid policy of transformation and social justice'.

Other commentators including Adam have echoed aspects of Cloete's position citing Piketty's view that 'free education for all is primarily a benefit to the wealthy' while berating the position of those 'who ignore economic reality and government expenditure patterns in order to claim that free higher education for all is undoubtedly possible' and also 'point to the failure of free higher education in other African countries'.

Some vice chancellors too have aligned themselves with the pro-free education 'for the poor' approach while rejecting the wider approach of free education 'for all'. Sizwe Mabizela (Rhodes University vice chancellor) and Adam Habib's (University of the Witwatersrand vice chancellor) orientation is to call on the private sector to 'better fund our students, to partner with government and universities so that we can collectively generate the high-level skills and knowledge we need to move our economy forward'. They berate those who ignore the 'many concessions' made by government and the universities concerning funding and complain that 'Yet we are continuously subjected to even more demands and protestors have suggested that they do not care whether universities are bankrupted or burnt'.

In an interview with *DespatchLive*, Mabizela reiterates the view that 'free education would serve only to benefit the wealthy, who do not require assistance with university fees, and would therefore widen the social and economic inequalities in the country'.

Shange writes that Minister Blade Nzimande has supported the idea of free education for 'poor' students unequivocally and has made public pronouncements about this issue on several occasions. For Nzimande too, the idea of free higher education for all is simply 'impossible' and moreover 'populist'.

'You can't have free higher education for everyone in a capitalist society ... That would be saying that as I, as a minister, government must pay for my child ... I must pay for it myself because I can afford it ... You would be taking money from the poor to subside the rich. That is my view.'

Higher Education Deputy Minister, Mduduzi Manana has echoed these sentiments too:

'We must progressively introduce free education, it must be free education for the poor because the reality is we will not have the money to fund free education for all. It is just not feasible.' LB

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Free education for all is possible

Critique of the opposing arguments

The arguments put forward against free education, such as unaffordability based on fiscal limits, are not supported by any evidence and don't refer to the purpose of higher education. Furthermore, some suggestions – free education for the poor and not the rich – do not build a democratic society where social and political choices arise from an ecological, humanistic and solidarity philosophy based on some fundamental considerations, write **Enver Motala**, **Salim Vally** and **Rasigan Maharajh**.

THE ARGUMENT ABOUT FISCAL LIMITS

The first of these arguments is based on assertions about the limits of the quantum of money required to support those who had previously been excluded from higher education by apartheid. It rests on the assumption that there simply is not enough money to do anything other than what is envisaged by the National Student Financial Aid Scheme (NSFAS) expanded to cover the 'missing middle' and other contingent costs. It is against free higher education 'for all' but not supported, to the best of

our knowledge, by any empirical evidence about 'affordability'. In effect we are simply asked to accept the unqualified assertion that it is 'unaffordable' on the grounds inter alia that it would be fiscally reckless since there is no likelihood of expanded fiscal provision through the prevailing tax base, poor economic growth and the competing demands on the state's resources.

Even in the most 'advanced capitalist economies' it is argued, not everyone is enabled to achieve higher education and there are other institutional issues pointing to the alleged failure of universities to manage resources effectively. In other words, 'unaffordability' is arrived at without any examination of the state's resource capabilities except in relation to the present allocation for higher education in particular and without reference to how and what choices are made by institutions in the distribution of state and other resources. It is simply an assertion based on what could be presently allocated by the fiscus. There is no rigorous scrutiny of the underlying premises of the fiscal strategy. Nor is there any analysis of the social structures and how these militate against a wider approach to funding higher education. In effect we are left with no more than a pragmatic response and the judgement that the call for free education is not possible.

We believe that the issue of student fees is much less about such pragmatic approaches and uncritically limits higher education's role to what might be achieved on the basis of the quantum of resources available in an untransformed pattern of state expenditure. We think that a perspective less submissive to fiscal 'realism' pointing to the reformulation of social goals especially as these concern the 'case for higher education' is necessary – whatever its complexities. This would require an interrogation of the state's fiscal capacity more broadly, the critical examination of political and social choices enhanced or impeded and an examination of what interests are dominant in present policy and practice.

The fallibility of the claims about 'unaffordability' lies in their inability to ask the question about what goals need to be achieved, i.e. about the nature of the society envisaged in the prescriptions about fiscal rectitude. Whether or not free education is 'unaffordable' is hardly a neutral or technical determination. As Robertson remarked when asked what the relevance of the Panama Papers was to the idea of public education and democracy, he answered that they were important because they tell us something about the kind of society we have become, and why it is that a public good, like education, is increasingly viewed as unaffordable.

The fiscal argument is therefore pre-emptive since it relies on the assertion that the problem is one of fiscal resources alone and government 'underfunding' without reference to the purposes of higher education. If anything the example of Germany drawn on by Langa and others is illustrative of the need for much higher levels of public sector investments in both higher and other levels of education for all in a context where even the earlier reforms, forced on the German government by Social Democrat and Green parties, have been truncated by the reactive policies derived from neo-liberal economic orthodoxy. Arguments by Cloete and others about the chronic underfunding of higher education do not seek to examine the responsibility of democratic states regarding the provision of education, more fundamentally. They accept the theoretical and policy imperatives of the ideas of fiscal discipline untrammelled by a critical examination of its underlying ideological, political and social premises negating the possibilities for any meaningful social change.

Moreover, the comparisons made by Langa and others to postcolonial states are simply odious as they are devoid of any contextual or historical analysis and ignore the body of contemporary and historical writings which examines and explain the impact of colonisation and postcolonial economic, financial, trade and other regimes on postcolonial governments in Africa and elsewhere. Even a perfunctory reading of these texts about including Hickel 'How the west destroyed the global south's best shot at development' will show how the objectives of postcolonial nationalist and other governments were ruined by a host of 'structural adjustment' and other policies led by global lending agencies supported by the power and military capabilities of predatory northern states. The relevant literature on the subject makes a compelling case for understanding the hypocrisy of 'development' and 'AID' policies pronounced by the governments of the UK, US and France in particular. As Hickel has shown, the arguments by Langa and his colleagues have succumbed to 'collective amnesia' and the 'fairy-tale-like version' of the relationship between developing states and the North.

We are reminded that 'After the end of European colonialism in Africa and Asia, and with the brief cessation of US intervention in Latin America, developing countries were growing incomes and reducing poverty at a rapid pace. Beginning in the 1950s, countries like Guatemala, Indonesia, and Iran drew on the Keynesian model of mixed economy that had been working so well in the west. They made strategic use of land reforms to help peasant farmers, labour laws to boost workers' wages, tariffs to protect local businesses, and resource nationalisation to help

fund public housing, healthcare, and education. This approach – known as "developmentalism" – was built on the twin values of economic independence and social justice. It wasn't perfect, but it worked quite well.'

Hickel refers to Robert Pollin's research showing that these 'developmentalist' policies gave rise to sustained growth rates of 3.2% for at least two decades. They provided a check on the appetite of multinational corporations for cheap labour, raw materials and an easy access to the type of consumer markets that characterised colonial rule. These policies however soon found resistance from especially US, Britain and France who set out 'on a decades-long campaign to topple the elected governments that were leading it and to install strongmen friendly to their interests – a long and bloody history that has been almost entirely erased from our collective memory'. This history also provides testimony to the growing inequality between the regions of the world and especially as Sundaram has shown between the developed capitalist economies and 'developing states'.

Cloete and others pay little attention to the considerable arguments about the larger developmental role of education in democratic states; arguments once made by some of the purveyors of the views now referring to fiscal considerations a priori. The arguments made in the 'case for higher education' often pointed to the complicity of weak clientilist postcolonial states who according to Mamdani are trapped in the ideological presuppositions of global policy advisory and financing institutions about the commodification of education and other services and of user-pays ideas, subverting social policies and the 'public good' using the hegemonic power global corporate capital over nation states, markets, trade regimes and financial systems.

Getting the message across: Fees must fall protests at the University of the Witwatersrand. Credit: Willliam Matlala.

Long before Piketty provided the evidence for the rise of global inequality there was already a great deal of consternation about the impact of the World Bank and IMF policies on education. The underlying ideology of the approach adopted by the opponents of fee free education 'for all' (whether they realise it or not) is echoed by the policy pronouncements of governments whose choices are dictated by a particular orientation to macro-economic policies. These policies prioritise cost containment regardless of its consequences for the delivery of public goods and generally favour the role of private capital against the interests of the poor and marginalised communities.

As we know, state expenditure of certain types of mega capital projects are not struck by the considerations of 'limited resources' while others are. The logical consequences of austerity approaches applied to public services is their privatisation and an erosion of their capacity to fulfil their public mandate. It is appropriate therefore to ask the question whether these criticisms are no longer applicable. Is the global corporate world less powerful now, are the prescriptions of the neo-liberal regimes less prevalent, has state capture by market fundamentalism less pronounced and is inequality less egregious? What exactly is the conceptual basis for the volte face in the perspective of those erstwhile exponents of the ideas of 'public good' who now proclaim the cause of fiscal rectitude and rebuke those who are 'irresponsible' for seeking free public education for all.

The idea of 'limited resources' is therefore itself based on a particular history of economic orthodoxy in support of corporate capital. Moreover, these policies are never open to proper interrogation and public and democratic scrutiny since they are mostly driven and planned by a coterie of officials, bureaucrats and consultants who have little knowledge of and interest in citizenship and democratic rights or about the role of a democratic state in its delivery of public goods and services including education. The justification for these policy approaches lies in the ideological flagship of neo-liberal dogma derived largely from a particular interpretation of neo-classical economic theory.

The critical issue for us is not simply about the funding of education as an end in itself but as essential to the achievement of the socio-political, cultural and transformative goals of a society characterised by the cleavages of racist oppression and exploitative social relations. Interventions by the state towards the full cost of education must be seen as a lever for wider social ends since even the fullest funding of education will not by itself resolve the contradictions of post-apartheid capitalism in South Africa. Policies that are designed to provide for the full cost of study are essential to the goals of a democratic and socially just society. Educationalists and other critical thinkers can show the way towards such a society by pointing to the relationship between the wider view of education and training and the necessary goals of democratic social transformation.

AGAINST SELECTIVE AFFIRMATION

The second and related argument is about free higher education for 'the poor' rather than 'for all' which would ostensibly disadvantage the 'poor' and privilege the 'rich'. This argument is ultimately based on an interpretation of the state's role in engendering the affirmation of 'historically disadvantaged' individuals so that more such individuals are provided access to an expanded middle class. This latter approach as we will show is ultimately selective and misconstrues the wider role of education in society. It argues that class mobility is necessary for poor students and not for rich ones who are already mobile by virtue of their class status. Ancillary to the above argument is that 'as it stands' higher education is for privileged members of society and free education 'for-all' will further privilege them.

Somewhat ironically this reasoning is consciously about the need to augment the middle class by supporting entry into it by those who have in the past been excluded from it. The concern about widening the relative advantage of the middle classes is in effect 'resolved' by providing greater access to that very class by increasing the numerical proportion of black middle classes relative to that which exists historically. This process of 'affirming' those who will now enter this social class, we have to assume, is acceptable – indeed desirable – for those who were forcibly excluded by history. In that sense it is avowedly about the creation of a middle class and not about how unequal social relations are reproduced; not about whether social class differentiation is itself desirable in the first instance or whether these relations need to be reconsidered more fundamentally. According to Alexander, in effect it is about the continued application of the present approaches to affirmative action without reference to its contradictions.

