

60 YEARS OF THE FREEDOM CHARTER

NO Cause to Celebrate for the Working Class





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The Freedom Charter is a landmark document in the struggle for liberation in South Africa after being adopted by the Congress of the People led by the African National Congress (ANC) in Kliptown on 26th June 1955. From its inception, and especially during the 1980s, the demands of the Freedom Charter became a rallying point for many in the struggle against apartheid. In particular, for revolutionary militants from all parts of the liberation movement, the Charter has consistently been at the centre of key theoretical and political debates.

During 2014, the Freedom Charter once again took a prominent position on South Africa’s political stage: for an increasingly fractured ANC/SACP, as its declared political custodian and vanguard of the National Democratic Revolution; for the newly formed Economic Freedom Fighters, who burst on to the political stage vowing to rescue the Charter from the ANC; and for large numbers of ordinary working class South Africans who continue to look to the Charter as a guiding vision for positive political and socio-economic change. The metalworkers union, Numsa, which was expelled from Cosatu recently, has also invoked the Freedom Charter in its critique of the ANC government.

Setting the scene for the Charter’s 60th anniversary this year (2015) the ANC’s ‘End of Year Statement’ for 2014 was entitled ‘Advancing the Ideals of the Freedom Charter’. Then, in its customary 8th January statement this year, the National Executive Committee (NEC) of the ANC declared 2015 as “The Year of the Freedom Charter and Unity in Action to Advance Economic Freedom”. The NEC charted what it calls the “good story that is 20 years of freedom and democracy” by assessing progress against each of the Freedom Charter’s main clauses. Not surprisingly, the ANC mostly congratulated itself on a job well done.

However, if the ANC was to ask the impoverished masses of the townships, farms and villages of South Africa whether they agree that the “ideals of the Freedom Charter” are mostly a living reality in today’s South Africa they would most likely get a negative answer from most. While there have no doubt been many advances since 1994, there can be little argument that on the social and economic fronts, much of what the Freedom Charter demanded remains unfulfilled.

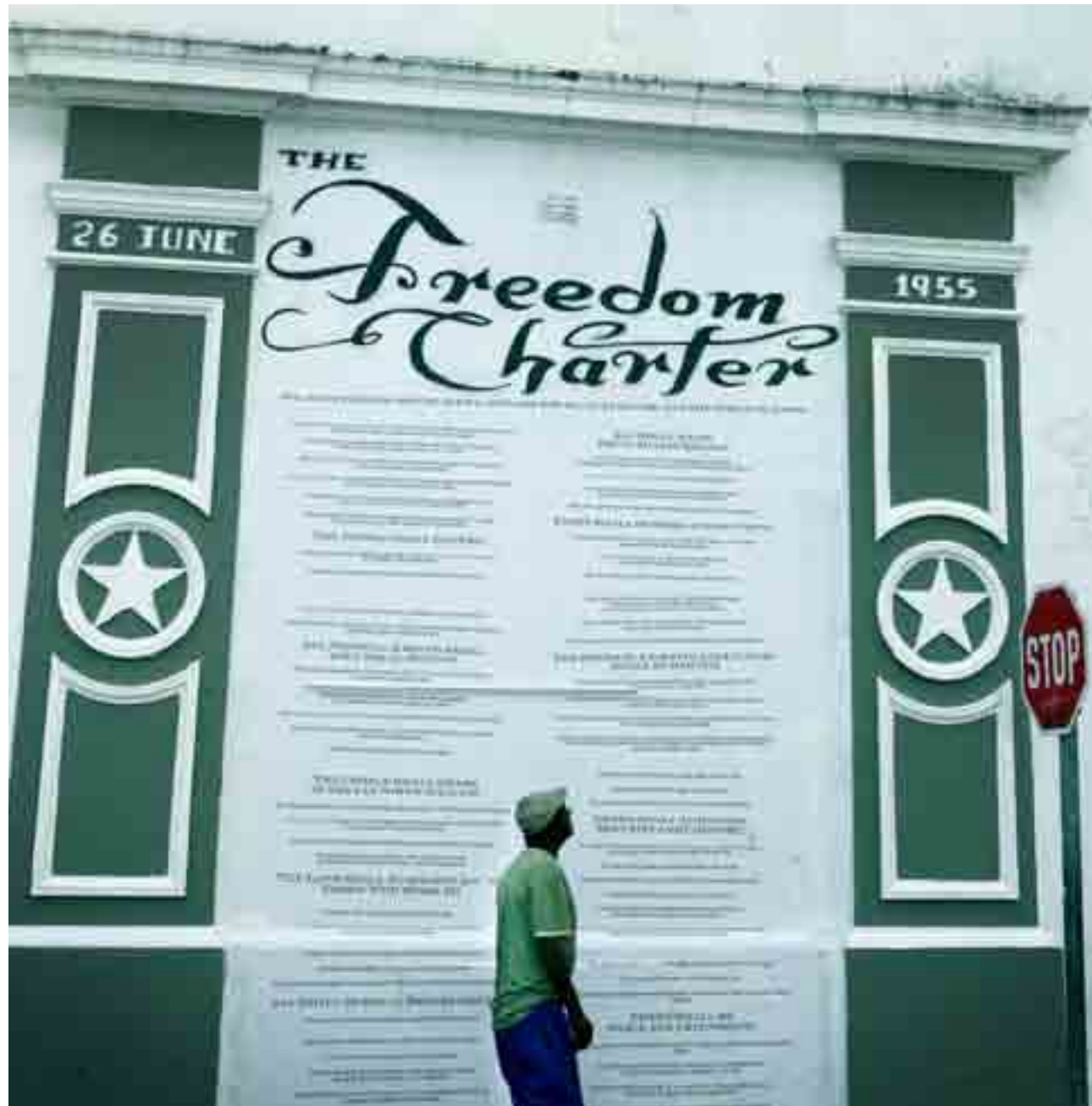
It is for this reason that the title of this publication, 60 Years of the Freedom Charter answers the question raised in the previous one (50 Years of the Freedom Charter – A Cause to Celebrate?) with an emphatic – NO Cause to celebrate for the Working Class.

As this booklet shows, there has been a rise in societal inequality, alongside a massive concentration of wealth in the hands of both an old and new elite. More people than ever are out of work. There are still millions of people living in shacks and a generalised crisis in the local delivery of basic services. Added to this are growing levels of corruption at all levels of government and society and worrying signs of the gradual rise of a secretive, security state.

Today, over 20 years into the new democracy and 60 years after the adoption of the Freedom Charter, there is growing anger and discontent amongst the majority who have been left behind in South Africa’s new democracy.

This publication is rich in information about South Africa’s current reality in relation to the major demands of political and socio-economic life captured by the Freedom Charter. It is a useful resource to inform current debates about a future path for working class liberation from poverty and oppression. We call on all to use it for this purpose, especially through organised collective study for developing a mass based working class leadership to contribute towards ensuring, “*an informed, organised and mobilised working class acting in its own interests*” (VWMP Mission statement).

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INTRODUCTION

The Freedom Charter is a landmark document in the struggle for liberation in South Africa. From its inception, and especially during the 1980s, the demands of the Freedom Charter became a rallying point for many in the struggle against apartheid. In particular, for revolutionary militants from all parts of the liberation movement, the Charter has consistently been at the centre of key theoretical and political debates.

During 2014, the Freedom Charter once again took a prominent position on South Africa's political stage: for an increasingly fractured ANC/SACP, as its declared political custodian and vanguard of the National Democratic Revolution; for the newly formed Economic Freedom Fighters, who burst on to the political stage vowing to rescue the Charter from the ANC; and for large numbers of ordinary working class South Africans who continue to look to the Charter as a guiding vision for positive political and socio-economic change.

Setting the scene for the Charter's 60th anniversary this year (2015) the ANC's 'End of Year Statement' for 2014 was entitled 'Advancing the Ideals of the Freedom Charter'. Then, in its customary 8th January statement this year, the National Executive Committee (NEC) of the ANC declared 2015 as "The Year of the Freedom Charter and Unity in Action to Advance Economic Freedom". The NEC charted what it calls the "good story that is 20 years of freedom and democracy" by assessing progress against each of the Freedom Charter's main clauses. Not surprisingly, the ANC mostly congratulated itself on a job well done.

However, if the ANC was to ask the impoverished masses of the townships, farms and villages of South Africa whether they agree that the "ideals of the Freedom Charter" are mostly a living reality in today's South Africa they would most likely get a negative answer from most. While there have no doubt been many advances since 1994, there can be little argument that on the social and economic fronts, much of what the Freedom Charter demanded remains unfulfilled.

As this booklet will show, there has been a rise in societal inequality, alongside a massive concentration of wealth in the hands of both an old and new elite. More people than ever are out of work. There are still millions of people living in shacks and a generalised crisis in the local delivery of basic services. Added to this are growing levels of corruption at all levels of government and society and worrying signs of the gradual rise of a secretive, security state.

Today, 20 years into the new democracy and 60 years after the adoption of the Freedom Charter, there is growing anger and discontent amongst the majority who have been left behind in South Africa's new democracy. It will simply not do for the ANC/SACP to continue to invoke the Charter while blurring the very real contradictions between its vision and the reality of life for that majority.

The masses are caught between yesterday and tomorrow. It is time for workers, the unemployed, the youth and indeed all progressive people to take stock and chart a new way forward. This booklet invites you to do so through critical reflection and discussion of the relevance of the Freedom Charter today.

The Freedom Charter

As adopted at the Congress of the People, Kliptown, on 26 June 1955

We, the People of South Africa, declare for all our country and the world to know:

that South Africa belongs to all who live in it, black and white, and that no government can justly claim authority unless it is based on the will of all the people;

that our people have been robbed of their birthright to land, liberty and peace by a form of government founded on injustice and inequality;

that our country will never be prosperous or free until all our people live in brotherhood, enjoying equal rights and opportunities;

that only a democratic state, based on the will of all the people, can secure to all their birthright without distinction of colour, race, sex or belief;

And therefore, we, the people of South Africa, black and white together equals, countrymen and brothers adopt this Freedom Charter;

And we pledge ourselves to strive together, sparing neither strength nor courage, until the democratic changes here set out have been won.

The People Shall Govern!

Every man and woman shall have the right to vote for and to stand as a candidate for all bodies which make laws;

All people shall be entitled to take part in the administration of the country;

The rights of the people shall be the same, regardless of race, colour or sex;

All bodies of minority rule, advisory boards, councils and authorities shall be replaced by democratic organs of self-government .

All National Groups Shall Have Equal Rights!

There shall be equal status in the bodies of state, in the courts and in the schools for all national groups and races;

All people shall have equal right to use their own languages, and to develop their own folk culture and customs;

All national groups shall be protected by law against insults to their race and national pride;

The preaching and practice of national, race or colour discrimination and contempt shall be a punishable crime;

All apartheid laws and practices shall be set aside.

The People Shall Share in the Country`s Wealth!

The national wealth of our country, the heritage of South Africans, shall be restored to the people;

The mineral wealth beneath the soil, the Banks and monopoly industry shall be transferred to the ownership of the people as a whole;

All other industry and trade shall be controlled to assist the wellbeing of the people;

All people shall have equal rights to trade where they choose, to manufacture and to enter all trades, crafts and professions.

The Land Shall be Shared Among Those Who Work It!

Restrictions of land ownership on a racial basis shall be ended, and all the land re-divided amongst those who work it to banish famine and land hunger;

The state shall help the peasants with implements, seed, tractors and dams to save the soil and assist the tillers;

Freedom of movement shall be guaranteed to all who work on the land;

All shall have the right to occupy land wherever they choose;

People shall not be robbed of their cattle, and forced labour and farm prisons shall be abolished.

All Shall be Equal Before the Law!

No-one shall be imprisoned, deported or restricted without a fair trial; No-one shall be condemned by the order of any Government official;

The courts shall be representative of all the people;

Imprisonment shall be only for serious crimes against the people, and shall aim at re-education, not vengeance;

The police force and army shall be open to all on an equal basis and shall be the helpers and protectors of the people;

All laws which discriminate on grounds of race, colour or belief shall be repealed.