The present approaches to affirmation are simply inadequate, both in their conceptualisation and in practice. They do not speak to the provision of quality public education to the vast majority of students given the extremely selective and privileging admission requirements of higher education institutions in the first place. Few students who don't come from private or well-resourced urban schools make the grade for admission into university courses and even fewer for some highly prized courses. It is ultimately a proportionately small percentage of 'poor' students who gain entry to the first year of study at universities. The suggestion that 'fee free' education for the 'poor' will provide real access to quality

higher education is contradicted by the evidence. Besides the historical context related issues there is a host of costs and other difficult hurdles for working-class urban and rural families. These not only bar access to higher education but also – as the throughput figures show – results in higher rates of exclusion after admission into the first year of study. In effect those who do make it are a relatively small minority of the 'poor' since as is generally agreed the financial resources needed for higher levels of admission are simply not available for most.

Consequently, fiscal latitude alone will have limited impact on the question of access for the 'poor' in the absence of a more thoroughgoing approach to restructured social relations. The support for a limited reorganisation of social relations (largely based on 'racial' criteria and even more limited in relation to gender and geographic location), is an argument essentially about widening access to middle-class status. This approach as one can see is about upward social mobility for a select number based on 'affordability' and interprets social affirmation without reference to the wider considerations of historical justice or the re-conceptualisation of social relations more fundamentally.

It is not dissimilar to that in social systems where meritocracy social policies prevail – in which 'merit' (attained and recognised by dint of higher education, tenacity, business sense, 'hard work' and other such attributes) allegedly provides the opening to limitless opportunities. Such an approach moreover is based on the idea that 'people's success in life depends primarily on their individual talents, abilities and effort' and those who don't make it fail because of the 'bad choices' they make. In reality though, even this selective affirmation and funding approach is hardly 'generous' as the record of NSFAS and its limitations has shown. The policies and process of affirming those who are 'poor' (and the criteria for this has been the subject of criticism), and continues to limit access even to the very students for whom it is intended since fees alone is only part of the costs associated with the opportunity for higher education. A whole raft of other costs – as the students have demonstrated – has not been factored into calculations of what makes access possible.

The distracting approaches therefore constitute a barrier to the fundamental question about what role education might have in a social system that must be radically transformed. Even if a small minority of parents have resources, that can hardly be a major criterion for national planning or obviate the necessity for free public education. It is confirmation that even the affirmative policies are not for everyone at all. In fact, these policies are largely for a small and selected minority of the population – in this case an admittedly wider but nevertheless socially defined aspirant middle class. To that extent, whatever the philanthropic or ethically penitent imperatives of the prescriptions about supporting the 'poor' (as envisaged in the arguments of those opposed to fee free 'for all'), they are no less a seductive trap since they avoid the more fundamental issue of social redistribution and equality.

Upward social mobility may or may not in itself be a problem. The real problem with the selective affirmation approach is its failure to reckon with a framework of values that is inherent in all class, gender, racist and geographic conceptions of access to the public good – such as is the case of privatised education – even with the most 'liberal curriculum. The problem therefore with the fee free for the 'poor' approach is that its effect would be to entrench class and social division permanently in society.

It is argued that in fact if this approach is only the first stage of a wider process, then here too the arguments around fiscal resources is a fundamental barrier against real change since it would require an entirely different approach to both a fiscal regime (based on social choices not determined by economic efficiency alone for such a wider set of choices) and an alternative more fundamental orientation of the concept of affirmation. Even more, the record of staged approaches in respect of the delivery of free education and other services cannot ignore the real contested history of such approaches in postcolonial nationalist regimes about which a great deal more can be said.

We observe also that in all the criticism against 'fee-free for all', no attention is paid, nor have we found any reference, to the voice or opinions of the students on these issues. Once again, despite all the events of the past, their perspectives are ignored or patronisingly referred as 'unrealistic' or 'unachievable'. Once more 'experts' so-called to make important value and social-political judgements about the efficacy of free 'for all'. Meaningful participation in framing the issues based on deliberative participation of at least those directly affected by the implementation of state policy, before any decisions are made, fall aside. Without the necessary social agency of students, academics, community activists and all those socially conscious and committed to alternative society (and a clearer conceptualisation of the role of education in that), instability in the public education system, the conflict between institutional managers, students and parents, the closure of institutions, the sacrifice of learning time and a whole host of other negative effects, are assured. We regard the neglect of the central role of students and their support networks in engendering ideas about a firmer relationship between education and a society as simply inexplicable. LB

The alternative

Democratic and political choices for free education

Education plays a pre-eminent role in the development of public consciousness and value systems and in the process of generating new knowledge useful for engagement about social life, scientific and environmental issues together with the competencies necessary for participation in complex modern societies and skills required for socially useful livelihoods and work, write **Enver Motala**, **Salim Vally** and **Rasigan Maharajh**.

Indeed such knowledge properly contextualised is essential to the making of public and democratic choices. A discussion of the funding of education as a socially necessary public good is no less about a wider remit of policy choices and values than is generally recognised in discourses about the economics of education, its costs and benefits, rates of return, 'efficency and effectiveness' and the compendium of other human capital criteria and their theories for evaluating the provision of education.

Ideas about 'efficiency and effectiveness' are much too often predicated on a particular reading of the value and purposes of education and a set of assumptions intent on ascribing the principal (sometimes exclusive) defining role to considerations of economic and fiscal efficiency. Ironically, these accounts of the role and purposes of education sometimes refer to a framework of rights – even constitutional rights – even while they interpret these in ways that are limited to a 'juridical' discourse, mystifying its real purposes in a welter of rhetorical declamations.

Our approach is based on a different conceptualisation of why free higher education is necessary. Its starting point is neither selective affirmation nor fiscal stringency. Fiscal considerations are not determined a priori to trump democratic social choice and social policy is not dependent solely on an examination of fiscal 'responsibility' abstracted from any discussion about social and political choice. Fiscal questions are not ignored but placed in their proper place following determinations arising from questions about 'what kind of society' and what role education and other social rights would play in arriving at such a society. Most importantly we defer to a set of democratic, political and social choices which arise from an ecological, humanistic and solidaristic philosophy based on some fundamental considerations.

For example, we place the relationship between the political and economic system, education and society as the key to such an approach. The public good represented by public education is not simply about a 'pro-poor' approach or limited by the tenets of constitutionalism since we problematise the very issues which are largely avoided by 'pro-poor' approaches – issues about social class, racism, gender discrimination and oppressive social relations and power. We regard society as a whole as implicated in the criteria for choice making. We seek to further democratise decisions concerning the overall issues of planning and the use of resources. We favour a concept of citizenship which engenders ideas about cooperation, collegiality, social sharing, social responsibility and caring – and not the conceptions of citizenship that reduces them to 'subjects' or 'clients'.

Our view is predicated on the idea of social equalisation and not on selective affirmation. We regard education from its earliest stages as necessary to a range of intellectual and social attributes to enable citizens to develop meaningful, productive and socially useful relationships, knowledges and lives for themselves, their communities and the nation. Most importantly this approach seeks to bring all of

society – not only the 'historically disadvantaged' into the process of social reorganisation. It implicates those who are presently endowed with wealth and those who are not in a meaningful process of social reorganisation dependent on wealth redistribution through a systemic focus on the nature, causes and effects of inequality in society. It regards universities and other educational institutions, the agency of students, academics and all those seeking alternatives to the present, as critical to this process. It does not regard class, racialised and gendered relations as a given but places these very relations under scrutiny. It is therefore not based on the continuities of class relations by virtue of the affirmation of some and not the majority in society.

In an epoch of global corporate capitalism, this approach also seeks to problematise the relationship between the state and global corporate capitalism, while advancing ideas about inclusive social relations not based on privilege and the effects of racism, class, gendered oppression and exploitation. We are critical of the narrower commodification and managerialist ideologies relating to the availability of public goods and the processes of privatisation accompanying these. These ideologies trump and reshape the capacity of the state to favour the hand of market mechanisms (or 'public-private partnerships' so called) in ways that insert the agendas of private gain into the domain of public good and open the door to 'user-pays' approaches to the provision of services to a democratic citizenry, supporting the conception of education as a sector that is increasingly globalised and managed by private organisations. That is, we are seeing the emergence of the idea of education as a sector for investment and profit-making, where organisations, practices and networks engaged in these endeavours take on an increasingly global scale. Even though – or perhaps, because – education is often funded through public resources, substantial avenues are available for penetration by private actors and organisations. Now we are witnessing the emergence of whole trade associations dedicated to optimising opportunities for investors looking to capitalise on the education sector.

Our orientation is likely to attract the charge of naiveté, a charge sometimes laced with false pragmatic 'solutions' and derisive criticisms about 'left-wing ideas', which are 'impossible to achieve in practice', referring to the 'ideological position' of those who are charged with such naiveté, while simultaneously proclaiming their own 'objectivity'. In some ways we regard the stance taken by such 'realists' as much more damaging to the possibilities for transformation than of the adherents of right-wing ideologies. The criticisms against fee free higher education 'for all' represent not only a failure of the political and social imagination but also an abandonment of the critical intellect. It is unremittingly subservient to the given framework of social relations which it regards as unassailable. Supposedly pragmatic approaches serve only the predilections of conservative approaches deepening existing relations of power and inequality.

The alternatives we propose are about setting a conceptual framework around which practical possibilities can be built. They are not about the 'seizure of power' but about the mobilisation of public will and democratic accountability as a minimum condition for possibilities towards transformation. They provide a framework for thinking more rigorously, philosophically and politically about universal free education and the provision of the full costs of study as a constitutive condition for democracy and the public good.

WHAT CAN BE DONE?

We set out several proposals that could be considered. We are fully cognisant that fee free higher education by itself cannot resolve the contradictions wrought on society by corporate global capitalism and its social consequences. We regard these proposals however as important both symbolically and in practice because they provide an alternative framework for thinking about the role of education in society and give content to a set of 'transitional' demands which can widen access to higher education especially for working-class and rural communities. To that extent they could be useful for prizing open the possibilities for achieving the broader social goals envisaged here and push back the dominant neo-liberal approaches to policy and practice.

1. One approach to public funding of university education could be based on a set of fairly simple principles and we draw on various writers on this subject (Moss, 2015). For instance, it could be agreed that no student who meets the requirements for admission to a university course should be excluded for financial reasons, students be funded for the costs of study which should cover registration and other fees, accommodation, costs of meals and accommodation, travel and books. Naturally this approach is based on the idea that universities should receive sufficient funds per student to discharge its obligation to provide quality free education, i.e. to ensure what has been called both 'financial and epistemic access to university education'.
2. A determined state could reasonably rethink (for instance) the structure of personal taxation which could be levied for the top 10% of income earners in the country. As Piketty

Credit: William Matlala.

(2015) observed in his recent Mandela memorial lecture, the share of total income going to the top 10% of income earners in South Africa is between 60% and 65% of total income. This income bracket could generate a substantial increase in available public revenue. An approach which concentrates on the structural aspects of inequality and uses tax revenues for the purpose is preferable to the idea of a differentiated approach to the 'rich' and 'poor' in regard to the payment of fees. It supports the idea that those identified with the top 'net-worth', pay for their children's education through taxation, and the distribution of public funds, rather than through an individually-based 'wealthy user pays' model. Contrary to the dominant view, user-pays mechanisms are consistent with market-led approaches to the commodification of education. The view that the rich can afford to pay fees obfuscates the larger issue of transforming social relations. The approach we suggest is also a more democratic model of public interest and public funding than individual philanthropy or subsidy. We do not here set out the more detailed arguments around approaches to taxation but would refer in this regard to the ideas set out by Forslund and Rudin.

3. The further implication of this approach is that all students are regarded as beneficiaries of public funding necessary to the public good. As such, students should be expected to contribute to society when leaving university – possibly through community service and by working in public institutions after graduation. In effect equal participation in the benefits of public funding by virtue of citizenship would support the

The government needs to increase the funding at least an aggregate amount equal to the ratio achieved in the OECD countries to address the issue of chronic underfunding of the higher education system. In 2011, SA's state budget for universities as a percentage of GDP was 0.75% according to the Department of Higher Education and Training ...

creation of socially cohesive attitudes amongst students. Such an alternative approach to that seeking to differentiate between 'rich' and 'poor' students would have consequences for far-reaching structural and systemic change.

4. The government needs to increase the funding at least an aggregate amount equal to the ratio achieved in the Organisation for Economic Co-operation and Development (OECD) countries to address the issue of chronic underfunding of the higher education system. In 2011, SA's state budget for universities as a percentage of GDP was 0.75% according to the Department of Higher Education and Training, which is more or less in line with Africa as a whole (0.78). When compared to OECD countries (1.21%) and the rest of the world (0.84%) SA lags behind in this regard.
5. Consideration must be given to the difference between a 'progressive realisation' of the goal of free higher education 'for all', and a deliberate or 'gradualist' approach. In the first place too much reliance is put on the untrammeled judgements of political decision-makers alone. In the latter case which is more deliberate (even if gradualist), a determination is made about the exact time framework for the achievement of fee-free education 'for all' together with the relevant milestones to be achieved for that purpose. In other words, such an approach will ensure a roadmap through determining a set of binding covenants about the achievements of free education 'for all' and the effective mechanisms by which this would be achieved. This follows the approach adopted by in Article 13 of the International Covenant on Economic, Social and Cultural Rights is constructive. In any event, the idea of 'progressive' should be interpreted more meaningfully as we have suggested – and not left to the caprice of individual policy decision-makers without reference to a deliberate approach.
6. Recently a spate of articles have appeared in the public media about the possibility and the mechanisms for funding 'free education'. The ideas contained in them should be the subject of wide public discussion as they contain many valuable ideas on this issue which together with more detailed research could begin to find sustainable and longer term answers. In order to place the right to free education 'for all' in its proper social context serious consideration might be given to the idea of responsible 'public service and citizen work' by the recipients of its benefits. This could, if applied consistently to engender greater social consciousness about the important relationship between knowledge and society and especially its role in resolving some of the intractable social and environmental issues facing all societies. Such a 'fellowship' would not only develop forms of social solidarity but develop a new consciousness beyond the narrow and largely self-interested limits imposed by the requirements of the form as there is no one job market.

We do not pretend that these goals are achievable 'tomorrow'. The approach adopted towards the stated goals – democratically and socially driven – would be based on a process to get there and be dependent on both the social and political agency required. Especially important would be the avoidance of choices left to 'experts,' 'advisors,' 'consultants' and the agents of global institutions alone. Indeed, the failure to reckon openly with the extraordinary power and dominance of global corporate interests in shaping both the agenda for public education and the values which these foster and reproduce, would result inevitably in a continuation of social inequality, oppressive relations and catastrophic environmental effects. A wider socially engaged exploration of the alternatives to the present fiscal and selective affirmation approach is essential. In this the perspectives of those most affected by the policy choices related to higher education as a public good must be properly engaged. This would call for colloquia, dialogues, workshops and debates at every university with communities that are outside the university to broaden the impact of democratic dialogue and alternative visions and practices. In such discussions questions about the wider role of higher education in relation to a more rigorous conception of social transformation (or 'decolonisation') would be central. LB

A fuller version of this article was submitted to the editor of the New South African Review.

Free education

Where did we go wrong?

When Higher Education Minister Blade Nzimande announced that fee increases will be capped at 8% in 2017, and that universities will decide where to peg the fees for their institutions, the #FeesMustFall campaign was reignited into action nationally. But what are the students saying? It seems like society is choosing not to listen to their plight and cries. Therefore the progressive labour movement must clearly recognise the matters and duly support the students, writes **Bhabhali Ka Maphikela Nhlapo**.

The students should be supported because their fight has a direct bearing on the social costs of the working class and the poor. Workers are not adequately paid by the capitalists – be they black or white – and any further attempt to erode their income therefore needs to be out rightly rejected.

There are other structural reasons that underline this support that needs to be thoroughly engaged and articulated for clarity to the working class. Such a clarity is necessary in light of the continued main stream media bombardment of lies on the fees issue.

In 1993 the African National Congress (ANC)-led Alliance with the Congress of South African Trade Unions (Cosatu) and the South African Communist Party (SACP) agreed on the Reconstruction and Development Programme (RDP). However, later such a grand plan was quickly usurped by the neo-liberal Growth, Employment and Redistribution (Gear) programme later modified into the National Development Plan (NDP). Both programmes basically advocated for the continuation of economic apartheid by worsening poverty, unemployment and inequality. Before we embark on the economic mistakes of the latter two economic programmes we should investigate the real intentions of the RDP.

The RDP proposed five key areas: meeting basic needs, developing human resources, building the economy, democratisation of the state and society, and implementing the RDP. On education and training the very glaring incorrect institutional infrastructure is the fact that we have been unable to create a single national ministry responsible for education and training. The assertion by the Department of Higher Education and Training (DHET) that they are such a ministry is incorrect. This is because we have the basic education, science and education, arts and culture and even sports ministries responsible for various aspects of education and training. The RDP enjoined us to set national norms and standards, undertake planning and provide budgetary resources. What we currently have are a multiplication of resources in various departments which could have been properly utilised for education and training as opposed to the setting up of the bureaucracy.

The problem of multiple government departments also promotes the lack and failure in the overall poor outcomes of education and training and the continuation of the merry-go-round blame game from basic education to higher education to science and technology to labour to sports and to the arts and culture. This system is totally contradictory to the attainment of the objectives of the standardisation, accreditation and even the articulation of the learning programmes throughout education and training.

It is pleasing that the student movement has a clear understanding of the related

problems. The DHET officials on the other hand continue to abuse the Freedom Charter assertion that the merit system thought of in the document precludes some learners from accessing both further and higher education and is therefore clearly related to the lack of the access to funds. That is very far from the truth as such a merit system must be simply based on the general accepted norms of entry and not the liberal point scoring that discriminates between those from poor schools and highly resourced ones.

Of particular concern for the working class is the lack of the strength of adult education in the entire system. Many employer bodies still do not appreciate the value of such a stream of education. There is a clear focus on young learners since such focus provideds better financial rewards. Employers are well known for maximising profits and nothing else and even in noble causes like education and training, they never change their true colours. Adult education is therefore not profitable for them.

The whole strategic focus has no clue that the current workers running the production lines are most important to enhance and improve productivity levels at their workplaces. Consecutive employment equity reports point out that the focus of equity programmes are white women who receive the highest skills development programmes and therefore benefit from equity offerings. The same reports also state that white men still occupy the top and senior management positions especially in the private sector. The old stories of white labourers who rise to occupy top management positions cannot be repeated with the black technical skills levels. There can be no other explanation for this phenomenon except for the apartheid nature of the labour market.

Protest dance: Student toi-toi-ng at the University of the Witwatersrand. Credit: William Matlala.

This is worsened by the public broadcaster led by Hlaudi Motsoeneng which has not helped the cause. Except for the 90% local music content, the South African Broadcasting Corporation (SABC), continue to fail in education and training. We have matric education programmes running around midnight and even no adult education programmes that can be watched from couches of households. The usage of such a powerful instrument should not be left in the hands of people who are clueless.

What then are the effects of Gear and the NDP on the working class and the poor? According to Terreblanche there is a correlation between the growth of poverty, unemployment and inequality and the incorrect economic policies adopted since 1986. According to him whilst economic growth between 1994 and 2012 averaged 3.5%, unequal power relations led to the severity of poverty, unemployment and inequality. The richest 10% which are mostly white benefitted the most. Their share of total income increased from 53.9% to 58.1%. The next richest 10% on the other hand had a decline of the share of income from 17.7% to 16.6%. The poorest 50% share of income declined from 8.4% to 7.8%. The reasons vary from the agreement that the taxation and expenditure would remain a fixed proportion of the GDP. This stemmed from the elite compromise deals that have set local and foreign corporations in extraordinarily powerful positions.

Cosatu has since 1996 advocated for an increased taxation against the richest 10% in light of the clear RDP realisation that the total dependence on state resources is clearly not enough to implement a comprehensive redistributive policy like the RDP. In the area of skills development levy all labour federations submitted to the National Economic Development and Labour Council (Nedlac) the Social Equity proposals. This document demanded that the skills levy should begin at a rate of 2% but seek to increase to the level of 4%. The state, maybe as a clear illustration of Terreblanche's claims of the elite deals, has showed no appetite for such a move.

At the time we should also remember that state officials were too fixed on the realisation of the Gear targets which were not met. Graduates of further and higher education institutions drive the operations of the richest 10% but yet the elites do not realise the correlation between the need for increases in this spending for both the national and their company human resources, productivity and even profitability needs. Even with such a levy and grant system the companies proved over the years that they never re-invested the grants for training but rather to increase their profit margins. The clear evidence has been the increased profits of labour brokering firms due to both the skills levy and the Youth Employment Tax Incentive schemes. During apartheid the system increased the skills of especially white Afrikaner workers. This is a clear linkage to their failure to abort a high enthusiasm for apartheid economics.

Cosatu is vehement that unless the levy is increased and a portion reserved for further and higher education, there will be no realisation of the demand of free education. However, that cannot be the only solution to the problem as we have equally indicated on the need to realise the integration of all aspects of education and training provision and even other government rationalisation schemes. These include reducing government expenditure, scrapping the provincial government (but not the bureaucracy) and improved financial management in the public sector. The other more important factor to increase the financial levels is the cancellation of the exclusion of the public sector from paying the levy and by the state providing leadership. All these factors can realise a substantial amount enough for the funding of free education.

South Africa will also need to realise that the move for the education and training provision is directly linked to the continued cheap talk of the developmental state. It is unfortunate that the continued use of such a phrase without its key developmental elements is meaningless. This is not limited to free education but to free health, full employment, the basic income grant, and a national minimum wage. If these basic schemes are not set up, functional and fully funded, any continued empty phrasing of the concept will just be a pipe dream never to be realised.

The universities, on the other hand, more especially cannot be left to act as a law unto themselves on matters of governance. The top management is mostly made up of critics of government policy. However, they have the most skewed pay patterns and grades with no clear or any differentials in skills and even experience between those teaching from those in administration. This therefore leaves no justification of the continued salary and working condition differences between the two levels. The other area is the continued commercialisation like that of the state owned enterprises that was witnessed in the 1970s. This has led to public institutions being driven for profit and not for the public good. It also does not differentiate public universities from the mushrooming private universities and colleges. The state has also shown no interest in the curbing of the proliferation of such institutions.

The future of our country rests on the decisions we take on the human resource investment levels of the working class and the poor. Neighbouring countries such as Zimbabwe, Botswana and Angola have demonstrated how they have been able to drive growth through human resources. There are presently many economic sectors in our country driven by foreign nationals.

What is even more astonishing is the fact that public institutions just like the private enterprises continue to totally depend on foreign nationals as opposed to locals for skills. Whilst Cosatu feels strongly about the free movement of workers, we are clearly aware of the failure to manage the growing national unemployment against the lack of improved and higher levels of skills development and the over-dependence on the ready-made skills to drive public institutions.