All Shall Enjoy Equal Human Rights!

The law shall guarantee to all their right to speak, to organise, to meet together, to publish, to preach, to worship and to educate their children;

The privacy of the house from police raids shall be protected by law;

All shall be free to travel without restriction from countryside to town, from province to province, and from South Africa abroad;

Pass Laws, permits and all other laws restricting these freedoms shall be abolished.

There Shall be Work and Security!

All who work shall be free to form trade unions, to elect their officers and to make wage agreements with their employers;

The state shall recognise the right and duty of all to work, and to draw full unemployment benefits;

Men and women of all races shall receive equal pay for equal work;

There shall be a forty-hour working week, a national minimum wage, paid annual leave, and sick leave for all workers, and maternity leave on full pay for all working mothers;

Miners, domestic workers, farm workers and civil servants shall have the same rights as all others who work;

Child labour, compound labour, the tot system and contract labour shall be abolished.

The Doors of Learning and Culture Shall be Opened!

The government shall discover, develop and encourage national talent for the enhancement of our cultural life;

All the cultural treasures of mankind shall be open to all, by free exchange of books, ideas and contact with other lands;

The aim of education shall be to teach the youth to love their people and their culture, to honour human brotherhood, liberty and peace;

Education shall be free, compulsory, universal and equal for all children; Higher education and technical training shall be opened to all by means of state allowances and scholarships awarded on the basis of merit;

Adult illiteracy shall be ended by a mass state education plan;

Teachers shall have all the rights of other citizens;

The colour bar in cultural life, in sport and in education shall be abolished.

There Shall be Houses, Security and Comfort!

All people shall have the right to live where they choose, be decently housed, and to bring up their families in comfort and security;

Unused housing space to be made available to the people;

Rent and prices shall be lowered, food plentiful and no-one shall go hungry;

A preventive health scheme shall be run by the state;

Free medical care and hospitalisation shall be provided for all, with special care for mothers and young children;

Slums shall be demolished, and new suburbs built where all have transport, roads, lighting, playing fields, creches and social centres;

The aged, the orphans, the disabled and the sick shall be cared for by the state;

Rest, leisure and recreation shall be the right of all:

Fenced locations and ghettos shall be abolished, and laws which break up families shall be repealed.

There Shall be Peace and Friendship!

South Africa shall be a fully independent state which respects the rights and sovereignty of all nations;

South Africa shall strive to maintain world peace and the settlement of all international disputes by negotiation - not war;

Peace and friendship amongst all our people shall be secured by upholding the equal rights, opportunities and status of all;

The people of the protectorates Basutoland, Bechuanaland and Swaziland shall be free to decide for themselves their own future;

The right of all peoples of Africa to independence and self-government shall be recognised, and shall be the basis of close co-operation.

Let all people who love their people and their country now say, as we say here:

THESE FREEDOMS WE WILL FIGHT FOR, SIDE BY SIDE, THROUGHOUT OUR LIVES,
UNTIL WE HAVE WON OUR LIBERTY



Forced removals from Sophiatown (9 February 1955)

1. THE FREEDOM CHARTER IN ITS HISTORICAL CONTEXT

Apartheid oppression

After 1948, the National Party legally systematized and entrenched discrimination and segregation in every aspect of life, laying the full foundation of what became known as the apartheid system

Key pieces of apartheid legislation included:

- the *Population Registration Act (1950)* that classified different ‘race’ groups.
- the *Group Areas Act (1950)* that segregated residential and business areas on the basis of ‘race’.
- the *Separate Amenities Act (1953)* that ensured that white people accessed the best public amenities (e.g. beaches, parks, theatres, cinemas, etc.), while denying access to other ‘races’.
- the *Bantu Education Act (1953)* that entrenched separate and inferior school and tertiary education.

A range of laws specifically targeted ‘African’ workers:

- limiting or excluding ‘Africans’ from access to urban areas
- excluding ‘African’ workers from the formal system of industrial relations
- extending ‘job colour bars’, i.e. excluding black workers from particular jobs or skill categories.

Other laws enacted were aimed at prohibiting or restricting political organisation, activities and protests. The Suppression of Communism Act (1950) gave the apartheid state the legal basis on which to ban all organisations, protests and publications that were deemed ‘communist’, alongside banning, detaining and/or restricting those seeking any “political, industrial, social or economic change” (Bunting, 1969). This was quickly followed by:

- the Criminal Laws Amendment Act of 1953 which outlawed all protest/gatherings not approved by the state
- the Public Safety Act of 1953 which allowed states of emergency for up to twelve months as well as associated detentions without trial
- the Riotous Assemblies Act of 1956 which criminalised 'intimidation' related to strikes, stayaways and pickets as well as the joining of a non-state approved union and incitement to public violence

The Defiance Campaign and Congress Alliance

It was against the backdrop of these harsh and repressive apartheid realities that in 1949 the ANC Youth League succeeded in getting the ANC to adopt its 'Programme of Action'.

What the Youth League sought was a turn to more direct forms of mass-oriented struggle - such as boycotts, civil disobedience and non-cooperation - around a rejuvenated and 'pure' African nationalist movement. Previous failures of the ANC were seen as a result of the invasion of liberal and socialist ideas that were out of place with the Youth League's idealised vision of an African nationalism which would reclaim a sense of African community and clearly identify the enemy as the colonial/imperialist invader.

There was little emphasis on organising the working class or peasantry directly.

Other than the 1950 May Day stay-aways, which brought to light the untapped militancy of the black working class, little mass action or struggle took place until 1952. In that year, the ANC embarked on a national Defiance Campaign which was designed to repeal numerous government acts passed since 1948 by bringing together, on a national level, various local grievances that emanated from disparate communities.

The campaign involved volunteers deliberately contravening key laws and handing themselves over for arrest. Over 8,000 people were arrested by the apartheid authorities. The campaign encouraged further protests over the next few years, including a campaign against the Bantu Education Act of 1953 and, in 1956, the successful protest campaign against the attempted imposition of passes for women.



Even though there was the stated need to bring together the mass of people in action, the core of the overall defiance campaign centred around the example of the national leadership which volunteered to engage in non-violent civil disobedience. Not much effort was given to organising the black urban working class, who were by far the most 'organisable' section of the masses due to their physical concentration in urban areas and their general social conditions.

Particularly in the militant Eastern Cape region and in response to the victimisation of campaign participants, workers embarked on wildcat strikes or called for indefinite general strikes with the support of the local ANC leadership. In the case of the call for an indefinite general strike the national leadership of the ANC intervened to halt such activity and replace it with a one-day protest strike (*Drum*, 1952).

In 1953, the Congress Alliance was established. Four identified national groups ('African', 'White', 'Coloured' and 'Indian') were represented in the Alliance by the ANC, the Congress of Democrats (comprising white people who identified with the Congress movement but largely drawn from the now-banned SACP), the South African Coloured Organisation (later the SA Coloured People's Congress), and the South African Indian Congress respectively.

In early 1955, the newly formed South African Congress of Trade Unions (SACTU) joined the Alliance. SACTU brought together "African", 'Coloured', 'Indian' and 'White' workers in 34 unions with a total membership of about 42 000. While stressing the importance of a multi-class alliance, SACTU argued that, "The workers are the principal force upon which the democratic movement should rely".



The Congress of the People and the Freedom Charter

By 1955, and no doubt in response to the activities of the Defiance Campaign and the formation of the Congress Alliance, the apartheid regime intensified repression against the black population. Professor Z.K. Matthews referred to 1955 as "one of the blackest years in the political history of South Africa."

It was within this context that the Congress Alliance initiated preparations for the convening of a 'Congress of the People'. The National Action Council of the Alliance issued a leaflet entitled, "Call to the Congress of the People" that requested attendance by "a delegate from every town, every suburb, every village".

The leaflet encouraged people to speak about the conditions of oppression that they suffered under, among others: taxes, famine, compounds, poor wages, heavy labour, long hours, imprisonment, beatings, passes, stunted lives, illnesses and deaths, the few clinics and schools, high prices and shanty towns. "Let the demands be gathered together in a great charter of freedom", the leaflet said.

Besides calling on the member organisations of the Congress Alliance, the call was chiefly directed at the oppressed masses in both the urban and rural areas, including workers (miners, farm and forestry workers as well as factory and shop workers) peasant farmers, teachers, students, preachers, housewives and mothers. Throughout the country, preparatory meetings were held to present demands and to elect delegates.

Local and provincial societies, clubs, churches, trade unions, sporting bodies and other organisations, were invited "to join as partners in the Congress of the People committee". Ironically though the architects of apartheid, the ruling National Party was also invited by the ANC leadership to join the drafting process. In the event, the invitation was turned down (Hlatshwayo, 2005).

Preparations for the Congress included the formation of a Joint Consultative Committee to organise the event, with Joint Congress Committees in different parts of the country. Meetings were held to elect delegates to the Congress and also to put forward the demands of the people for incorporation into the Freedom Charter itself. Thousands of slips of paper on which demands were written were collected.



A few examples were:

“We want freedom to stay in our houses even when our men are unemployed”.

“We want to be able to leave the farms to work in town”.

“We want seed”.

“We want a fifty-hour week”.

“We want all children at school”.

Others said things like, “Our location superintendent must be sacked” or “Foremen must not swear at us”.

A Drafting Commission sorted and classified the demands. One participant commented that, “it was remarkable to see the similarity of the demands voiced on all sides”.

The stated aim was to incorporate the submitted demands into a final document that would encapsulate core political, economic and social demands “representing and uniting all sections and all races.”

Prior to the gathering there was a marked increase in bannings and banishments of activists, meetings were banned, gatherings disrupted, leaflets confiscated and posters torn down.

Regardless, the ‘Congress of the People’ took place on 25-26th June 1955 in Kliptown, Soweto. Almost 3000 delegates attended the historic event despite police harassment and roadblocks. By the end of the two days, the gathering had drawn up and agreed to, the basic demands that were to become known as the ‘Freedom Charter’.

Debates on the Charter

Almost from the moment the ‘Congress of the People’ ended up until today, there have been continuous and varied debates around the Freedom Charter, including its organisational and political-ideological foundations as well as whether it represents the authentic ‘voice of the people’.

One of the most controversial aspects of the Congress Alliance, the ultimate ‘author’ of the Freedom Charter, was that it mirrored the racial categories of the apartheid state in its attempts to forge a ‘multi-racialism’. Many have felt that it was a serious political mistake to organise oppressed people along such ‘racial’ lines. It is argued that the Freedom Charter is ultimately based on a variant of the four nations concept adopted by the ANC, where the ‘African’ people constitute the nation while the other three national groups are seen as national minorities (Duncan, 2005).

For some, the ensuing adoption of the Freedom Charter as the ANC’s primary political and economic programme provided the logical foundation for the ANC’s eventual compromises and class collaboration (McKinley, 1997). It thus allowed the ANC to “stress common overarching interests, while blunting and even suppressing differences” (Marais, 1991). As a result, it is argued that national liberation was strategically separated from socio-economic liberation.

The existence of two women’s organisations, the ANC Women’s League (founded in 1943) and the mostly white Federation of South African Women (founded in 1954), also gave rise to disagreement about whether there should be a single organisation for women to fight oppression or not or whether there should be separate women’s organisations at all. Further, ANCYL members and staunch Africanists, such as Potlako Leballo and Robert Sobukwe, strongly opposed both the Congress Alliance and the Freedom Charter’s multi-racial approach. Serious differences in this regard, eventually led to the formation of the Pan Africanist Congress (PAC) in 1959.

There has been a long-running debate about the democratic pedigree of the Freedom Charter. For leaders such as Nelson Mandela, the Freedom Charter does represent ‘the people’. In his words, “Never before has any document or conference been so widely acclaimed and discussed by the democratic movement in South Africa” (Mandela, 1956).

While this has always been the claim of the ANC and its Alliance partners, there is strong historical and empirical evidence to support the argument that, “the formulation of the Charter involved only a limited amount of consultation” (Lodge, 1983) and was eventually drafted by a small committee with little discussion and amendment (Fine and Davis, 1990).

In the subsequent history of the liberation struggle, the Freedom Charter continued to be a major bone of contention. In the late 1970s and early 1980s, it became a divisive document in the workers’ movement, and led to ongoing conflict between what were labelled as ‘populists’ or ‘charterists’ and ‘workerists’. The Congress Alliance’s subsequent push for the adoption of the Freedom Charter by COSATU and affiliated unions, led to a split within the Commercial Catering and Allied Workers Union (CCAWUSA), with a number of union leaders and members also promoting a “Workers’ Charter” as an alternative.

A significant political debate which still has relevance today is about the Charter’s status as a minimum programme for liberation. For its SACP defenders, the Charter was a programme for the national democratic revolution, encapsulated in the theory of Colonialism of a Special Type (CST). The first stage of the struggle was for national liberation and would involve a multi-class alliance led by the ANC. Only after completion of this first

stage, would the struggle for socialism ensue. Opponents of this view rejected both the idea that South Africa was a ‘colony of a special type’ and the idea of a revolution in two stages. They argued the need for the struggle against apartheid and for democracy to be led by the black working class, in alliance with the oppressed black middle class, against the apartheid-capitalist system as a whole and for socialism.

More recently, intense debate and conflict has again emerged within both the ANC and COSATU over the meaning and use of the Freedom Charter. A new political party formed by expelled ANCYL leaders, the Economic Freedom Fighters (EFF), claims that the ANC is no longer interested in the economic liberation of the ‘people’ since it has failed to implement the nationalisation clauses of the Charter. Meanwhile, the National Union of Metalworkers (NUMSA) has argued that the ANC and the SACP have abandoned the key principles and demands of the Freedom Charter. Instead NUMSA says, the ANC/SACP have used the Freedom Charter to politically cover their subordination of the workers’ movement to a never-ending, capitalist-friendly first stage of the revolution.

One thing is for certain; 60 years after its adoption, the Freedom Charter remains central to key political, social and economic debates and struggles in South Africa.





2. DEMOCRACY AND THE FREEDOM CHARTER

The Freedom Charter was a response to the monstrous system of apartheid oppression that touched all spheres of life for the black majority. At the heart of apartheid was the denial of a wide range of basic democratic rights. This section elaborates on those clauses demanding a new democratic system and which encompass a range of political and civil rights, specific rights for workers and general freedom for black people.

What the Freedom Charter says

Government based on ‘the will of all the people’

We, the People of South Africa, declare for all our country and the world to know:

that South Africa belongs to all who live in it, black and white, and that no government can justly claim authority unless it is based on the will of all the people;

that our people have been robbed of their birthright to land, liberty and peace by a form of government founded on injustice and inequality;

that our country will never be prosperous or free until all our people live in brotherhood, enjoying equal rights and opportunities;

that only a democratic state, based on the will of all the people, can secure to all their birthright without distinction of colour, race, sex or belief;

When the Charter says, “South Africa belongs to all who live in it, black and white” it refers to the effective denial of democratic citizenship to all black people, especially ‘Africans’, who were allocated their own ‘homelands’ and at best were only ‘temporary sojourners’ in white South Africa. Indeed, as a result of colonialism and apartheid-capitalism, the black majority had “been robbed of their birthright to land, liberty and peace”.

Apartheid created a ‘democracy’ for whites only. From the Union of South Africa in 1910 to the creation of a Republic in 1961, through to the Tri-cameral Parliament of 1983, a white minority ruled South Africa, both politically and economically.

In all areas of social life White people were privileged while black people were regarded as inferior and systematically discriminated against. The best jobs were reserved by law for White people. White people had exclusive access to better housing, schools, health facilities, public transport, sports facilities, civic amenities, facilities and services. This was reflected in the apartheid state’s annual budgetary allocations.

By the end of the 1950s, even the limited electoral franchise for those other than whites was removed.

From this point on, whites were the only section of the population that could vote in elections and no one could legally be members of a political

party struggling for democracy. Subsequent efforts by the apartheid government to create separate dummy bodies of one sort or another for the political representation of ‘non-whites’ were repeatedly frustrated by mass opposition and resistance. As such, the Charter calls for an end to the apartheid government because it was based not on “the will of all the people” but on “injustice and inequality”.

“The People Shall Govern!”

Every man and woman shall have the right to vote for and to stand as a candidate for all bodies which make laws;

All people shall be entitled to take part in the administration of the country;

The rights of the people shall be the same, regardless of race, colour or sex;

All bodies of minority rule, advisory boards, councils and authorities shall be replaced by democratic organs of self-government.

To give more specific content to the general call for a government based on “the will of the people”, the Freedom Charter proclaimed that “every man and woman shall have the right to vote and to stand as a candidate for all bodies which makes laws” as well as “to take part in the administration of the country”.

These commitments represented the most basic democratic challenge to the political rule of the apartheid government and system. Since white people made up a small minority of the people, for the people to govern every black person needed an equal right to vote and the right to stand as a candidate in elections at every level of government.

The Charter, while affirming that such rights should be equal for all regardless of “race, colour or sex”, did not spell out what kind of democratic system would give practical and meaningful content to people’s active participation in governing a democratic South Africa. Further, while the Charter clearly rejected a fraudulent democracy based on ‘bodies of minority rule’ and other dummy governmental bodies for black people, its call for “democratic organs of self-government” also lacked specificity.

As we will see in assessing the extent to which these democratic visions and plans have or have not been realised in a democratic South Africa, their very general nature as contained

in the Charter opened the door to a wide range of interpretation and thus also, realisation.

“All National Groups Shall have Equal Rights!”

There shall be equal status in the bodies of state, in the courts and in the schools for all national groups and races;

All people shall have equal right to use their own languages, and to develop their own folk culture and customs;

All national groups shall be protected by law against insults to their race and national pride;

The preaching and practice of national, race or colour discrimination and contempt shall be a punishable crime;

All apartheid laws and practices shall be set aside.

Apartheid created a range of separate and unequally resourced political, educational, cultural and social institutions and administrations for each of the different racial groupings - ‘Whites’, ‘Africans’, ‘Coloureds’ and ‘Indians’. The Charter demanded an end to this racially constructed bureaucratic system in favour of a single, non-racial democracy. This required that, “All apartheid laws and practices ... be set aside”.

Indeed, in every aspect of life apartheid divided South Africans into the associated ‘population groups’ and even worse, accorded ‘Whites’, ‘Indians’, ‘Coloureds’ and ‘Africans’, a different status in descending order. While calling for universal equality, the Charter strangely retains the apartheid terminology, referring to ‘national groups’ and ‘races’.

While this no doubt reflects the language of the times, the ‘multi-national’ approach of the Charter arguably provides the conceptual basis for classifications like ‘race’ and ‘ethnicity’ to develop lives of their own as social and economic categories. We will see how this seeming contradiction has played itself out in the new democracy.

White supremacy and arrogance, fostered by the apartheid regime, entailed utter disrespect for the language and culture of others, especially within white South Africa. In all areas of life, black people were humiliated, insulted and belittled. The Charter set out a vision to restore the pride, dignity and respect of black people and to criminalise any associated discriminatory speech and action.



“All Shall be Equal Before the Law!”

No-one shall be imprisoned, deported or restricted without a fair trial; No-one shall be condemned by the order of any Government official;

The courts shall be representative of all the people;

Imprisonment shall be only for serious crimes against the people, and shall aim at re-education, not vengeance;

The police force and army shall be open to all on an equal basis and shall be the helpers and protectors of the people;

All laws which discriminate on grounds of race, colour or belief shall be repealed.

To maintain the oppressive system, apartheid authorities introduced a range of repressive laws supported by a legal system, designed to deny the black majority any access to justice and equality. The result was that countless numbers of black people and political activists were subjected to constant harassment, intimidation, banning, arrest, imprisonment and regular torture.

More than anything, the legal system’s racially constructed administration and enforcement of pass laws and the migrant labour system as well as suppression of free speech and protest became the overarching symbol of all that was wrong with apartheid. The Charter thus called for a representative and accountable legal system in which all citizens would be treated equally and where imprisonment would not be used for political and factional purposes.

As black resistance grew during the late 1970s and into the 1980s, an increasingly growing budget allocation went to the apartheid state’s repressive apparatus. The police, the army, the courts (including those in the ‘homelands’) and other militarised and covert operations of the apartheid bureaucracy were strengthened and expanded. They became the repressive tools to keep political activists in particular and black people in general, in a state of perpetual fear and submissiveness in the face of white authority.

In response, the Charter set out a vision of a democratised police and army that would serve and be answerable to the people as opposed to repressive apparatuses serving a racial, political and economic elite minority.



“All Shall Enjoy Equal Human Rights!”

The law shall guarantee to all their right to speak, to organise, to meet together, to publish, to preach, to worship and to educate their children;

The privacy of the house from police raids shall be protected by law;

All shall be free to travel without restriction from countryside to town, from province to province, and from South Africa abroad;

Pass Laws, permits and all other laws restricting these freedoms shall be abolished.

Apartheid was an instrument for controlling and regimenting the lives of black people, especially the black working class. Whether out in the streets, in meetings, in schools or in their homes, black people were meant to live in fear of white power and institutional authority.

One of the biggest fears of the minority regime was that the black majority would increasingly become organised and mount a serious challenge to the unjust system of apartheid. To this end, all kinds of curbs were placed on freedom of association (the banning of organisations and gatherings), expression (banning and censorship of media outlets and publications as well as individual speech), political and labour activity (marches, demonstrations and strikes) and personal freedoms (bannings, deportations, sexual relations and orientation as well as privacy).

This almost complete closing down of any democratic space constituted a systematic breach of fundamental human rights. As such, the Charter set out to reclaim “(the) right to speak, to organise, to meet together (and) to publish”. The Charter further called for the abolition of “pass laws, permits” and other means used to restrict freedom



of movement and affirmation of the right to live and work anywhere. While the Charter also proclaimed the right to ‘privacy’, it could not foresee what this might mean in a future where there would be a massive expansion of technological infrastructure and state capacity to spy and conduct surveillance on citizens.

“There Shall be Work and Security!”

All who work shall be free to form trade unions, to elect their officers and to make wage agreements with their employers;

The state shall recognise the right and duty of all to work, and to draw full unemployment benefits;

Men and women of all races shall receive equal pay for equal work;

There shall be a forty-hour working week, a national minimum wage, paid annual leave, and sick leave for all workers and maternity leave on full pay for all working mothers;

Miners, domestic workers, farm workers and civil servants shall have the same rights as all others who work;

Child labour, compound labour, the tot system and contract labour shall be abolished.

A crucial pillar of the apartheid system after 1948 was to deny the black working class the ability to self-organise and collectively struggle against the combined assault of apartheid-capitalism. The Native Labour Act of 1953, “designed, in the words of the minister of labour, to ‘bleed the African trade unions to death’, denied the recognition of the right of ‘African’ workers to form unions” (Luckhardt and Wall, 1980).

While the law could not stop the unionisation of 'African' workers, it made organisation exceedingly difficult and 'African' unions were subject to constant harassment and repressive action. Other unions of white and 'coloured' workers were formally recognised through a registration process but were closely managed and monitored to ensure they did not become 'political'.

The Charter's assertion of the right of all workers to form unions and negotiate with employers sought to align labour relations and legislation to basic democratic rights of association and expression. However, given that the Native Labour Act outlawed the right to strike, a right which only a few years earlier had been exercised in the massive 1946 mineworkers strike; it is instructive that the Charter, which was adopted in the same year that SACTU was formed, does not include a demand for the right to strike. Similarly, while the Charter asserts "the right and duty of all to work", which appears to be a social democratic demand for full employment, the immediate reference to the right to "draw full unemployment benefits" represents an interesting contradiction.