This trend is reminiscent of the 1870 and 1886 discoveries of gold and diamonds in Kimberly and the Witwatersrand. Initially white workers from Europe, America and even locally flocked to the mines. This was later followed by the indenturing of semi-slave labour from outside especially Mozambique and China. The Africans on the other hand were seen as being too primitive for the regular and full supply of land. This then led to land dispossession to drive labour to the mines. This labour supply was largely in the unskilled labour areas where the white workers were not prepared to work and which had the largest risks and with very little pay levels. The same phenomena still continues today and because of meagre wages denies the working class and the poor possibilities of ever improving their personal and family fortunes.

We firmly contend that the students are correct and have the correct interpretation of the problem. The state can organise enough resources to ensure that all deserving working-class and poor students can afford free education even with an individual allowance for every student in both universities and technical vocational education institutions. The state also needs to increase the number of universities and Technical Vocational Education and Training colleges especially those focusing on science, engineering and technology, maths, and medicine – fields which are scarce and have the potential to drive the needed economic growth.

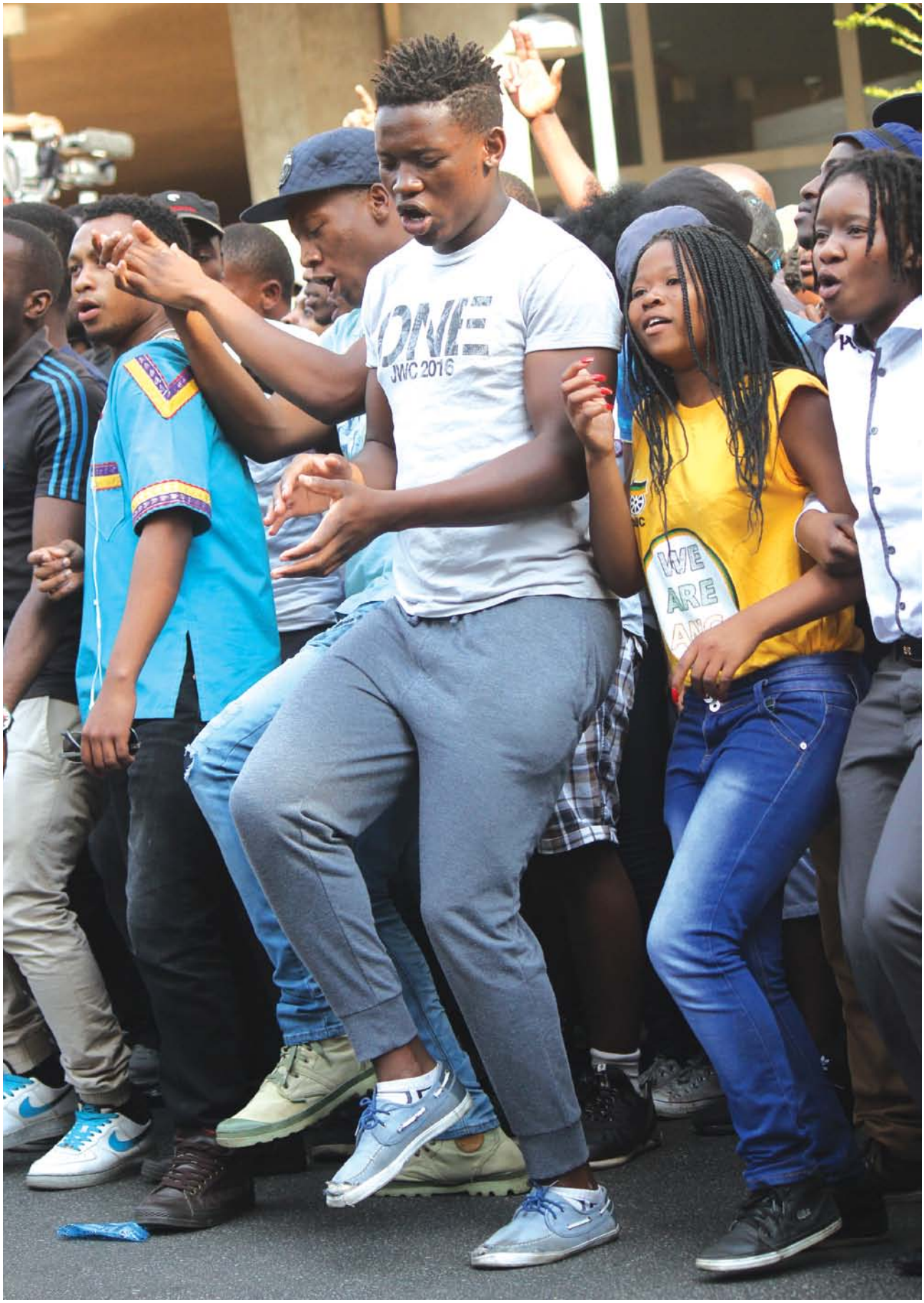
Finally, the other main stream media hogwash is that further and higher education is the preserve of the few. The question is therefore who determines the few? We must never be convinced with such gibberish as this is a clear attempt to ensure the continuation of the apartheid economic framework. These privileged few will inevitably come from the richest 10% who are mostly white and has their ill-gotten wealth linked to the land dispossession and colonial expansionism from the British to the Afrikaners. This therefore puts the question of the continued subsidisation, low rent and property evaluations under the disguise of public good institutions. These are other revenue streams that continue to be robbed from the poor. This we cannot further tolerate if we have to realise the developmental state.

The future of our country rests on the decisions we take on the human resource investment levels of the working class and the poor. Neighbouring countries such as Zimbabwe, Botswana and Angola have demonstrated how they have been able to drive growth through human resources. There are presently many economic sectors in our country driven by foreign nationals. These scenarios also exist alongside very high levels of poverty and unemployment. This, especially in the low skill areas, therefore leads to very hostile and even dangerous confrontations between locals and foreign nationals as recently witnessed. Whilst this existed in the past, the danger is that the current levels of unemployment are breeding very low tolerance levels for the locals.

Coupled with this is the failure by many institutions like schools, early childhood development centres and even colleges and universities to conform to various norms and standards of such institutions. These dilapidated institutions have a direct bearing on the achievement outcomes of the learners and even the throughput rates. The resource provision alone without the clear systematic changes in the system therefore provides ample reason for the poor attainment levels.

The lack of a clear and coherent strategy to achieve the Freedom Charter provision and the ANC Polokwane resolution will in the near future be another weapon thrown at the revolutionary movement by its detractors. The sooner this matter is clearly addressed for the greater social and community benefit the better. LB

Bhabhali Ka Maphikela Nhlapo is the Congress of South African Trade Unions Education and Training Secretary.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Asaswei statement on the current impasse in higher education in SA

The Association of South African Social Work Education Institutions (Asaswei) is an association for all the social work education units/departments and their constituent academic staff across South African universities. It aims to promote social work education, training, research and practice in South Africa in pursuit of enhanced psychosocial functioning of individuals, families, groups, and the development of organisations and communities. Asaswei values, above all, human rights and the pursuit of social justice and equality for all the people of South Africa.

Asaswei is deeply concerned about the current circumstances in higher education across South Africa, which we view as a crisis. Noting:

- The importance of higher education for the wellbeing of the people of South Africa and the development of the country as a whole
- The fact that South Africa's current levels of spending on higher education are below that of comparable countries
- That student demands for free higher education are in line with the Bill of Rights, which stipulates that 'everyone has the right to further education' and requires 'the state' to make this 'progressively available and accessible' to all
- The trauma suffered not just by students and university staff, but also parents, guardians and other individuals who are supporting students.

Asaswei wishes to publicly state the following:

1. Supports the pursuit of free quality higher education
2. Calls for a negotiated settlement of the current crisis based on inclusive dialogue with all role-players and in particular the students whose lives and future are most affected by these events
3. Condemns the violence of all parties and calls for a peaceful resolution to the conflict
4. Supports the call for the demilitarisation of campuses, which is fueling further violence and escalating the current impasse between students and universities
5. Calls on the South African government to address one of the root causes of the current impasse – which is the decrease in subsidies to universities. We demand an increase in subsidies to higher education institutions to a minimum 1.5% of the GDP
6. Supports the call for, and is actively working towards, decolonised education and curricula to which it commits itself in the training of social workers and social service professionals
7. Calls on its members, other professional bodies, and the Department of Social Development, and non-governmental organisations to assist with trauma support, community based responses to trauma, mediation, and conflict resolution wherever possible and required.

Looking beneath the 2016 election results

The 2016 local government election results show a change in voting patterns with the African National Congress (ANC) attracting older voters as compared to the Democratic Alliance (DA) and the Economic Freedom Fighters (EFF), writes **Marcel Paret**. For the working-class, although liberation credentials work in favour of the ANC, there are also other factors at play when it comes to voting.

A SEA OF CHANGE

The 2016 local government elections marked the beginning of a new political period in South Africa, especially in the rapidly growing urban areas. For the first time since the official transition from apartheid to democracy in 1994, the ANC – the party of national liberation – failed to secure a majority of votes in the metropolitan municipalities of Johannesburg, Tshwane, Ekurhuleni, and Nelson Mandela Bay. The ANC was able to retain power in Ekurhuleni by forming a coalition with smaller parties. But in Johannesburg, Tshwane, and Nelson Mandela Bay, as well as Cape Town where it was never the ruling party, the ANC is now part of the official opposition.

This sea change was not entirely unexpected. After improving its performance at the polls during the first decade of democracy, since the middle of the 2000s the ANC has been losing support. In terms of national government elections, ANC support dropped from 70% in 2004 to 66% in 2009 and 62% in 2014, just below the level where it began (63%) in 1994. Likewise, ANC support in local government elections dropped from 65% in 2006 to 62% in 2011 and 54% in 2016. While the 2016 local elections marked a new low for the ANC, they were nonetheless consistent with trends over the previous decade.

The flip side of ANC decline is the growing strength of opposition parties. The DA, the main opposition party in the country, has been gaining steam and is now the dominant political party in Johannesburg, Tshwane, Nelson Mandela Bay, and Cape Town. In the 2016 elections the DA secured 27% of the vote nationwide, including the most votes in 24 municipalities (compared to 176 municipalities led by the ANC). Also significant is the rise of the EFF, which was founded in 2013 by expelled former leaders of the ANC Youth League. Though failing to win any municipalities, the EFF did secure more than 2.4-million votes nationwide or just over 8% of the total.

Intensifying political competition raises the question of the social profile of the different parties. Which groups of voters are most likely to vote for the ANC, EFF, or DA? This report presents findings from an exit survey of 4,313 voters in the 2016 elections, conducted by the Centre for Social Change at the University of Johannesburg. Showing how voting patterns varied with respect to age, gender, housing and social grant receipt, it reveals crucial implications for the future of electoral politics in South Africa.

ELECTION SURVEY

The election survey was completed on 3 August 2016 – the day of the local government election – in 11 different communities. Seven of the sites were in Gauteng province, including Hammanskraal in Tshwane, and Freedom Park, Thembelihle, Motsoaledi, Alexandra, Brixton, and the University of Johannesburg, all located within Johannesburg. Two of the sites were in North West province: Marikana in Rustenberg and Madibeng and Potchefstroom in Tlokwe. The final two sites included Balfour in Dipaleseng, Mpumalanga province, and Zamdela in Metsimahalo, Free State.

At the voting station: Voters cast ballots. Credit: William Matlala.

The survey was administered to 4,313 voters directly outside of voting stations, beyond the perimeters established by the Electoral Commission (IEC) of South Africa. Respondents were recruited following the process of casting their vote. The survey included questions about age, gender, mother tongue (primary language), race, employment and student status, receipt of a social grant, smart phone ownership, level of satisfaction with democracy, support for a new workers' political party, participation in various forms of protest activity, and who the individual voted for in both the 2014 (national) and 2016 (local) elections.