The fight against the super-exploitation of black workers is reflected in the demand for the 40 hour week, a national minimum wage and equal pay for equal work. The popular union slogan, 'organise or starve', echoed the urgency of these demands and was practically reflected in SACTU's 1950s campaign for a national minimum wage (Lerumo, 1980) as well as in many union struggles throughout the 1970s and 80s.

The Charter also posits a full range of benefits for workers, including unemployment insurance, paid annual leave, sick leave and maternity leave. While white workers enjoyed these benefits in full, they were denied to a majority of black workers, with 'African' mineworkers and farm-workers suffering from the least work protection and benefits.

However, as will become clear in the context of post-'94 South Africa, the Charter did not foresee the extent to which capitalism (minus formal apartheid) would fundamentally and negatively alter the composition of the working class through mass unemployment and casualisation of labour. As such, its call for the abolishment of "contract labour" was more a product of the apartheid times than it was a demand for an end to the various means under capitalism for the ever-changing exploitation of workers.



Other key rights

The Charter has a section entitled, "There Shall be Houses, Security and Comfort" that deals with the right to housing and other relevant socio-economic rights. While Chapter 6 discusses the specific issue of housing, this section includes demands for a "preventative health scheme ... run by the state" as well as "free medical care and hospitalisation". It further states that "The aged, the orphans, the disabled and the sick shall be cared for by the state".

As with all other services, white people under apartheid could access good quality and affordable 'public' health care and those who were disabled and elderly received a range of state social grants and subsidies. On the other side of the racial coin, black people either accessed far inferior health and social services or, especially in the case of 'Africans', received no or very limited protection and social support from the apartheid state.

Like many other clauses in the Charter, the commitments laid down in respect of health care and social services foresaw a democratic state equalising access, treatment and support across the racial and social divides of apartheid-capitalism. In other words, once there were democratic elections and the victorious political party had taken control of the state, the legal, political and social bases for apartheid-capitalism could be done away with. We will now investigate to what extent that vision has become a reality.

The new democracy and the Freedom Charter

"(W)hen we won our freedom we based our constitution on the vision contained in the Freedom Charter" (President Mbeki, at the Freedom Day celebration in 2005)

How far then have the various elements of the kind of new democracy envisaged by the Freedom Charter become a reality? To what extent have the basic democratic rights so viciously denied to black people under apartheid been realised since 1994?

The short answer to these questions is that we now have a democratic system based on non-racial ideals and which affirms the main civil and political rights demanded by the Charter. These achievements were legally codified in the passing of the Constitution in 1996 as the supreme law of the land. The Bill of Rights in the Constitution is recognised as "a cornerstone of democracy" and specifically "affirms the democratic values of human dignity, equality and freedom" championed in the Freedom Charter but blatantly and systematically denied by apartheid.

More specifically, the right to citizenship confirms that South Africa is a single unified country and finally condemned the fraudulent Bantustan policy to the dustbin of history.

Political rights related to the vote, to form political parties, to participate in elections and to representation are enshrined in the Constitution; as are rights to mass political activity such as those of assembly and demonstration and the right to picket and petition government.

Other crucial rights which are now constitutionally protected include: freedom of movement and residence; freedom of expression and the media; and, personal rights to security of the person and privacy. Further protection against the arbitrary action of the state, which was so rife under apartheid, is protected through the right to just administrative action and access to information. Where rights are in dispute, everyone has the right to have the relevant matter determined in a fair public hearing in a court or other recognised judicial body.

From its inception, the new South African Constitution has been hailed by many as one of the most progressive in the world. Besides key political and civil rights, it also includes a special



Kliptown, July 2007: brutal police repression of a protest by the community calling for better housing, at the site where the Congress of the People was held



section on the protection of the rights of children and contains a range of justiciable socio-economic rights. These include: access to housing, water, food, health care, social security and education; and, a safe and healthy environment.

However, outside of the right to basic education and emergency health care, the socio-economic rights are not immediate. This means that the government has no obligation to provide everyone with immediate access to these rights. The obligation is for the government to take immediate measures for the 'progressive realisation' of these rights. In so doing, these rights are further qualified in that government has to take the 'available resources', especially the state budget, into account.

Crucially, the Constitution also includes a property clause. This essentially guarantees and legitimises the right of existing owners of the mines, the banks, industry, the farms and other economic sectors to continue owning these means of production. This right to private property - a norm of any capitalist democracy - is probably the most contentious and debated 'right' in the new democracy since it is huge barrier to the realisation of key socio-economic rights, as will be elaborated on in the chapters on nationalisation, land and housing.

Government based on 'the will of all the people'

The calling off and defeat of the 1987 miners' strike, increased state repression in the late 1980s, the initiatives of De Klerk in unbanning the liberation movements and releasing Nelson Mandela as well as the collapse of the Stalinist regimes of Eastern Europe effectively signalled an end to the possibility of a mass uprising to overthrow the apartheid state.

The notion of seizure of power driven by mass resistance was replaced by one of the transfer of political power around a negotiating table involving the respective leaderships of the various political parties. From this point on, all political processes were dominated by negotiations from above with very little involvement of the black majority over key decisions that set the legal, political and economic framework for what was to become the new South Africa.

One of the results was the systematic demobilisation and incorporation into the organisational framework of the ANC, of most independent and allied community organisations (whether 'civics', women's organisations and/or youth groupings etc.) in South Africa. COSATU and the other unions were the only popular formations

of the 1980s to retain their mass base but due to its affiliation to the Tripartite alliance with the ANC and SACP, not its political independence.

During the negotiations period leading up to the first-ever democratic elections in 1994, the leadership of the ANC and SACP (as the dominant liberation movement 'negotiators') also made a range of economic and political compromises. Amongst these was the abandonment of the nationalisation clause of the Freedom Charter, which reflected an undermining of the powerful participatory democratic traditions of the unions and the mass movement as a whole.

All of this was rationalised by the argument for shifting from the politics of protest to the politics of reconstruction and development.

The ANC government came to power in 1994 on the back of promises contained in the *Reconstruction and Development Programme* (RDP) to prioritise active participation by the black majority in governance as well as the redistribution of natural and human wealth/resources. These were presented as the key means to achieve an equitable democracy.

However, as we shall see more fully in the chapter on 'Nationalisation and the Freedom Charter', the reality was that the ANC politically and ideologically accepted, even if there was opposition from some within the liberation movement, the broad framework of a globally dominant, neo-liberal political and economic orthodoxy.

Realising that such an ideological shift, in direct opposition to much of the Charter, would be hard to sell to the broad working class, the ANC sought to equate its acceptance of liberal bourgeois democracy as the will of 'the people'. In this way, economic neo-liberalism could be twinned to liberal bourgeois democracy such that the former appeared as a necessary and natural economic order emanating from an equally necessary and natural political product. Under such a scenario, democracy and development could then become synonymous with the 'growth' of a capitalist, neo-liberal 'free market' (McKinley, 2007).

The practical result of this ideological retreat was a parallel retreat from the traditional means for asserting political and social power - mass strikes, mass campaigns and direct participation in government structures and processes that would have ensured the effective participation of workers

at workplaces and people at community level.

At the same time, COSATU and the other unions increasingly accepted a corporatist framework. The problems of the capitalist economy came to be regarded as the common problems of government, the bosses and the unions alike. Participation in co-determinist corporatist structures (for example, NEDLAC, the Millennium Labour Council) and the labour relations framework established by the Labour Relations Act have largely served to routinise and institutionalise union activities dominated by legalism as opposed to rank and file collective action by workers.

"The People Shall Govern!"

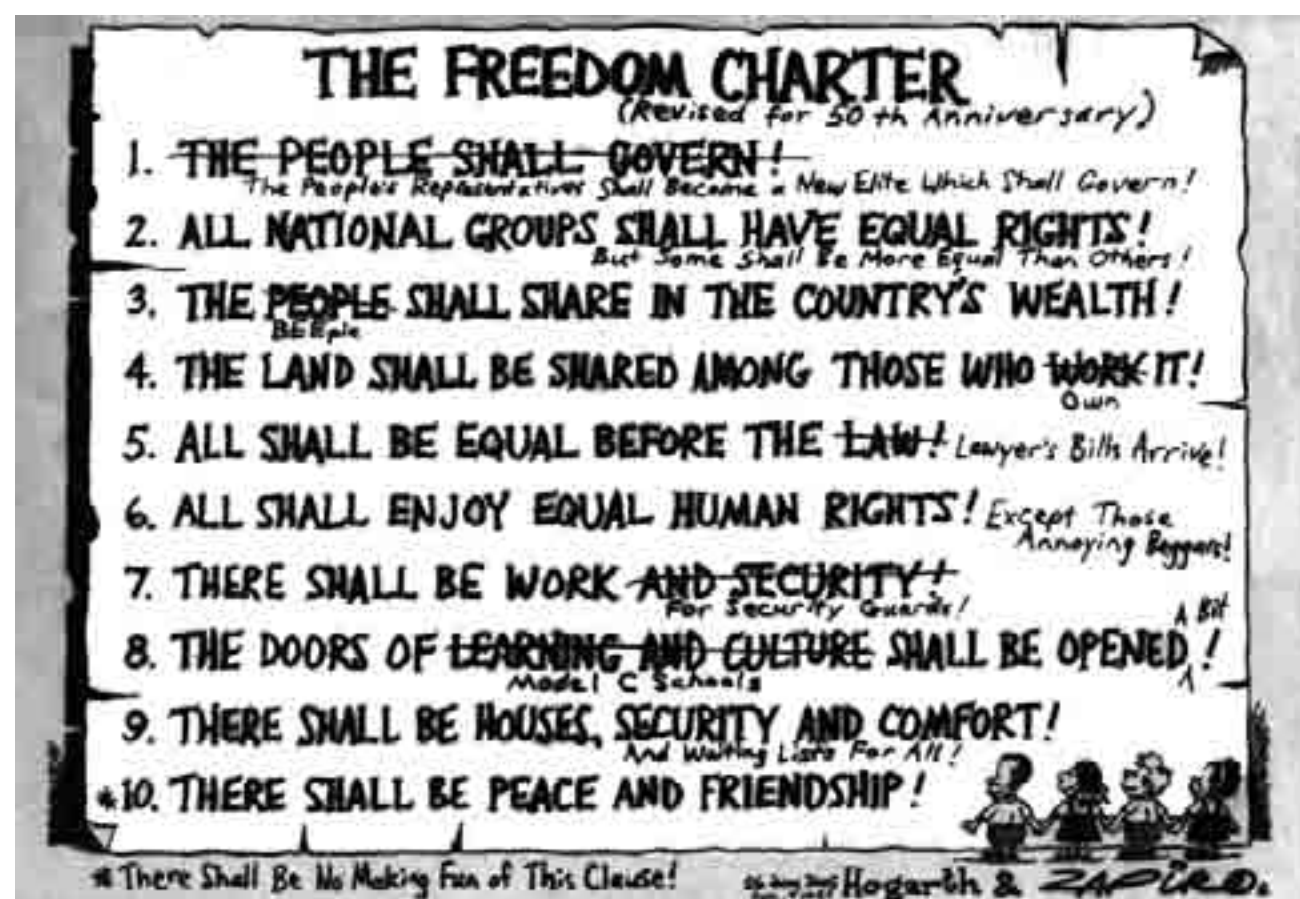
The 1980s saw a revival in the popularity of the Freedom Charter. The slogan, "The People Shall Govern!" was loudly proclaimed in countless meetings throughout the country and became the most popular slogan of the time. This revival had been built on a rich tradition of democracy that was forged in the strike movement of the 1970s, starting with the Durban strikes of 1973.

This was the mass militant power of the black working class organised in the new unions that built FOSATU and COSATU. The backbone of this workers' power and workers' control were the hundreds of shopsteward councils that played a vital role in the revolutionary uprising of the mid-1980s.

Through their own efforts, through building their trade unions, their civics, their youth and student structures, 'the people' themselves began to feel their own sense of collective power, even while being excluded from elections and the formal structures of political power in the country. The self-activity of the masses made the townships ungovernable and white political power was rendered increasingly illegitimate.