SURVEY SAMPLE

The survey was not nationally representative. It focused instead on working-class black townships and informal settlements. According to the 2011 Census, 77% of South African residents are black/African, and 14% live in informal dwellings. Within the survey sample, however, 94% of respondents were black/African and 34% of respondents lived in informal dwellings or shacks.

Compared to the national results, ANC and EFF voters are over-represented in the survey sample while DA voters are under-represented. Among those respondents who indicated their vote on the proportional representation (PR) ballot, 57% voted for the ANC, compared to 54% in the actual results, and 23% voted for the EFF, compared to 8% in the actual results. Conversely, 13% of respondents voted for the DA, compared to 27% in the actual results.

These differences were to be expected, given the over-representation of black voters and voters living in poor and working-class areas. The following findings focus on voting patterns according to how survey respondents voted on the PR ballot.

ANC STRONGEST AMONG OLDER VOTERS

Age is becoming increasingly important in South African elections. The voting population is becoming younger, and includes an increasing number of 'born-frees' who were born after the first democratic election in 1994. How does age relate to voting patterns?

The ANC performed especially well among older voters. Two-thirds of survey respondents (67%) aged 45 and older voted for the ANC, compared to only 53% among those under the age of 45. Conversely, the EFF and DA did better among younger voters. The EFF did best among voters between their mid-20s and mid-40s. More than one-quarter of respondents (28%) in the 25 to 44 age group voted for the EFF, compared to only 20% of respondents under 25, and 16% of respondents aged 45 or older.

Meanwhile the DA did best among the youngest voters. The party secured more than double the proportion of votes among respondents in the 18 to 24 age group (23%) as it did among respondents aged 25 or older (10%). Among DA voters under age 25, the vast majority were students (86%) – primarily from the Potchefstroom, Brixton, and University of Johannesburg sites – and roughly two-fifths were white (41%).

The fact that opposition parties had greater support among younger voters suggests that the ANC is likely to face increasing difficulty in the future. The ANC reaps a significant 'liberation

dividend' from its past role in the anti-apartheid struggle and the democratic transition. Some voters remain loyal to the 'party of Mandela' despite being frustrated with the ruling party's current performance. As apartheid fades further into the past, these effects may weaken.

EFF FAILING TO RECRUIT WOMEN

Gender also mattered, especially for the ANC and EFF. The ANC did better among women. Nearly two-thirds of female respondents (66%) voted for the ANC, compared to only 50% of male respondents. Conversely, the EFF did better among men, and quite dramatically so. Male survey respondents were more than twice as likely as female respondents to vote for the EFF (30% vs 14%).

The strong relationship between gender and voting for the EFF is consistent with previous research, including a similar survey conducted by the Centre for Social Change during the 2014 national election. This pattern suggests that the EFF may be having particular difficulty in securing support from women.

DIVIDED BY PUBLIC PROVISIONS

The public provision of resources, such as social grants, housing, water, and electricity, is central to electoral competition in South Africa. Each of the major political parties addresses these issues in their campaigns by highlighting the resources that they are able to deliver. The survey provided a window into this dynamic with respect to two particular resources: housing and social grants. In both cases, evidence suggests that the ANC benefits greatly from the public provision of resources, with the EFF benefiting especially from those who do not receive public provisions.

Housing was especially significant. More than three-quarters of survey respondents (77%) who were living in state-provided 'RDP' housing, named after the Reconstruction and Development Programme, voted for the ANC, compared to only half (49%) of those respondents who were living in shacks. Conversely, shack dwellers were more than 2.5 times as likely as respondents living in RDP housing to vote for the EFF (34% vs 13%).

Receipt of a social grant, such as a Child Support Grant, Disability Grant, or Older Persons Grant, also mattered for voting decisions. Social grant recipients were more likely than non-recipients to vote for the ANC, by 14 percentage points (68% vs 54%), and less likely to vote for the EFF, by 9 percentage points (16% vs 25%).

These findings show that the ANC derives considerable support from its performance in government. At the same time, however, the EFF in particular appears to be drawing support from those who are 'falling through the cracks' of public provision.

TURNING TIDES?

The electoral landscape has been shifting dramatically over the past decade, with the ANC in decline and opposition parties on the rise. Given that younger voters are more likely to vote for opposition parties, this may reflect the changing composition of the voting population as younger voters enter the electorate and older voters exit. But it may also stem from the fact that individual voters change their mind, and vote for different parties from one election to the next.

According to the survey, 68% of voters chose the same party in both the 2014 national election and the 2016 local election. The remaining one-third of survey respondents included those who either changed their party (14%), or did not vote in the 2014 election (18%). While most voters consistently vote for the same party, this suggests that both the entry of new voters, and voters changing their minds, are important for election results.

Of 'new' voters – those who did not vote in 2014 – two-thirds (68%) were under the age of 25. Among all the new voters, 53% voted for the ANC, 22% for the EFF, and 18% for the DA.

Among those who voted for a different party in 2014 and 2016, nearly three-quarters (71%) decided to leave the ANC, and just under one-half (45%) crossed over to the EFF. Indeed, the most common shift was from the ANC in 2014 to the EFF in 2016, which accounted for 35% of those who changed their party of choice between the two elections.

It is also worth noting that EFF voters appear to be especially loyal. Among the survey respondents who voted for the EFF in 2014, an impressive 93% voted for the EFF again in 2016. By contrast, the comparable 'retention rates' for the ANC and DA were only 83%. The EFF remains, by far, the smallest and least popular of the three major political parties in the country as a whole. But these results suggest that it may have an especially loyal base of support.

TOWARDS 2019

Taken as a whole, the survey results affirm the hardening battle between the ANC, EFF, and DA. While the ANC remains especially popular among women and beneficiaries of the welfare state, the EFF and DA are gaining ground particularly among younger voters. These patterns will likely make for intense competition in the run-up to the 2019 national election, which is shaping up to be South Africa's closest election yet. LB

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Morning traffic at Checkpoint 300

Palestinian workers' daily experiences

Life for Palestinian workers in occupied territories is a nightmare. **Itani Rasalanavho** narrates the daily routine and segregation at Checkpoint 300.

The morning and evening traffic in Johannesburg are a farce; be it on the road, rail or pedestrian, be it you are from or going to the north, south, west or north it is all the same. This makes travelling take more time for commuters, forcing some of the workers to travel for roughly an hour and half for a 30 kilometre journey. Well, save for those travelling by the Gautrain as they have limited traffic (if driving, from home to the station and from the station to respective workplaces). It is even worse in middle-class areas where almost every car has one person in it, causing more traffic as there are more cars than in public transport dominated routes. This is even more unbearable for the few public transport commuters because most of them happen to be travelling for even much longer distances than most of the solo commuters in private cars. The public transport commuters travel in the discomfort of being packed like sardines in old and out-dated buses and taxis without proper ventilation systems.

It therefore follows that these out-dated modes of transport will be subjected to constant breakdowns, more probable during slacking traffic. It should be born in mind that these low class commuters happen to be predominantly the entry level employees who have layers and layers of superiors who demand that they arrive on time, dressed presentably and on their A game regardless of the above mentioned struggle. One wonders how the traffic would be in the central business districts if it was not for the traffic control personnel deployed at strategic intersections to regulate a smooth flow of traffic.

I always thought trains would be a relatively quicker mode for transporting workers to and from work until I had to use them for a very short while. They were not the most reliable. I was grateful I had a choice, imagine those without. Trains have selective time consciousness syndrome. It hardly arrives on time and yet leaves the station much sooner without considering those that may be a few seconds late. Going into Park Station (Johannesburg main station, one of the biggest in Africa), trains usually have to wait. Sometimes you wait for hours either with another train stuck on your path, the train you are in broken down or just a chaotic traffic jam.

From street hawkers, road traffic (mostly taxis), street beggars, rubble from refurbishment projects and rubbish, burst pipes to the thousands and thousands of people walking to and from work, buying their groceries and stock for their small businesses, leaflet distributors for various businesses and religious groups, to thugs and loafers: these are some of the obstacles we face day-to-day on the streets of Johannesburg.

I was just pointing out the obvious to what everyone living in a typical western/ westernised city would expect as a commuter. How does this assist in advancing the struggle to liberate the workers of the world. The aim was to point out that there is nothing obvious to all in the world as conditions differ from one place to the other. Most with access to the *South African Labour Bulletin* are in urban areas and have never or hardly know what rural workers and those in war stricken and occupied territories undergo on a daily basis. I shall be breaking down the day-to-day experiences of workers in the West Bank, the occupied Palestinian territory.

Queue at Qalandia Checkpoint. Credit: Itani Rasalanavho (EAPPI).

From December 2015 until end of February 2016, I was stationed at Bethlehem in the West Bank (the famous city where Jesus Christ is said to have been born) as an Ecumenical Accompanier with the Ecumenical Accompaniment Programme in Palestine and Israel (EAPPI). One of our tasks was and remain for current EAs, was to provide protective presence, data collection, coordinating with relevant structures where there is a need (arrests, entry denial, injuries and other incidences incurred by Palestinians) at Checkpoint 300 that serve as the segregative entrance from the south of the West Bank into occupied Jerusalem and 48 border (Israel Proper). Apart from this Checkpoint, EAs also serve at Qalandiya (north of Jerusalem towards Ramallah) and Tarqumia (east of Hebron, towards south of Israel). There are more than 520 checkpoints in the West Bank, with more than 105 permanently operating checkpoints. All Palestinian main roads in the West Bank are controlled by the Israeli Defence Force through the checkpoints.

MORNING RUSH (3:30AM – 7AM)

An average of 8,000 working men, women, authorised children and elders go through Checkpoint 300 in Bethlehem every working morning and evening going to and from work. It takes the Palestinians around 50 minutes to go through the 400-metre stretch for a checkpoint due to restricted and limited movement and multiple security checks and unnecessary gate closures. The first and longest walk is going through the initial passage from the West Bank side into the first turnstile.

On the way to Checkpoint 300 at 3:45am on any day from Sunday to Thursday, one witnesses one-way traffic flowing from the city centre to the checkpoint, and upon arrival one will find long queues of Palestinian men stretching for longer than 200 metres or a large swamp of men at the main entrance into the checkpoint from the West Bank side. This is usually the case because of the impatience of the Palestinians who begin arriving at 3am in order to be among the first to go through once the checkpoint opens. Some arrive early because the only mode of transport coming from their villages or towns leaves as early. Pushing, shoving, hurling, and squashing remain the order of the day. '*Kauwa*, *Kauwa*' from the coffee man, '*Harja*, *Harja*' from the elders pushing towards the exit from the first turnstile, and '*Yallah*, *Yallah*' as they walk through the metal detector, are the most common screams from the early hours until 7am.

The 400-metre walk starts with the initial passage. This passage is supposed to have three lanes: the main lane where all can go through, especially off-peak hours when there are lesser people at the checkpoint, the other being the Humanitarian Lane which should be used by those who do not need permits to go through (elders above 60, children and internationals as well as those in emergency situations). In my understanding, this humanitarian lane has never been open in all existing checkpoints for the past five years. As such, those supposed to use the humanitarian lane use the exit lane provided the controlling army is willing and in a good mood. On a good day, 55-year-old men can use the exit lane, but 60-year-olds can

be denied the following day or hours later. In some instances, the sick and injured are told to use the main passage and this, in my presence, led to a couple of those turned away from the humanitarian lane collapsing and seeking medical attention. It is said that a few have died since the opening of the checkpoint. Due to this, those that are coming back from the night shift for whatever reason will have to walk the extra half a kilometre through the vehicle through fare.

Once through the first entrance, the workers walk to the second queue at the metal detector. This is where all metal objects are put in a tray and sent through while the worker is subjected to metal scanning. If the machine beeps, the worker is supposed to go back and search themselves for any metal object in his possession. This leads to the workers having to take off their shoes, jackets, belts and other items with metal objects. It is for you to imagine how at 4:30am on a snowy winter bare feet feels. 20 metres from the metal detectors is the beginning of the last queue in the checkpoint, the permit queue.

The permit queue is the one place where all the commuters have a face-to-face interaction with the Israeli military personnel, save those that had to interact at the initial turnstile or at the metal detector. Permits are checked concurrently with finger prints. All who are afforded permits are given paper documents elaborating the reason for the permit, and their finger prints registered to be scanned at any checkpoint. Once all these are cleared then the worker would rush either to the closest bus, car or 'service' going to their next destination or rush for morning prayers if they are Muslim and are early enough. If too late, the prayer session may have taken place on the Palestinian side.

The permit check booth is the one place where most if not all that are turned back, actually get returned. It would either be that the permit has been revoked for various reasons ranging from criminal charges, that the bearer has been blacklisted (once a Palestinian or his immediate relative is arrested, the permit bearer and all his family members are blacklisted from travelling into Israel and as such the rest of the world), and most commonly for unexplained reasons. The other large number of those denied entry are people whose finger prints do not match. In these instances, it has been proven that due to the nature of construction and farm work, i.e those workers who use a lot of water and rough particles like cement and soil lose their finger prints.

Most of the employed Palestinians receive the permits from their Israeli employers, who tend to revoke the permits at any time. I dealt with three cases of sub-contractors who had their permits revoked a few days before they could complete their contract work and eventually get paid. In my three months at Checkpoint 300, I witnessed more than 20 Palestinians who were turned back re-joining the queue immediately after, attempting to make it through the second time around.

I decided one day to travel with the workers going to Jerusalem. I further learnt that the checkpoint is not the last time that they are subjected to separate security checks. Soldiers and police officers would always request that the Palestinians provide their permits and identity documents, just like during apartheid. Palestinians are not allowed on 'settler' buses and very few dare to take the tram as they would be subjected to verbal abuse and security checks, and unjustified arrests in some instances.

These men travel from as far as Yatta in the south of Hebron, and Hal Hul in the Hebron Governorate as well villages and towns in the Bethlehem Governorate. Most of these men work in construction. They are either building the wall, settlements, government or private properties in the cities as well as other forms of infrastructure development. Others are traders, hawkers, those seeking medical assistance, going for interrogation, questioning or attending court, travelling abroad or whatsoever the reason they could provide in order to be given a permit to go into Israel and occupied East Jerusalem.

Checkpoint 300 is an extension of the 450-kilometre, 8-metre wall that stretches across the West Bank, cutting through Palestinian land: ploughing lands, villages and towns instead of running on the Green Line which serves as the border between the West Bank and Israel. Checkpoints serve as entry/exit points to and from Israel Proper for Palestinians and patriotic internationals. This I say because settlers, Israelis, internationals and authorised Palestinians can drive in and out of Israel as long as they have an authorised car.

It is interesting to learn that once they finish work and head to the checkpoint, they can easily go through in roughly six minutes as there are no security checks, none whatsoever! However, unlike South African workers who would be worried if their children went to school or not, whether they were smoking *Nyaope* or someone had broken into their houses; Palestinians wonder if their children were arrested on the way to school, were shot, killed or hospitalised, whether their houses have been demolished or their whole family or village expelled from their land for a settlement to be established. LB

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Why workers' education?

Why trade unions and what's next?

In these grim times, both globally and locally, it is important to reaffirm the centrality of workers' education, and the need for a strong working-class movement. Ordinary people have immense potential to change the world, and steer it in a more progressive direction than that promised by capitalists, populists and the political establishment, writes **Lucien van der Walt**.

The working class – people dependent on wages, and lacking control over their work, including workers, their families, and the unemployed, including blue-collar, white-collar and pink-collar workers – has been widely dismissed by a range of political traditions. This dismissal can be seen everywhere, from journalists who blame uneducated workers for the rise of demagogues like Donald Trump, to conservative and centre-right parties who insist that trade unions – not capitalism – cause unemployment, to radicals who proclaim the death of the unions, or dismiss organised workers as a bribed 'labour aristocracy'.

WORLD-CLASS WORKING CLASS

But the working class has not gone anywhere. By 1998, there were more industrial workers in South Korea alone, than in the entire world when Karl Marx and Frederick Engels wrote the *Communist Manifesto* (1848). Around that same period, there were, American labour analyst Kim Moody notes, almost a billion people unemployed or underemployed worldwide, part of a massive proletariat thrown up over the previous 40 years, the very period when the working class was being dismissed as declining. By 2004, the working class was the biggest class in history, reaching three billion, by some estimates, with the world's population, for the first time, predominantly urban.

At the same time, the single most important organised formations of the working class, the trade unions, have been under relentless assault. Some of the pressures have been external: casualisation and outsourcing, industry closures and downsizing and relocation elsewhere, a massive ideological barrage, including within the media and the universities. Other forces have been internal, and include: union bureaucratisation, the incorporation of union leaderships into political parties, and through these, into the state, and a complete lack of progressive political direction and vision in many cases.

This is the context where the radical right, populists, demagogues and religious fundamentalists have surged forward, massively, poisoning public debate with racism, xenophobia and other bigotries, and where empty, failed or reactionary solutions have been on display.

UNIONS AS PROGRESSIVE FORCES

Yet despite this, the working class and the unions – including new unions, independent unions and innovative types of unions – have remained key agents of progressive change. Recent examples include the July 2016 general strike in Zimbabwe, the massive battles on the mines, farms and campuses of South Africa, the huge strikes that were at the core the Egyptian Spring. The growing rumbles of China's vast proletariat are already felt globally. And, as a recent collection by Manny Ness has shown, radical forms of unionism, drawing on left traditions like anarcho-syndicalism and revolutionary syndicalism, and often centred in the postcolonial countries (the so-called 'global south') have been central to working-class insurgency. Although some leaders have betrayed

It has been through titanic struggles and heroic efforts that working-class people have fought against a social order based on injustice and inequity, on exploitation and oppression, and on burning national and social questions. The right to life and dignity has never been conceded from above, through the largesse or the wisdom of the rich and powerful: it has been won from below. 'What is important is not that governments have decided to concede certain rights to the people,' wrote Rudolph Rocker in his 1938 book Anarcho-syndicalism, 'but the reason why they had to do this'. The reason, he showed, lay in popular struggle and direct action.

workers, unions as a whole have not been co-opted, for the simple reason that, to survive, they must represent working-class aspirations – and these aspirations cannot be met, or bought-off, under capitalism and the state.

It has been through titanic struggles and heroic efforts that working-class people have fought against a social order based on injustice and inequity, on exploitation and oppression, and on burning national and social questions. The right to life and dignity has never been conceded from above, through the largesse or the wisdom of the rich and powerful: it has been won from below. 'What is important is not that governments have decided to concede certain rights to the people,' wrote Rudolph Rocker in his 1938 book Anarcho-syndicalism, 'but the reason why they had to do this'. The reason, he showed, lay in popular struggle and direct action.

CENTRALITY OF ORGANISED WORKERS

To build a better world requires building a stronger working class – and building and renewing the unions. It means understanding the centrality of the working class (broadly understood – and not confined to factory workers in boots), and the centrality of the unions. Every gain that has been made, has been through struggle and courage and love.

It is the working class that can provide, through its power, its numbers, its social role, and the justness of its struggle, the central force to end the injustice and inequity, the exploitation and oppression, and answer the national and social questions with justice and equality and solidarity.

The working class, even where small, even where a minority, even where embattled, wields enormous structural power through its ability to organise workers, and the ability to withhold labour power from capital and the state. Historically and currently, unions have played and play a key role in championing many struggles against oppression. The workers' movement has never been one simply about higher wages – although, of course, it is essential for such movements that workers get higher wages. The organised working class – in particular the unions –has fought against colonialism, racism, state repression and capitalist domination.

DEEP CHANGE NOT ELITE TRANSITIONS

Real transformation in society is needed to uproot exploitation, domination and oppression. This is not the same as changing the composition of elites. It requires a deep structural change – a radical redistribution of power and wealth to the popular classes. And this can only be brought about by powerful, democratic, mass movements, armed with ideas, vision and that have accumulated power and resources and experience over time.

Real freedom requires, in the final analysis, a new society, based on freedom and equality, on democracy – real democracy – where we live and work, not just through voting every five years. A universal human community, based on meeting needs, on ending inequality and oppression, based on self-management and freedom. Such a society can only be brought about by a class struggle: only the working class and peasantry have the numbers, power and class interest for its creation. This means that only class struggle provides the means to fight all forms of oppression in a way that truly emancipates ordinary people, rather than simply changing the colour, gender and nationality of politicians and capitalists.

IDEAS AND ACTION

Seen this way, workers' education – education for the workers' movement – assumes a new significance. It is not about vocational training, but about building the power and progress and potential of the broad working class, and the union movement, as a force for progressive change, as an ally and a spearhead of the oppressed, as a voice for the popular classes.

Of course, the working-class movement includes many views and different perspectives. But what needs to be understood by all is that union struggles, and workers' struggles, and movements cannot be neatly divided from political

and social struggles, and should not be turned into narrow demands, or degenerate into top-down bureaucratic unionism.

Worker educators share a commitment to the working class: to worker organising, to unionisation, to resistance and struggle. A commitment to a better world, based on a radical democratisation of society, of freedom, social justice, and economic and social equality. A faith in the belief in the role of ordinary people in changing the world.

Central to this project is education and changing ideas. Building capacities for working class-driven transformation can take many forms. But at the end of the day, change and transformation starts with the individual. Self-transformation and development is essential. This means educating ourselves, through ideas and struggles and organising.

OPENING SPACES, BUILDING UNIONS

Effective working-class movements need effective, democratic structures. But these also require open debate and political pluralism. Different views need to be expressed and debated, and positions taken as a result of evidence-based discussions, and comradely debate, rather than labelling, silencing and closure. This means we need to be open to different views, and open to changing our minds and develop a capacity for critical thinking and engagement, rather than the ability to mouth slogans.

It is important in education to debate different views, develop our understanding of how the system of capitalism, the state and imperialism works and to have evidence-based reasoned evaluation of different theoretical perspectives. This means developing critical thinking, rather than narrow ideological training. Different ideologies need to be debated and weighed up. It means not only to accumulate knowledge but also the ability to manage knowledge, evaluate arguments and engage in big ideas, or theory.

It means changing our attitudes and our relations with one another. Change starts with individuals. That means a need to fight for equality, not just in theory, but changing how we treat each other and fight to ensure that society treats all members equally. Understanding how we act and organise now, must mirror the future, and the better society we want. This means that we need to fight oppression and discrimination within our movements, such as prejudices against women, and racism.

It is precisely here that many unions fail. Debates are closed down. Education assumes a low priority and often skirts the big issues. It is rarely adequately funded in unions, and limps along. Employers try and capture the space of workers' education with vocational programmes. Union leaders are often not made of hard metal, that can withstand temptation, but of lead – soft under pressure, and slow and heavy.

INTERNATIONALISM AND PERSPECTIVES

The working class cannot be united unless it fights against its internal divisions and barriers. It cannot be successful, unless it mobilises to fight against all forms of oppression in society, and that includes fighting for national liberation, racial equality and women's freedom.

People are not the prisoners of the past. We can change our attitudes and views. The spaces for these changes include union movements, working-class movements, and labour education. These spaces make change possible, but they need to be contested, remade and changed, in order to meet their true potential.