While the question of seizure of power by the masses was repeatedly raised in the publications of the ANC and SACP and posed in practice by those same masses, the possibilities of its realisation were undermined by a lack of decisive action and the requisite leadership. The initiative of the masses was lost.

Once negotiations became the dominant frame of a "transfer of power to the people", the masses were more formally side-lined. Thus, despite the holding of South Africa's first-ever democratic



elections in 1994 and the adoption of a progressive Constitution, the political strategies of the liberation movement led to a lack of recognition and incorporation of actual people's power and struggles on the ground.

The result, over the last twenty years, has been a separation of democratic form and content/context. In other words, democracy has become conceptualised as some sort of neutral principle floating somewhere outside real material relations. What this has meant in practical terms is that democracy has come to be treated by those in and with political and economic power as a function of institutional arrangements within capitalist society in which everyone is supposedly equal.

In turn, this has led to the concept of class and the practice of class struggle being understood solely in relation to the dominant institutional form of democracy under capitalism - i.e., representative democracy/elections. All the way back in 1956, Nelson Mandela confirmed such an interpretation of the Charter's demand that "The People Shall Govern":

The Charter does not contemplate [socialist] economic and political changes. Its declaration 'The People shall govern' visualises the transfer of power not to any single social class but to all the people of the country, be they workers, peasants, professionals, or petty bourgeoisie (as quoted in Pomeroy, 1986).

The problem here is obvious. There is no necessary connection between exercising one's right to vote or being formally represented in government bodies, and an actual "transfer of power to the people" or, as understood in the words of the Charter that, "All people shall be entitled to take part in the administration of the country".

What is actually 'deepened' is the width and breadth of the institutional framework (i.e. the forms) but not the content of popular democracy itself. A good question to ask in this regard is whether, as the Charter states, any "democratic organs of self-government" actually exist in present-day South Africa?



Yes, the RDP promoted a vision of "democratising power", in which the population is "empowered through... an institutional network fostering representative, participatory and direct democracy". Yes, legislation such as the Municipal Systems Act (2000) says that there should be community participation in Integrated Development Plans and processes, in budget processes and all policy drafting processes. And yes, participatory bodies and structures have been provided for other laws such as those covering School Governing Bodies and Representative Councils of Learners in the education sector as well as Health Committees and Hospital Boards in the health sector.

However, the actual realisation of meaningful "self-government" and direct "participatory democracy" has not matched the stated vision and intent. In general, official bodies have effectively served as institutions of control and authority for a minority with political and economic power. A good example related to workers is the fact that, despite being institutionally represented in many government bodies by their unions and approved community structures, the interests and needs of the broad working class continue to be largely ignored by government.

It should not come as a huge surprise then that since South Africa's first democratic elections in April 1994, there has been a massive increase in the number of people choosing not to vote in elections. So for example, whereas in the 1994 national elections 14% of all eligible voters stayed away, in the last elections in 2014 40% of eligible voters stayed away. The same trend applies in respect of electoral support for the ANC. In 1994, 53% of eligible voters cast their mark for the ANC but in the 2014 elections this had dropped to 36% (IEC).

What this tells us, is that in societies like South Africa which are framed by a liberal capitalist socio-political order, the mere existence and functioning of representative democratic institutions and processes increasingly mask the decline of meaningful popular democratic participation and control. It also speaks to a reality in which the conditions for meaningful and popular participation in any representational act or process are embedded in changing the structural relations of power.

"All National Groups Shall have Equal Rights!"

In many respects, this clause is a product of the times in which the Charter was drafted. The apartheid system had been built on a foundation of politically, socially, economically and culturally separating people according to 'national groups' based on racial and ethno-linguistic categorisation. The Congress Alliance under whose banner the Charter was adopted mirrored that separation both politically and organisationally.

The 1996 Constitution however, does not mention 'national groups' but rather adopts a universal application to the rights of "everyone" to "use the language and to participate in the cultural life of their choice". It further affirms the right of "persons belonging to a cultural, religious or linguistic community" to, "enjoy their culture, practise their religion and use their language".

Since the end of formal apartheid, there has generally been a positive approach and adherence to, these constitutional rights which were no doubt informed by the Charter's intent but adapted to fit with the general ideals of a democratic and unitary state. Specific legislation such as the 'Promotion of Equality and Prevention of Unfair Discrimination Act of 2000' (PEPUDA) has been passed and special courts set up to deal with things such as hate speech, although there remain concerns around the consequent impact on freedom of expression.

However, the Charter's demand that "all apartheid laws and practices shall be set aside" has not been fully met in the post-1994 period. Several apartheid-era pieces of legislation such as the National Key Points Act of 1980, the Protection of Information Act of 1982, the

National Defence Act of 1957 and the Armaments Development and Production Act of 1968 remain in force. As a result for example, there are now more declared 'National Key Points' today than there were under apartheid, a situation that has ironically engendered greater secrecy around government installations and buildings as well as accompanying restrictions on the right to protest (Right2Know, 2014).

“All Shall be Equal Before the Law!”

One of the most widespread forms of repression under apartheid was imprisonment without trial as well as government banning orders. It is thus no surprise that the new democratic Constitution includes, in the Bill of Rights, a wide range of rights related to arrest and detention. Most crucially, everyone has the right to legal representation, a fair trial and to conditions of detention that are “consistent with human dignity”.

Nonetheless, over the last twenty years there has been an alarming number of cases in which community activists, protestors and ordinary people accused of a crime have been denied proper legal representation, been subject to unfair trials and subject to ill treatment and torture. Similarly, the ways in which the government, police and the courts have dealt with immigrants and asylum seekers from the rest of Africa has resulted in mass imprisonment and deportations which directly violate the constitutional rights afforded to everyone, regardless of citizenship and racial/national identity. All of this is due largely to the actions of the police, prosecuting authorities and the court system (Vally, 2003; ABM, 2012/13; Duncan, 2013).

Further, as the South African Police Services (SAPS) and Department of Correctional Services (DCS) own figures show much of the prison population over the last decade or so has consisted of those found guilty of minor crimes and/or those awaiting trial that have not been able to afford bail (SAPS/DCS, 2004-2013). One of the extremely negative results is that many of those unnecessarily imprisoned have ended up not only being criminalised for minor infractions of the law but being sucked into the ranks of criminality. This is in direct practical contradiction to the Charter’s call for imprisonment to only apply to major crimes as well as be re-educative.

While the police force and army are now legally “open to all on an equal basis”, the general conduct of the police has, especially in the last several years, been anything but that of “helpers and protectors of the people”. As the 2012/2013 report from the Independent Police Investigative Directorate (IPID) reveals, police were involved in over 4000 cases of assault, almost 150 cases of rape and most damning of all, over 500 cases of death in police custody. This is in addition to the hundreds of cases of police corruption. Most of those who have suffered at the hands of the police

are poor and working class with women being especially vulnerable.

Even though the Charter states that “all shall be equal before the law” there is nothing that specifically speaks to gender equality or to equality based on sexual orientation. This gap has been partially filled in the Bill of Rights, which actively promotes gender equality and expressly prohibits discrimination on the basis of sexual orientation. Additionally, various pieces of legislation such as the Employment Equity Act, the Domestic Violence Act and PEPUA offer a range of protections. However, the full and practical realisation of gender and sexual orientation equality remains elusive, especially in relation to rural, poor black women and lesbians.

The Constitution’s recognition of the rights of (mostly male and patriarchal) traditional leaders and the strengthening of their position in proposed legislation such as the ‘Traditional Courts Bill’, pose a real threat to genuine equality for both women and those in the LGBTI (Lesbian, Gay, Bi-sexual, Transgender and Intersex) community. Likewise, the open embracing by some senior ANC, government and business leaders of misogynist and homophobic attitudes and practices that see LGBTI people as ‘abnormal’ and women’s role as mere sex objects and/or domestic servicers of men continues to do a great deal of damage.

In general, despite positive legal rights and legislative affirmation, as well as a generally independent court system, there remains a long way to go in respect of lived and experienced equality before the law for all.

“All Shall Enjoy Equal Human Rights!”

Two of the most central human and democratic rights that were taken away from the majority by apartheid but which are now affirmed in the Constitution are freedom of expression and association/assembly. Without these rights, the lifeblood of any real democracy is frozen and more specifically, the ability of the working class to speak out, organise and engage in action to protect and advance its ideas and interests within a capitalist society is fundamentally threatened.

While there have been no serious attempts to ban any legitimate ‘civil society’ organisations or media outlets (radio, television, newspapers etc.), there have been increasingly worrying signs over the last decade in particular, that the political

and economic elites (mainly in the ANC-Alliance, the state and corporate capital) are attempting to undermine these central and hard-fought-for rights.

There has been a creeping intolerance of political and social dissent/ expression. This has manifested itself in leaders of the ANC-Alliance and the state verbally attacking and practically unleashing the state’s repressive apparatus to launch a co-ordinated ‘law and order’ crackdown against the emergent and collective voices of sections of the labour movement, new social movements and community organisations in poor communities (McKinley & Veriava, 2005, Duncan 2012, Pithouse, 2014). The right to protest has come under sustained attack. Hundreds of marches have effectively been banned and political dissent criminalised.

As a result, in addition to the thousands of cases of assault and excessive use of violence by the police services, over 60 protesters have been killed by the police over the last five years, including the massacre of 34 striking mine-workers at Marikana in 2012. The increased militarisation of the police has been accompanied by a concentration of power within the state’s intelligence and security agencies. In turn, this has led to a parallel intensification of state - and to a lesser extent corporate - surveillance and

harassment of journalists, political activists and ordinary citizens (Right2Know, 2014). This also violates the right to privacy which the Charter speaks to but which now involves technology that did not exist in the 1950s.

Another area of serious concern is increasing secrecy in both state and society. Without the free flow of information (whether from the public or private sectors), there can be little democratic accountability and transparency and/or full realisation of the rights to expression and association. The best example of this is the ANC and state’s recent championing of the ‘Protection of State Information Bill’ (also known as the ‘Secrecy Bill’) which has been passed by Parliament last year and now awaits the President’s signature.

If it becomes law, it would not only cut off much of the flow of public information that workers and ordinary people require, to hold their democratic representatives and state officials to account, it would criminalise possession and distribution of that, now classified, information. Already though, there is ample evidence to show that both the state and private capital are choking the flow of information to the citizenry. In 2012/13, only 16% of the information requests submitted by civil society organisations - under the ‘Promotion of Access to Information Act’ of 2000 - were actually complied with in full (Right2Know, 2014).



“There Shall be Work and Security!”

As would be expected, the Bill of Rights outlaws slavery, servitude or forced labour and also includes a range of worker rights as set out in the Charter. Further labour-related legislation has expanded the rights of workers in more specific areas.

These include the rights: to fair labour practices; to form and join a trade union; to strike; to organise, form and join a federation; and, to participate in collective bargaining. However, employers are also granted certain rights such as the right to form and join an employers’ organisation and to participate in collective bargaining.

Other legislation that includes workers’ rights has been passed since 1994. The key ones such as the ‘Labour Relations Act of 1996’, the Basic Conditions of Employment Act of 1997 and the ‘Employment Equity Act of 1998 all seek to reverse the effects of apartheid repression of trade unions, the exploitation of workers and promote equity in employment practices especially in respect of historically disadvantaged people based on race, gender and physical ability. Newer legislation also seeks to protect the specific interests of farm and domestic workers through for example, the setting of a minimum wage.

Despite this largely progressive body of democratic law, in practical terms it only applies to those workers who are formally employed. In this respect, the most fundamental problem in the post-1994 period has been massive unemployment. At present, the real unemployment rate (the ‘expanded definition’) in South Africa is around 40% and for the black youth this rockets to over 60% (StatsSA, 2014). Thus, the Charter’s statement that the (democratic) state “shall recognise the right and duty of all to work” is not only far from the reality, the lack of productive work that can provide a decent standard of living for workers remains one of the major crises in contemporary South Africa.

Combined with this ongoing crisis of employment, the Charter’s vision of “equal pay for equal work” also remains elusive. In general women, and more particularly black women, still do not earn the same as their male counterparts, private industry continues to pay incredibly low wages to its largely black general workforce and those in the public sector who are politically connected often earn far more than those who are not. In a similar vein, the Charter’s demand for a 40-hour work week has not been realised

for millions of lower-paid and contract workers. Further, there is still no national minimum wage across work sectors and worker benefits (such as medical, health and pensions) vary widely across the private sector.

While legal rights are now the same for all workers on paper, the practical reality is that workers in the domestic and agriculture industries are much lower paid and more vulnerable. Nearly a million farmworkers were evicted from farms in South Africa during the first ten years of democracy (Nkuzi Development Association). Those in the still hugely important mining sector continue to work for comparatively low wages and under harsh and unsafe conditions. The levels of corresponding worker anger and frustration were most recently confirmed in 2012/2013 by the farmworkers strike in the Western Cape and also the longest strike in South Africa’s history, undertaken by rank-and-file platinum mineworkers.

Arguably however, the largest gap between the Charter’s statement of intent and present-day reality is in the area of ‘contract labour’. Not only has ‘contract labour’ not been “abolished” as promised by the Charter, it has grown to such an extent it is now estimated that a third of all employed workers are contract/casual labourers. Some sectors, such as the wholesale and retail industries, now have up to 80% of all their employees on a contract system (Vavi, 2012). Besides the obvious economic consequences for such workers, the casualisation of work has contributed to the increased atomisation of and constructed competition between, workers themselves.

As we will see in more detail in the chapter on ‘Poverty and the Freedom Charter’, the combined crisis of employment and the huge increase in what is now called ‘casual labour’ has made a mockery of the Charter’s claim that “There Shall be Work and Security” for all.

Conclusion

Powerful class contradictions and struggles are intensifying and democracy is under increasing strain in the new South Africa. For increasing numbers of the general citizenry and more directly, for the majority working class in the urban and rural areas, many of the rights enshrined in the Constitution are only paper rights. Despite the vision of the Freedom Charter, equal rights in a post-apartheid capitalist system do not translate into equal opportunities, equal access or equal outcome.

State institutions that are supposed to ensure access to these rights - the national and provincial departments, municipalities, the courts and the police - are weighed down, among other things, by a lack of capacity and budgetary constraints. Both limited capacity (linked to the state’s rationalisation, ‘downsizing’ and retrenchments), as well as tight budgets, are in turn related to the neoliberal GEAR policy.

Widespread corruption and the growing divide between the new black political and economic elite and the poverty-stricken masses have increasingly fuelled a re-emergence of ‘people’s power’ from

below. Where the frustrations of the masses have been expressed in active organisational dissent and practical protest, the state has been quick to respond in a defensive and heavy-handed fashion, reminiscent of the bad old days of apartheid.

The public/state sector is also becoming increasingly hostage to political and economic elites whose approach to equality and justice as well as democratic accountability to the people is clearly not in line with the ideals and vision of the Charter. More particularly over the last few years, power has been increasingly centralised by the Executive, especially within the Cabinet, President’s Office and the intelligence and security sectors. This is coupled to a distinct lack of political will to subject public policy and conduct to democratic oversight and to enforce the rights-based framework of the Constitution as well as the more specific commitments contained in progressive worker legislation.

All things considered, while there has definitely been some progress the embracing of neoliberal economic policies as well as a capitalist socio-political environment continues to undercut the potential of mass, people-centred power and democracy.



Andries Tatane, killed by police 13 April 2011 during a protest in Fickksburg, Free State



"The nationalisation of the mines, banks and monopoly industries is the policy of the ANC, and a change or modification of our views in this regard is inconceivable" (Mandela 1990)



"The ANC is determined to establish the political and social climate which is necessary to ensure business confidence and create the possibility for all investors to make long-term commitments to South Africa" (Mandela 1992)

3. NATIONALISATION AND THE FREEDOM CHARTER

"The People Shall Share in the Country's Wealth!"

The national wealth of our country, the heritage of South Africans, shall be restored to the people;

The mineral wealth beneath the soil, the Banks and monopoly industry shall be transferred to the ownership of the people as a whole;

All other industry and trade shall be controlled to assist the wellbeing of the people;

All people shall have equal rights to trade where they choose, to manufacture and to enter all trades, crafts and professions.

Nationalisation in Historical Context

Nationalisation and the 1950s

In the context of the 1950s, nationalisation of major sectors of the economy was the policy of Western social democrats, the USSR, China and other Eastern European 'socialist' regimes as well as of nationalist governments in the global South.

Indeed, by the end of the 1940s and by virtue of the victories of the Red Armies of the Soviet Union and China, countries which had implemented nationalisation of the means of production made up one sixth of the world's population. In Britain the

post-war Labour Party government implemented an extensive programme of nationalisation. By 1951, 20% of the British economy was in state hands. Other Western social-democratic regimes such as those in Scandinavia also proceeded along similar lines.

The 1955 Bandung Conference, at which nationalist governments and anti-colonial liberation organisations from all over the world gathered, took place in the same year as the adoption of the Freedom Charter. In the course of the next decade, nationalisation became a common policy of both existing nationalist regimes and newly independent, post-colonial governments, including those of Tanzania and Zambia.

Closer to home, the 1950s were also the heyday of Afrikaner nationalism and nationalisation. In the wake of the National Party election victory in 1948, key sectors of the economy were nationalised with the establishment of Iscor, Sasol, Foscok, Eskom and the Industrial Development Corporation amongst other state enterprises.

In many ways then, the 'economic clause' of the Freedom Charter can be seen as part and parcel of the much larger, global embracing of nationalisation by 'socialist' countries and nationalist governments in the South. In this sense,

nationalisation as an economic policy tool was not a particularly 'radical' or controversial approach at the time. What was much more controversial was the character of the state and the overall economic system within which nationalisation was undertaken.

Today, in the context of rampant anti working class neo-liberal capitalism in South Africa and the world, the economic clause of the Freedom Charter seems to be radical and even socialist in orientation.

The Journey of Monopoly Capitalism

Between the 1950s and the 1990s, the monopoly corporations which are the target for nationalisation in the Freedom Charter, significantly increased their domination and control over the South African economy.

By the end of the 1970s white monopoly capital had consolidated its position in every sector of the South African economy. Former divisions between English and Afrikaans-speaking sections of capital had become blurred. The National Party once the popular multi-class party of Afrikaner nationalism increasingly became dominated by its upper echelons whilst retaining its Afrikaner working class and urban and rural middle class base by guaranteeing privileges and huge social support through the Apartheid system.

In the early 1980s, the top 20 companies in South Africa owned 61% of total assets and 39% of total assets were owned by companies associated with just three top firms, i.e. Old Mutual,

Anglo-American and Sanlam. In agriculture, at the same time, 2.7% of all enterprises controlled 50% of total turnover; 6.3% employed 54% of the workforce; and 6% had 85% of all fixed assets. All of the top corporations, including the giant mining and finance houses were connected to each other by interlocking directorships. They also strengthened their control through minority stakes in smaller firms.

Anti-apartheid sanctions and the subsequent withdrawal of some foreign corporations in the mid-late 1980s saw economic power being further concentrated in the hands of the South African monopoly capitalist class. As a result, between 1981 and 1986 the control of total assets in the hands of the top eight corporations increased by 10% (Southall, 2005).

By the time of the 1994 elections, Anglo-American remained the dominant corporate conglomerate on the Johannesburg Stock Exchange (JSE), controlling 43% of the JSE's market capitalisation (the worth of all the shares). The top five corporates - Anglo American, Rembrandt, Sanlam, Old Mutual and Liberty Life - together controlled 84% of the JSE (McGregor 2004).

However, by the late 1990s and as a direct result of the ANC government's implementation of a neoliberal macro-economic programme (GEAR), the doors were opened for the largest South African corporates to list on international stock exchanges and 'invest' their massive pool of profits outside the country. In 1999, Anglo-American, Old Mutual, Billiton and South African Breweries all listed on the London Stock Exchange.



"We're not forcing people...you can support and be a supporter, but if you go beyond that and become a member, [and] if you're a businessman, your business will multiply. Everything you touch will multiply. I've always said that a wise businessperson will support the ANC because supporting the ANC means you're investing very well in your business."

(President Jacob Zuma, ANC's 101st anniversary gala dinner, 2013)

At the same time, many of these corporate giants began to ‘unbundle’ some of their operations in response to the ANC government’s Black Economic Empowerment (BEE) programme (this will be discussed in greater detail further on in this chapter under the section on BEE). This resulted in the share of market capitalisation of the five main corporates declining somewhat. By 1998, they accounted for 55% of the capitalisation on the JSE, even though they also engaged in a series of mergers which concentrated ownership even further in particular sectors.

So for example, by 2002, the four biggest banks represented about 80% of the total banking sector (West, 2003). In the manufacturing sector, the largest four firms accounted for almost half of the 57 main product groupings. In mining, only 9 corporates dominate the sector, with profits climbing to R39 billion by 2012 (Forslund, 2012).

Further, over the last decade there has been

a massive financialisation of the South African economy, wherein corporate monopolies have transferred much of their capital into financial assets. Short-term/speculative investment on the financial markets has raced ahead of productive investment.

To give a sense of the extent of this transition of corporate capital we only have to look at the assets of financial institutions as a ratio of South Africa’s overall Gross Domestic Product (GDP - which is the monetary value of all the finished goods and services produced within a country’s borders in a given year). From 1960-1990 that ratio kept within a band of 20-40% of GDP. By 1998 the ratio had jumped to 70% and by 2008 the ratio had skyrocketed to 120% of GDP (Mohamed, 2013)

Thus, even though there have been changes in the composition and spread of corporate capital in South Africa, it remains highly monopolised and incredibly profitable. Today, the top five

corporates on the JSE (BHP Billiton, British-American Tobacco, SAB Miller, Anglo-American and Richemont) still account for around 40% of overall capitalisation with the top 40 corporates accounting for 80% (JSE, 2013). Not surprisingly, the profit rate in South African has tripled in the last 20 years (Forslund, 2012).

As the old saying goes, “the more things change, the more they remain the same”. In South Africa the corporate capitalist class is not a dependent comprador class that is dominated by foreign capital. Over the period of more than a century, starting with the monopoly capitalist mining industry, it has consolidated its position as a powerful independent national bourgeoisie that dominates almost every sector of the economy. Further, it has established itself as a ‘global’ player of sizeable weight and operates as a loyal agent and vehicle of imperialist power in sub-Saharan Africa.

If the power of the monopolies was perceived as a major problem by those that drew up the Charter in the 1950s, their exponential growth and diversification in the intervening period raises even more sharply, the issue of nationalisation and the Charter’s general injunctions for transferring the wealth “to the people”.

South African capitalism has historically and in the present period been characterized by deep structural constraints, namely its white monopoly character and a system built on cheap black labour. These were the fundamental features of Apartheid and remain so today. The political deal that the ANC struck with the white ruling class during the early 1990’s ensured the continuation of South African capitalism with the ANC assuming state power and its main protector.

Consequently, the ANC and the black middle class have inherited related historical structural constraints of limiting their opportunities for capitalist development due to the domination of white monopoly capital over the economy and the black masses demanding that the legacy of Apartheid poverty and inequality be addressed. However, the ANC chose to promote neo-liberal capitalist growth that had been started by the Apartheid government. In this approach ANC leaders were well rewarded and given concessions and became shareholders in the companies of white monopoly capital. Beyond this the ANC pushed on with using the state as its key instrument for capital accumulation by

its leadership at all levels. This included Black Economic Empowerment legislation, abuse of parastatal companies, widespread corruption at all levels of the state and in major projects like the arms deal, the Gautrain, Eskom and state tenders. This wealth accumulation by the black elite has been rapid and brazen with conspicuous consumption while at the same time the black masses have suffered further impoverishment with the highest level of inequality in the world and poverty affecting 70% of the black masses.