We need to share experiences, learn from each other and from best practices. This also means internationalism: learning from and about different contexts and models. In this way we share. But we also start to understand what we have in common, as working-class people, across regions, continents, colours, languages and borders.

We need to rise above divisions, network and build alliances, create spaces and forums and institutions for debate and education, empower our minds and movements. The reality is that workers who are so-called 'foreigners' have more in common with 'national' workers, than any capitalist from our own countries. Donald Trump may rail against immigrants, as may King Goodwill Zwelithini, but what has either ever done for 'their' own workers?

RADICAL IMAGINATION

Class-based organisation provides a powerful lever to change the world, unite the people, the popular classes, to resist the ruling 1%, to fight against all forms of oppression, and to change the world. Not just one country. The world. Our world. We need a radical imagination, staying power and a deep, abiding faith in the mass of the people.

To fight and win, and, in the words of a great revolutionary, Nestor Makhno, to win, but not 'in order to repeat the errors of the past years, the error of putting our fate into the hands of new masters; we will conquer in order to take our destinies into our own hands, to conduct our lives in accordance with our own will and our own conception'. LB

Lucien van der Walt teaches at Rhodes University, Makana, South Africa, and has long been involved in workers' education. This article is based on a presentation at the 10th anniversary of the Global Labour University (GLU), at the University of the Witwatersrand in May 2016.

Characteristics of work

In Zimbabwe's informal economy

Most of the characteristics of the informal sector in Zimbabwe include precarious work that is poorly paid: with no job security and health and safety consideration and no social protection. Sometimes even basic infrastructure such as toilets at workplaces are not available, write **Crispen Chinguno**, **Taurai Mereki** and **Nunurayi Mutyanda**.

Business is taking place on the streets of Harare, Zimbabwe.

The informal economy is often associated with negative underground and often illegal activities. According to Sparks these include smuggling and tax evasion. It has thus earned many negative names such as 'black market', 'underground market', '*madhiri*' (deals), and '*kukiyakiya*' (hustling). This explains the negative attitude that state authorities have towards the sector. As far as tax evasion is concerned, many find themselves unable to comply, due to the very circumstances of their work. Being able to pay tax would paradoxically legitimise their existence.

The informal economy is often defined as part of the economy that is not regulated, which implies 'disorder'. However, this is not always the case, as order in the informal economy does prevail but is simply outside the scope of formal institutions.

The informal economy is not gender neutral – women are dominant in some sectors and almost absent in others. This may be explained by socioeconomic and cultural reasons. However, the sector is generally characterised by easy entry and exit as it requires only limited skills, education and capital.

What is important to note is that the intersection between gender and inequality manifest in the informal economy. This is not unusual, as women are often disproportionately represented in low-income sectors.

Debate on the informal economy often ignores the fact that it is heterogeneous (differentiated) rather than homogenous. It simultaneously includes both employers and employees. Furthermore, not everyone in the informal economy is desperate and poor. Moreover, the informal economy may be within the formal economy. As a result of neo-liberalism, many companies have adopted strategies to maximise the extraction of surplus value. This may include externalisation of work tied to the informal economy.

In general, all sectors of informal economy sectors lack decent work, as concluded by Martha Chen. Working hours are often long, incomes and occupational health and safety (OHS) standards low and there is very little social protection. This is due to a number of reasons. For example, the roles of the employer and employee may be conflated. Chen asserts that the majority of those in the informal economy are poorer than those in the formal. Nor are they unionised, although they may form alternative forms of collective organisations. Studies conducted by the International Labour Organisation (ILO) and Briscoe further established that workers lack institutional credit and have to rely on personal financial resources and local technology and resources.

Dominic Uzhenyu has analysed the possibilities of formalising/upgrading Zimbabwe's informal economy in line with the state perspective on the trajectory that it should follow. His findings outline specific characteristics of the informal economy. He argues that the informal economy lacks government support and is usually excluded from local and national government policy frameworks. This may be explained by the state's negative attitude towards this economic sector. Briscoe points out that businesses are unable to formally register under the Companies and Co-operatives Acts, irrespective of whether or not they are licensed.

Uzhenyu further argues that, players in the informal economy lack business acumen and professionalism and are financially illiterate. Linked to this is the lack of marketing skills. Employers in the informal economy do not always adhere to labour legislation or have a code of conduct. Workers tend not to have clear employment contracts and employers disregard the minimum wage regulations, which partly explain the income inequality between the informal and formal economy in Zimbabwe.

CONCEPTUALISING THE INFORMAL ECONOMY

Many academics have attempted to conceptually define the informal economy/sector. However, this process is controversial and contested, the main problem being its elasticity. In other words, it can be narrowed or stretched according to the purpose of the discussion at hand. Marie Kirsten defines the informal economy by drawing from the work of Iraj Abedian. He acknowledges that defining the informal economy is a 'complex and value ridden process', concluding that this is mainly influenced by the goals and expected outcomes of any given study.

In defining the informal and formal economies, what is significant is the purpose of so doing. States often define the informal sector according to the objectives of their policies. Rosline Nyakerariu Misati defines it in terms of its structure and objectives, arguing that 'informal sector activities are characterised by small-scale self-employed activities, with or without hired workers, typically at a low level of organisation and technology, with a primary objective of generating employment and incomes'.

In 1972, the ILO defined the informal economy as 'the non-structured sector that ... emerged in the urban centres as a result of the modern sector's inability to absorb new entrants'. In 1997, it reviewed the size of the labour force employed, the type of business and the kind of services it offers and subsequently narrowed its earlier definition to only 'private unincorporated enterprises which produce at least some of their goods and services for sale and barter, have less than five paid employees, are not registered, and are engaged in non-agricultural activities including professional and technical services'.

In trying to understand the informal economy we can draw on three main theoretical perspectives. Keith Hart has been credited for advancing the idea about the informal economy, defining it as unregulated economic enterprise or activity. Madeleine Leonard, on the other hand, sees it as the myriad ways of making a living outside the formal economy, either as an alternative or as a means of supplementing income. This view keeps the formal and informal economies distinct and falls within the dualist school. For Leonard, the informal economy is a response to a lack of opportunities in the formal economy and a reflection of its under-development. The formal economy remains the core, whereas the informal constitutes the periphery and is considered a transient phenomenon.

The structuralist school focuses on the nature of the relationship between the two economies and proposes a strong linkage characterised by dominance and subordination (Manuel Castells and Alejandro Portes). From this perspective, the relationship between the formal and informal economies is exploitative: big business in the formal economy exploits informal enterprises in an attempt to reduce production costs and enhance competitiveness. The relationship between the formal and informal economy according to this thesis is thus deemed parasitic.

The third perspective is a legal one, being premised on the consideration that while the informal economy has the capacity to grow it is hampered by restrictive regulations, as well as lack of capital (Hernando de Soto). According to this perspective, the informal economy has emerged in order to subvert costs associated with the regulation and registration of small enterprises (ILO). Castells and Portes conceptualised the informal economy as 'part of the economy that is unregulated by institutions of society, in a legal and social environment in which similar activities are regulated'. Underlying this is the argument that the boundaries of the formal and informal economies vary substantially in different geographical contexts and historical circumstances (Eleanor Preston-Whyte and Chritian Rogerson). We have already noted that the state is responsible for marking the boundaries between the formal and informal economies, the implication being that the informal economies of India and Zimbabwe, for example, may have different state-determined 'boundaries'.

A variant of the dualist perspective has a survivalist aspect, where many people are forced into the informal economy as a last resort. However, Castells and Portes have challenged this, arguing that the informal economy is not simply about survival strategies but is also concerned with the nature of production. They assert that there is no distinction between the informal and formal economies in real terms. The two according to this thesis form a continuum and are interdependent. For example, the stakeholders in the informal economy buy from and sell to those in the formal economy (Aihie Osarenkhoe; Webster et al). This conceptualisation is more useful in terms of understanding the nature of the informal economy in Zimbabwe.

Recent thinking has shifted from defining the informal economy through the economy with which it is associated to considering the nature of the employment relationships that characterise it. Critical to the latter is the lack of formal contracts of employment, worker benefits and social protection. Included in this definition are informal economy employers, own-account workers, unpaid family workers and the employees of informal businesses (Martha Alter Chen et al).

The post-independence government took on the enclave (ex-settler) economies and hoped that the 'trickle-down effect' from the formal sector would resolve the unemployment issue. Every government policy had a deliberate formal sector bias, thus reinforcing low labour absorption. In conjunction with the colonial legacy, and the implementation of the Economic Structural Adjustment Programme (Esap) in the 1990s, it created a labour market of exclusion.

LOCAL AUTHORITIES AND ADAPTING TO INFORMAL ECONOMY

Flea markets

This study covered a number of flea markets in Harare, Bulawayo and Mutare. Three of these flea markets are located in the Central Business Districts (CBDs) in areas previously designated for car parking. This shift in land use was part of the city councils' strategy to deal with illegal street trading and to enhance revenue generation capacity, more or less turning what was once perceived as a nuisance into an opportunity. The decision to allocate informal traders trading space in the CBD, and other locations outside, is a symbolic recognition of the central position that has been taken by the informal economy following the demise of the formal economy. However, a common phenomenon at all the major sites of the expanded market policy is the lack of provision of basic services such as water and ablution facilities.

At these new market areas, traders have set up makeshift shelters to conduct their business, paying a maximum daily fee of US$1 to the municipality, which is collected by the municipality staff from each market. Merchandise for sale includes clothing, household utensils, and electrical gadgets, making it more or less clear that traders and established formal outlets are competing for customers. Most goods are sourced from South Africa and Botswana, and a few from Zambia and from Mozambique, thereby showing that these markets are in fact connected to the global economy (Hamadziripi Tamukamoyo).

Airtime vendors

One area of opportunity in the informal economy is the vending of cellphone airtime, usually at great convenience to the public. Local authorities in most towns in Zimbabwe have responded to this by regularising and allocating each seller a position and an operating licence number. However, the tax regime varies: vendors in Bulawayo and Mutare pay US$13 per month, while those in Harare pay US$1 per day. The obvious direct benefit of having a licence/permit to the informal traders is that it legitimises their operations. Prior to regularisation, vendors took up spots at traffic lights and other positions on streets competing for business from passing motorists and human traffic.

In all towns we observed that traders are strategically located, usually where large volumes of people pass by or converge. This includes public taxi ranks in the city, entrances to the main supermarkets, busy intersections, as well as hospital and wholesale markets. Cell phone airtime recharge cards are purchased from registered dealers at a wholesale price. One of the main sources in Mutare, for example, is Mutare Mart. The airtime vendors face

tough competition as wholesalers and newspaper vendors also sell directly to the public. As a result, some vendors supplement their business through the sale of cigarettes, sweets and biscuits.

Artisans

A total of six sites designated and or occupied by artisans were visited: Murahwa Greenmarket in Mutare, Renkini Artisans, and Makokoba-Mashumba, Mzilikazi (carpenters and joiners) in Bulawayo, Siyaso home industries and Glen View 8 Home Industry Complex in Harare. In every case, we observed that the municipalities have set up sites where self-employed artisans, many of whom have either lost their jobs or been unable to find work after completing apprenticeships, can carry out their trade. This group of informal workers includes welders, motor mechanics, panel beaters and spray painters and carpenters and joiners. Although we encountered a few nationally certified tradesmen, the majority acquired their skills through hands-on experience. Initially, this sub-sector was small, but the rise in unemployment has seen an exponential increase in recent years.

Municipalities usually offer shell workshops for rent, many of which are subsequently shared to lower operating costs. Some businesses have matured into big manufacturing enterprises. Much of the machinery used has been scavenged from factories across the cities. This is one of the reasons why the informal economy is categorised as one that utilises resources and space to the optimum. The range of end-products is enormous from window frames, chicken feeder trays and valley gutters to household furniture and affordable coffins. In this instance, the customer base is predominantly local.