For the past twenty five years transfer of wealth has therefore mainly been done by white monopoly capital and the state, towards top influential ANC leaders, like Cyril Ramaphosa and Tokyo Sexwale and socially elevating a significant section of the black middle class. This has secured monopoly capital’s continued dominance and control over the economy - epitomised by the Lonmin Marikana mineworkers’ strike and the subsequent massacre of 34 of them during August 2012. Ramaphosa, who subsequently was elected as the ANC and the country’s deputy president, had a 9% stake in Lonmin at the time and evidently intervened decisively in defence of the company and against the workers’ struggle for a living wage.

Nationalisation and the Theory of the NDR

The core of the ANC’s programme?

In a 1956 article, Mandela wrote, “The Charter... is a revolutionary document precisely because the changes it envisages cannot be won without breaking up the economic and political set-up of present South Africa.” In this respect, he argued that “a fatal blow at the financial and gold-mining monopolies and farming interests” needed to be struck.

However, a few years later during the Treason Trial Mandela appeared to be saying something quite different. Arguing that the Freedom Charter “is by no means a blue print for a socialist state” Mandela very clearly stated that, “the ANC has never at any period advocated a revolutionary change in the economic structure, nor has it ... ever condemned capitalist society” (Mandela, 1999).

Regardless, subsequent ANC policy and programmatic documents such as those coming out of the ANC’s 1985 Kabwe Conference, spoke of nationalisation as the key means to “strip the



Cyril Ramaphosa

The Deputy President of the ANC

- Net worth of \$700-mn
- 29.6% stake in R8,8-bn company Shanduka
- On the boards of Lonmin, MTN and Standard Bank
- 20-year control of McDonalds South Africa
- Chair of South African Breweries



Tokyo Sexwale

Former Premier of Gauteng and Minister of Human Settlements

- Major shareholder of Mvelaphanda Group, significant interests in media giant Avusa,
- Absa Group, Group Five and Life Healthcare
- Net worth of over \$200-mn
- A major player in the diamond industry in Africa

present ruling class of the actual substance of its power, by seizing hold of the commanding heights of the economy.”

Indeed, the economic clause had long been officially considered by the ANC as “the very core of its programme” as confirmed in a statement from its 1977 Lisbon Conference. For the ANC’s political partner the SACP, the Charter’s economic clause was central to breaking “the stranglehold of a number of white monopoly capitalists” as well as facilitating “the advance of black business and other sectors of the oppressed” (SACP, 1989).

As raised in the section above on ‘debate and controversy’ around the Charter’s economic clause, such seemingly contradictory statements mirror the different interpretations of and approaches to, nationalisation within both the ANC and the broader liberation movement.

National Liberation First, then Socialism

Both the ANC and the SACP have repeatedly stated that the economic clause does not mean that the Freedom Charter is a programme for socialism. As we have already seen, nationalisation has taken place in many capitalist countries.

The main point here is that there is no necessary ideological or strategic connection between nationalisation and socialism. Ultimately, it is the class character of the state, its relationship with the working class and the power of that working class in society that determines the parallel content and character of nationalisation.

It thus makes sense that the ANC and SACP historically viewed nationalisation as a key economic instrument that could be used by a new majority-rule, democratic state as a central pillar to fulfil the more immediate socio-economic interests of the black majority. This would be part of the first stage of the National Democratic Revolution (NDR) wherein “people’s power”, as expressed through the new democratic state, would ensure that “the interests of the working people, of town and countryside, (would)... be pre-eminent”. At the same time, by breaking up monopoly capital, nationalisation would also help to “open up avenues for the relative growth of black business in the post-apartheid phase” (Slovo, 1988).

In other words, the ANC and SACP’s approach was always based on two key assumptions. Firstly, that nationalisation would be something

that would benefit all black people regardless of class precisely because it would allow the breaking up of apartheid-era white monopoly capital as a crucial component of deracialising the South African economy. Ironically, the ANC’s 2013 statement on the Freedom Charter claims that the ANC is on course to deracialise the economy without nationalisation.

Secondly, that a new democratic state which replaced the apartheid one would necessarily act in the dominant interests of the broad working class because a large part of that working class was involved in and supportive of, the ANC/SACP-led liberation movement.

These assumptions formed the practical foundation for the ensuing ideological and theoretical position (the ‘two stage theory of revolution’) that implementing the Charter’s economic clause (alongside others) would, “lay the indispensable basis for the advance to socialism” (SACP, 1989). As the chapter on ‘Poverty and the Freedom Charter’ will detail though, the practical reality in the post-1994 period has not been supportive of either of these two assumptions that underpin the two-stage theory of the NDR.

The well-known and celebrated Afro-Caribbean liberation fighter and post-colonial theorist, Frantz Fanon foresaw many of the problems related to such a two-stage theory in the context of post-colonial states. He argued that in post-colonial societies, the nationalisation of the “commanding heights” of the economy by national liberation movements now in government tend to benefit the ruling political and economic elite and not the working class masses. The reason for this happening is because the working class does not have political power (Fanon, 1963). This is why, despite the general embracing of the Charter’s economic clause, working class formations have always called for nationalisation to be under workers’ control.



COSATU and Nationalisation

Two years after its formation, COSATU held its 2nd National Congress in 1987. The most significant issue on the agenda was the proposal by the National Union of Mineworkers (NUM) that COSATU, like NUM, adopt the Freedom Charter. The proposal resulted in intense debate at the Congress with NUMSA tabling an alternative proposal which argued that only large, mass-based socialist-oriented organisations be accepted as COSATU allies. In the end the NUM proposal was adopted by the majority of COSATU’s affiliates, thus committing the federation to struggling for the implementation of the Charter, including the economic clause.

However, NUMSA remained sceptical of the ANC’s own commitment to a working class-led implementation of the Charter and no more so than in respect of nationalisation. Just prior to the COSATU Congress in 1987, NUMSA had resolved at its own Congress to adopt a ‘Workers Charter’. Unlike the multi-class approach of the Freedom Charter, the ‘Workers Charter’ put workers themselves, as producers of wealth, at the centre of the struggle against apartheid-capitalism. The

union argued that the imperative of the liberation struggle was for the working class to control the economy of the country.

After the unbanning of the liberation movement parties in 1990 and the beginning of political negotiations with the apartheid state, COSATU held its 4th National Congress in 1991. And again, debates about the specific role of the working class in any future democratic government and associated nationalisation came to the fore. No doubt reflective of NUMSA’s Workers Charter and the unease with which many workers viewed the commitment of the ANC to workers’ ownership of the economy, the COSATU Congress drew up its own Draft Workers’ Charter.

Reflecting the influence of the ANC/SACP two-stage NDR theory, the draft Workers’ Charter stated that, “the winning of ... a non-racial democracy ... (was) part of a continuous process of creating conditions for the building of a socialist society”. It went on to declare that, “the commanding heights of the economy shall be placed under the ownership and overall control of the state acting on behalf of the people”. Here, we can see that there were already clear differences within COSATU

(and their ANC/SACP allies) about both the content and character of any future nationalisation in a democratic society as well the identification of the leading social and political force that would implement it as a crucial component of a longer-term struggle to move towards socialism.

These differences soon became more practically apparent. While most workers continued to demand nationalisation (particularly of monopoly capital) as a means towards socialisation of the means of production (COSATU, 1992), ANC leaders were busy trying to convince their broad alliance that nationalisation was no longer “an ideological attachment” of the organisation (*The Star*, 17 September 1991).

Nationalisation and the Negotiated Settlement

Whatever the exact (post-apartheid) content and character of nationalisation as envisaged in the Freedom Charter, the very process of nationalisation implies inroads into private property. As we have seen, by the 1980s, economic power was far more concentrated in the hands of a few monopoly capitalist corporations than in the 1950s; and by 1989, the National Party was itself the party of white monopoly capital.

The 1980s was a period of revolutionary crisis when workers and youth rose up en masse against apartheid-capitalism, when ‘people’s power’ was being established in the townships and the popularity of the Freedom Charter and the idea of a socialist South Africa was at its height. However, at the same time South African monopoly capital to offset its accumulation crisis, began to change its tune about the ‘terrorist and communist’ ANC-Alliance especially once international financial and other sanctions began to take a toll from the mid-1980s onwards.

Leading representatives of that monopoly capital (including the Premier Group, Barclays Bank, Sanlam and Barlow Rand) and led by Anglo American chairman Gavin Relly, journeyed to Lusaka to have talks with the ANC leadership (*Business Day*, 3 September 1985). ANC President Oliver Tambo recognised their core agenda: “they ... want to reform the apartheid system in such a way that the end result is a system that secures their business but is minus racial discrimination ... a system that falls short of the stipulations of the Freedom Charter” (Tambo, Radio Freedom interview, 15 October 1985).



Nelson Mandela speaking at the funeral of Joe Slovo

Nonetheless, the dominant logic of the ANC-Alliance leadership’s own national democratic conception of struggle, coupled with the vagueness of the Charter’s economic clause, found common ground with a deracialised capitalism. Indeed, Anglo-American Chair Relly commented after the talks that he felt the liberation movement leaders were not “too keen” to be seen as “Marxist”, and felt they had a good understanding “of the need for free enterprise” (Relly, SABC interview, 14 September 1985).

What was now obvious was that South African monopoly capital thought it must, and could, deal with the ANC and that the commitment to nationalisation in the Charter was negotiable. Indeed, during the height of the mass uprising inside the country accompanied by increasingly popular calls for a socialist future, Anglo-American’s Zach De Beer captured the essence of what was to become the very basis for the negotiated settlement several years later. He stated that: “We all understand how years of apartheid have caused many blacks to reject the economic as well as the political system. But we dare not allow the baby of free enterprise to be thrown out with the bathwater of apartheid (*Financial Times*, UK, 10 June 1986).

It thus should not have come as a huge surprise that the ANC’s 1988 Constitutional Guidelines committed the ANC and its allies to a political programme that fell comfortably within the framework of a deracialised, liberal capitalist democracy. Instead of interpreting nationalisation as necessitating the seizure of the ‘commanding heights of the economy’, the Guidelines stated that “the economy will be a mixed one” with constitutional protection of “property for personal use and consumption”. As for the role of the state, it would ensure that the ‘entire economy serves the interest and well-being of the entire population’ (Lodge & Nasson, 1991).

In other words, nationalisation as it is set out in the Charter had already suffered a fatal blow by the late 1980s, even before formal negotiations had begun. What was now being championed was an even vaguer notion of the role of the state as having “the right to determine the general context in which economic life takes place” and in which the “private sector of the economy shall be obliged to co-operate with the state ... in promoting social well-being” (Lodge & Nasson, 1991). The ANC leadership’s basic demand was now reducible to black majority rule. Political power through the ballot box would be the key to the successful completion of the national democratic revolution.

By 1990, the masses had been effectively subdued by the repressive actions of the apartheid state and the ANC/SACP shift towards a negotiated settlement. Combined with the collapse of the Stalinist regimes of the USSR and Eastern Europe, these developments dealt a blow to any further prospects of the ANC-SACP leadership pursuing the line of seizure of power. The ANC leadership shifted politically from calls for “People’s Power” and “ungovernability” in 1985 to “talks about talks” and a negotiated political settlement with the Apartheid regime. Additionally, the political stability needed by monopoly capital and the National Party regime to guarantee property rights meant that the ANC would have to tame its mass base’s thoughts of seizure of power and socialism to enable them to make serious compromises in any formal negotiations.

At the time of his release in 1990, Mandela briefly endeared himself to that mass base when he announced that nationalisation had always been the policy of the ANC: “The nationalisation of the mines, the financial institutions and monopoly industries is the fundamental policy of the ANC

and it is inconceivable that we will ever change this policy’ (*Sunday Telegraph*, UK, 1 April 1990).

However, it was not long before he was backtracking. Speaking to business executives a few months later, Mandela told them that “the view that the only words in the economic vocabulary that the ANC knows are nationalisation and redistribution is mistaken. There are many issues we shall have to consider as we discuss the question of democratisation and deracialisation of economic power.”