Taxis line the street of Harare.

Fruit and vegetable markets

The study covered each city's biggest fruit and vegetable markets: Sakubva Musika (Mutare), Fifth Avenue (Bulawayo) and Mbare Musika (Harare). These are direct markets for local and regional agricultural produce. Thousands of buyers and traders converge at these markets on a daily basis. Both Sakubva and Mbare Musika are adjacent to the main public bus terminus and the respective high-density suburbs. The market in Bulawayo is in the CBD. The markets are typically at their busiest in the morning. Much of the produce is bought for re-sale at different city locations and beyond.

Traditionally, this type of market has two sections: one for those buying in bulk (wholesalers) and the other one for direct sale to the general public (retail). Outside traders are allocated space by the city authority for a fee.

Colonial by-laws made a clear distinction between the market for farmers and that for retail. The former was in the past designated to operate in the morning, ending trade at 11am. This bylaw is still intact in all the cities covered by this study. However, the rise in the informal economy has generated adverse competition between and within these markets – traders at the

farmers' market usually align themselves with the political elites, which has resulted in the local state (municipalities) paying lip service to the law. This has led to a reduction in income for traders, since some producers are also selling direct to the public. Worse, those that are using political leverage are also making spirited efforts to evade paying 'rent', thereby reducing the revenue for the city councils. We observed that this development has impacted on collective voice, since there is no harmony between the two groups.

TRAJECTORY OF THE INFORMAL SECTOR

The areas studied in all the three main cities in Zimbabwe can be sub-divided into three time periods, each pertaining to a particular historical moment or distinct crisis. This helps us to understand how the informal economy has evolved in postcolonial Zimbabwe.

Colonial and pre-Esap

Certain markets were established during the colonial period. Markets that fall under this category include Mbare, Mashumba, and Sakubva, Mutare Green market and Sakubva fruit and vegetable market. They were established as a safety net for blacks who could not be absorbed into the main stream economy and furthermore as a supplement to the discriminatory compensation regime. New markets were mainly for fruit and vegetables (Sakubva and Mbare) and artisans (Mashumba and Mutare Green market). These markets were usually registered in the name of the lead male figure in the family. However, in many cases women were actively involved in the business. Not surprisingly, men preferred working in the formal economy. This trend continued almost undisturbed after the 1980 independence and the period before the Esap. This nevertheless highlights gender discrimination and patriarchy which remains persistent in Zimbabwean society.

Post-Esap

Additional markets emerged as a direct response to the Esap-induced factory closures that left thousands of formal economy workers without jobs. In response, municipalities opened up more markets in order to absorb retrenched workers in different areas of specialisation. The state encouraged retrenched workers to form co-operatives so they could access government funding through the Ministry of Small and Medium Enterprises. Those that were created during this period include Emtonjeni (Nkulumane, Sekusile), which operates a flea market, and Siyaso markets in Mbare, Harare. In 2005, Siyaso co-operative collapsed as a result of Operation Murambatsvina (reject filth). It was, however, resuscitated in 2007. A number of respondents argued that such rejuvenation was an election gimmick on the part of the Zimbabwe African National Union (Patriotic Front) Zanu (PF). The Glenview furniture complex was created to cater for the multitude of carpenters after the events of Operation Murambatsvina.

That these markets were a political tactic is apparent in the politicisation of the two sites. The sites are no-go areas for anyone with an overt affiliation to the Movement for Democratic Change (MDC) or other opposition political parties, especially in Harare. The sub-co-operatives operating in these markets are also named after heroes of specific political struggles, for example, Cain Nkala. Most of these markets no longer have selling or operating space for new entrants. Unlike pre-independence markets, participants do not pay subscription directly to the municipality. Instead, they pay rent to the co-operative management, which then pays the municipality on behalf of their members.

Crisis period

As has already been discussed, the precarious economy of the post-2000 period saw an exponential rise in the informal economy as a result of the collapse of the formal economy. In many cities, development efforts made by the local authorities failed to match the proliferation of the informal economy and thus could not provide the space required. Through what may be viewed as a form of insurgent citizenship, many markets emerged illegally at undesignated sites. In many cases, the local authorities had no choice but to legitimise covertly and overtly some of these undesignated markets and in some cases impose a tax. This resulted in the designation of new markets such as Fifth Avenue flea market in Bulawayo, Fourth Street market in Harare and Sakubva and Chigomba flea markets in Mutare. These markets are generally not serviced, and most do not have sheds, toilets or storage facilities. Traders rely on the goodwill of the established shops. Furthermore, at all the sites we visited, the use of space is contested and oversubscribed thereby increasing income inequality. LB

Crispen Chinguno, Taurai Mereki and Nunurayi Mutyanda are Zimbabwe Global Labour University alumni. Other members of the research team were Janet Munakamwe and Rwatirinda Mahembe.
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Taking charge

Youth and HIV and AIDS

As youth are the main group living with HIV and AIDS it makes sense that they organise. Signs of this happening were visible at the 2016 International AIDS Conference in Durban earlier this year, writes **Nokhanyo Yolwa**.

The 2016 International AIDS Conference (IAC) in Durban created a different turn when young people took their stand as the Durban Youth Task Force of youth around the globe. This different dynamic was initiated from the Pre-Youth Conference which aimed to address the adolescent and young people's health issues, ensure that youth participated and engaged meaningfully in catalysing local, regional and global action towards ending HIV and AIDS, and prepared a Youth Action Plan that was presented at the main conference. Youth called to action the government to ensure access to Comprehensive Sexuality Education (CSE) in formal and non-formal settings, to leave no one behind, for the development of an accountability in the framework of the 2030 agenda for Sustainable Development Goals and to ensure education, entrepreneurship and employment opportunities.

The Pre-Youth Conference was held at Durban University (Steve Biko Campus) for two days from 16 to 17 July 2016. One of the highlights was guest speaker and popular South African musician Yvonne Chaka-Chaka – known for songs such as *Umqombothi* (1989) and *Thank you Mr DJ* (2007). A champion for adolescent health she strongly encouraged young people to work together, always network, learn from one another and promote their agenda. 'You need to collaborate with each other irrespective of where you are coming from,' she said.

The 21st IAC held in Durban from 18 to 22 July 2016, is the biennial international conference where science, community and leadership meet. It is the leading gathering for people working in the field of HIV, policy-makers, persons living with HIV and individuals dedicated to ending the pandemic. It aims at assessing the status of where we are, for monitoring and evaluation of scientific developments and lessons learnt to path a way forward.

A session with UN Secretary General Ban Ki Moon with a group of young people from across Africa was held. Moon was in South Africa to commemorate the birthday of our late first black president, Nelson Mandela. This is an international commemoration held every year on 18 July. However, Moon seized the opportunity to give a platform to young people to amplify their voices. In the meeting Moon addressed a crowd of 80 young people with high level dignitaries, including Deputy President Cyril Ramaphosa, Minister of Health Aaron Motsoaledi, Minister in the Presidency Jeff Radebe and many others. He emphasised the need to work with young people in global HIV and AIDS response by saying that 'Three and a half billion people in the world are under 25 years old, you are the owners of this world so it is natural that we work with you'. He added, 'Last year there were 250,000 new HIV infections among young people of which 65% were among girls. This is not acceptable'.

Moon commended young people from the United Nations Population Fund (UNFPA) South African Youth Advisory Panel member Levi Singh. 'Some of you have already played a leadership role today but some of you will become leaders of tomorrow.' He added, 'But for this to happen, you need to prepare yourself to become leaders and global citizens, and you need to have quality education'.

Young people present were pleased to hear that the UN secretary general believed there is a need for young people to:

- scale up HIV responses to vulnerable people (meaning that we use the responses we have in South Africa for the youth especially young women since they are the most HIV infected);
- strengthen data management, as credible data is a need;

- challenge harmful cultural practices like child marriages and genital mutilation;
- ensure access to sexuality education for young people;
- revise legal frame works that suppress young people.

Jullita Onabanjo, UNFPA East and southern Africa regional director, then closed the session saying: 'I thank the Republic of South Africa who have created this opportunity for young people to interact with the United Nations, and the young people who sincerely shared with us their issues ...This is the generation that will lead us forward on the Sustainable Development Goals (SDGs) for the people and for the planet.'

With young people leading in ending AIDS by 2030, was a youth satellite session of declarations and a panel discussion organised and led by 52 young people from 15 different countries across Africa. The event was hosted by UNFPA South Africa in collaboration with Johnson & Johnson and the Department of Health SA. It had representatives of young people living with HIV, and who survived sexual violence, child marriages and gender-based violence who shared their stories and challenges.

UNFPA Youth Advisory Panel members, DREAMS Youth Ambassadors, is a programme of the South African government and US partnering with the Bill Gates and Melinda Gates Foundation Determined, Resilient, Empowered, AIDS-free, Mentored and Safe women (DREAMS). The African and Youth and Adolescent Network (Afriyan) is a group of young people from different African countries in various networks including Africa Young Positives. A series of testimonies from young people listed above showcased youth leadership towards achieving an AIDS-free generation by 2030 through creative arts, poetry and drama. The narrative art was based on a true story of how the youth is treated when they reach for health services, and want to communicate with parents about sexual reproductive health. Youth declarations for universal access to Sexual Reproductive Health and rights by 2030 from South Africa, Burundi, Kenya, Zambia, Swaziland, Cameroon, Ghana, Botswana, Tanzania, and Zimbabwe were read.

Motsoaledi shared on the need to assess and ensure that quality healthcare services are provided. He said some healthcare workers often had negative attitudes towards young people reaching out for sexual reproductive health services. In most of the countries healthcare service providers were not held accountable. Therefore monitoring and evaluating their services frequently will ensure access and achieve universal sexual reproductive health and rights for all young people.

It will not be declared that young people are leading if we leave out vulnerable girls and young women. A launch on empowering girls and young women took place. Additionally, the ministry of health in South Africa had a

session to introduce the women empowerment campaign. By averting teenage pregnancies, new infections among young girls and women, keeping girls in school and ending gender-based violence will economically empower women. This campaign will be an opportunity for young men and women to be part of ensuring that women are protected from perpetrators of violence in their communities.

'She Conquers' is the name of the young people's campaign. This project will make sure that young women and girls are empowered and remain in school and also have access to healthcare services without any setbacks. Motsoaledi said there is a need to link youth to opportunities that will empower them as strategies for new HIV preventions. Emphasising this point was the first lady Tobeka Zuma who said that to centrally position girls and young women in the economy we need to empower them economically.

The conference was an opportunity for young people to learn, engage, network and create visible advocacy on issues that affected them.

There is a need to join forces and concur is what Charlize Theron spoke about in the opening ceremony. Theron from Charlize Theron Africa Outreach Project, United States is a South African actress, based in the USA. She has starred in several Hollywood films, such as *The Devil's Advocate* (1997) and *Hancock* (2008). 'The solution to this epidemic isn't just in our laboratories, offices, or conference centres like this one. It's in our communities, in our schools, and streets – where a smart choice or a helping hand can mean the difference between life and death. I support the need to investing more in the communities; it starts by investing in young people and allowing them to lead in issues that they face.'

Tshepo Ngoato HIV activist and advocate, youth policy-maker and UNFPA Youth Advisory Panel member was pleased by the number of young people who attended and participated at the conference not only as delegates but as conveners. 'I am grateful for the platform that was given to young people for networking, exchanging experiences, lessons learnt and looking at the way forward as a collective to better our own countries.' LB

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