As the formal negotiations with the National Party got seriously underway in 1991, the ANC publicly confirmed what many in the liberation movement had feared for some time. The leadership indicated that it was ready to welcome international capital and Western governmental involvement in creating a ‘democratic’ economy (*The Star*, 6 December 1991). Soon thereafter, the ANC leadership went even further, giving its tentative endorsement to International Monetary Fund (IMF) and World Bank (neoliberal) prescriptions on macro-economic policy (*Business Day*, 24 March 1992).

By 1992 and after almost two years of formal negotiations, the ANC, now ‘ready to govern’, finally came out of the nationalisation closet. It gave a clear commitment to “[a] new system of just and secure property rights ... which is regarded as legitimate by the whole population” (ANC, 1992).

From the Freedom Charter to GEAR

While lamenting the detrimental effect of “the concentration of economic power in the hands of a few conglomerates”, the ANC’s *Ready to Govern* document went on to say that it “is not opposed to large firms as such”. The point was clear; there would not, as the Charter sets out, be any “transfer of ownership to the people as a whole” of the “banks and monopoly industry”. Instead, there would now be policies to curb monopolies “in accordance with international norms and practices” (ANC, 1992); in other words, within the political and economic framework of a deracialised capitalism.

SACP leader Joe Slovo played a major role in this ideological and programmatic ‘revisionism’. Addressing the board of Woolworths in the early 1990s, he argued that “nationalisation would be extremely costly ... be met by a flight of capital and skilled manpower” and possibly lead to “economic collapse”. Lkening nationalisation

to “consigning the heights of our economy to a commandist bureaucracy”, Slovo went on to say that “in sectors where direct state involvement is considered necessary for effective social planning” this can “take a multitude of forms, including joint projects, majority shareholding, or even minority shareholding ...” (SACP, 1990).

What the ANC leadership and Slovo were doing was to politically delegitimise nationalisation. Even though the ANC and SACP leadership simultaneously argued that nationalisation as an option was not completely ruled out, when they were presented with serious arguments for how aspects of nationalisation could be applied in a new South Africa, they largely ignored them. In 1993, the ‘Macro-Economic Research Group’ (MERG) produced a comprehensively anti-neoliberal “Framework for Macroeconomic Policy in South Africa’. MERG proposed a strong role for the state in the economy, including the nationalisation of the Reserve Bank (MERG, 1993).

A year later, the RDP called for the democratic government to consider “increasing the public sector in strategic areas through, for example, nationalisation, purchasing of shareholding in companies, establishing new public corporations or joint ventures with the private sector.”

Unfortunately for the majority working class and poor, by 1996 the new ANC government confirmed that it had effectively turned its back on the Charter’s economic clause. Not only

were the MERG report and the macro-economic proposals in the RDP cast aside, the country’s new Constitution formalised the legal sanctity of private property. The ‘new’ economic path was then set out in the ‘Growth, Employment and Redistribution’ (GEAR) macro-economic policy framework.

GEAR pulled few punches; it forthrightly committed the ANC government to a neoliberal, trickle-down growth framework in which the state’s main role was to facilitate capitalist investment and accumulation whilst simultaneously ‘redistributing’ the surplus. Helped along by the use of slick econometric modelling, GEAR assumed that (free) market-oriented policies would yield the desired outcomes of significant job creation, investment, growth as well as reduced poverty and general inequality.

As such, nationalisation was replaced by the privatisation and commercialisation of much of the public sector, despite opposition from COSATU and other components of progressive civil society. COSATU countered GEAR with proposals to break-up economic concentration through nationalisation of key monopoly industries (COSATU, 1996) but these were again largely ignored by the new ANC/SACP state.

In 1985, the ANC had noted that, “the Botha regime has dropped the rhetoric of ‘separate development’ in preference for the ‘defence of the system of free enterprise’.” Just over 10 years

later, with the adoption of both Gear and the property clause in the Constitution, the ANC had finally dropped nationalisation, “in preference for the ‘defence of the system of free enterprise’”.

In the almost 20 years since the adoption of GEAR, its fundamentals have continued to be followed by successive ANC governments. At the core of GEAR’s fundamentals has been an ideological approach as captured by former ANC Minister of Finance Trevor Manuel, which sees the state as “balancing the different social and economic values that any single society expresses”. In a capitalist society such as South Africa’s this has meant that the necessary pre-condition for a nationalisation that is driven and beneficial to the working class - i.e. a state in the hands of that working class - has never been realised. In Trevor Manuel’s words, the South African state needs to “fulfil the relatively traditional functions of the state - providing economic security at the same time as allow economic activity”.

This definitively neoliberal approach has required a qualitative shift in the nature and capabilities of the state itself as it has become increasingly oriented towards regulating and promoting the private sector as opposed to serving public provision through the redistribution of wealth. As we will see in the chapter on ‘Poverty and the Freedom Charter’ the practical consequences have seen further concentration of capital, deepening income and wealth inequality, widening poverty and intensified class (and racial) conflict.

Black Economic Empowerment and the Freedom Charter

“... it is of less importance to us whether capitalism is smashed or not. It is of greater importance to us that while capitalism exists, we must fight and struggle to get our full share and benefit from the system”

(ANC Secretary-General Dr. A.B. Xuma, 1945 - as quoted in Fine and Davis, 1990)

The Freedom Charter does imply active state support for black business. After all, a range of apartheid laws, including restrictions on property and business ownership, as well as access to markets and loans/credit, curbed the growth and development of black business.

It was in this context that nationalisation was regarded by nationalists within the liberation movements as one of the key instruments to equalise access to the world of capitalist business. By breaking the back of existing monopolies through nationalisation, the prospects for emerging black business to establish itself and compete on a more equal basis for a stake in the system would be that much brighter. Nationalisation would provide the new democratic state with the leverage to favour the historically disadvantaged black capitalist and middle class. This is what is implied by the Charter’s reference to “equal rights” to trade and manufacture.

Thus, according to the Freedom Charter nationalisation was the means for ensuring black economic empowerment (BEE). In other words, this kind of BEE was supposed to be an outcome of nationalisation taking place within a capitalist system.

This conceptual understanding and practical approach to BEE was consolidated as the dominant expression of the liberation struggle from the 1960s onwards (codified in the ANC’s 1969 *Strategy & Tactics* document). Here, the ‘new’ basis for the pursuit of ‘black empowerment’ was set against the SACP’s theory of ‘colonialism of a special type’ (CST).

The core of the CST argument was that apartheid emanated from the era of monopoly capitalism and that South Africa reflected “a combination

The example of ESKOM

For the ANC and all those in support of its ‘developmental state’ agenda, the prime means of ‘intervention’ to address South Africa’s gross socio-economic and service inequalities is the delivery of public services (which clearly must include accompanying infrastructure) through majority state-owned entities. For this to make any sense, the inherent assumption has to be that a state-owned delivery mechanism equals public service provision beneficial to the majority of South Africans - i.e., the broad working class/poor. And yet, when it comes to such intervention by ESKOM - a majority state-owned entity - it seeks to deliver a public service (electricity) through a commodified, cost-recovery model wholly consistent with a corporatised, capitalist market-defined delivery mechanism. Why - because even though ESKOM is a (majority) state-owned entity it is practically run as a corporation, with the profit motive at the forefront of its revenue (and thus sustainability) model.

This model together with the government’s neo-liberal economic policy framework has ensured Eskom limping from one crisis to the next. Under Mbeki, investing in additional power generation and maintenance for Eskom’s ailing infrastructure was not prioritised due to its cost cutting approach. Consequently when the crisis of higher electricity demand and a lack of supply hit ten years later, it cost several times more, ensuring huge state debt with South Africa now at its highest level of indebtedness, huge increases in the cost of electricity for ordinary people and lots of “load-shedding” - a serious case of “Penny wise, Pound foolish”.



Trevor Manuel, former Minister of Finance, 1996 - 2009

of the worst features of imperialism and colonialism within a single national frontier” in which black South Africa was a colony of white South Africa. As the African population was seen as having “no acute or antagonistic class divisions at present” (i.e. a seamless identification of all blacks as being part of a common and oppressed ‘class’ of people) it was only logical that the immediate task was to fight for the national liberation of the ‘colonised’.

As such, this task would be carried out through a ‘national democratic revolution’ with the multi-class liberation movement (the ANC) acting as the main vehicle, but with the working class constituting the leading revolutionary force within it. Since not all classes had an objective interest in a fundamental (anti-capitalist) economic transformation of a post-apartheid South Africa the working class’ leading role would - theoretically - ensure that the struggle could be extended towards a second stage of socialism.

The ‘result’ was that by the time serious mass struggles against the apartheid system took centre stage (in the 1980s), the entire concept of BEE was wrapped up in a contradictory ‘liberation’ paradigm. National liberation itself was analytically and practically circumscribed – i.e., the political side of the national liberation struggle had become detached from the economic side (the struggle for social and material liberation).

In other words, BEE would, of necessity, have to be practically implemented as part of a deracialised capitalism (after political freedom) in which the logical aim would be the empowerment of an emergent and black capitalist class (bourgeoisie) as a means of overcoming general racial oppression. In turn, this empowerment would then trickle down to the black majority of workers and poor, who would, hopefully somewhere in the distant future, rise up and overturn the capitalist system and the newly empowered black capitalists within it (McKinley, 2011).

By 1994, the mould of any future BEE was set. The primacy of developing a black bourgeoisie by an extended BEE and the strengthening of capitalist relations of production as the developmental framework within which that took place (alongside political ‘freedom’) - was presented as the logical and desired outcome of the liberation struggle itself. Under the ‘cover’ of the national, multi-class (but in reality predominantly black working class) struggle against apartheid, there soon emerged the widespread notion that there was a common – national and class – interest in pursuing such a ‘model’ and outcome.

Practically, this meant that there were only two possible ways of going about building and expanding the black (‘patriotic’) bourgeoisie that would constitute the foundation of both a post-apartheid BEE and capitalist developmental path:

- By encouraging and/or pressurising white corporate capital to facilitate such BEE through selling (non-core) businesses to existing and emerging black ‘investors’, who in turn, would be assisted by (white controlled) financial institutions through ‘special purpose vehicles’;
- By utilising the institutional and capital resources of the state to facilitate such BEE, mainly through the privatisation/ corporatisation of state assets, awarding of government tenders, the provision of seed capital and the threat of effective expropriation (not nationalisation) through the unilateral imposition of quotas of black ownership in key sectors of the economy. This would then be combined with a separate ‘wing’ of ‘broad based’ BEE that would target the empowerment of the black majority through increased capital expenditure, enhanced support for SMME’s and facilitation of skills training and institutional capacitation (Southall, 2005).

For the first few years before ANC rule and after 1994, the first ‘way’ was dominant. A rash of ‘empowerment’ deals between emergent/ wannabe black capitalists (most often all with close political connections to the ruling ANC) and white corporate/finance capital took place. Best known amongst these was NAIL (Metlife, African Merchant Bank, Theta) and the NEC (Anglo’s Johnnic). Literally overnight, South Africa had ‘created’ new black millionaires who publicly paraded their new found riches and loudly claimed that this was the start of a new dawn in which all black South Africans could share in the wealth (for example, Cyril Ramaphosa and his ‘people’s’ Ikageng Shares).

ANC politicians lauded South Africa’s equivalent of the ‘American dream’. For example, former Minister of Mines and Energy, Phumzile Mlambo-Ngcuka publicly endorsed the morality of blacks getting ‘filthy rich’. However, when the Johannesburg Stock Exchange imploded in 1997-98, the dominant straw-man edifice of this BEE strategy came crashing down as well. What made the exposure so politically damaging were two powerful charges against the ANC government that had been its chief champion.

From the side of the wounded black bourgeoisie came the charge that their government had not nurtured and protected them (raising parallels with the ways in which the apartheid state had done this for white/Afrikaner capital) from hostile economic conditions both domestically and internationally. This was coupled to the charge that the ANC state’s neoliberal macro-economic policy framework was inherently antagonistic to the sustenance of an emergent black capitalist class since its core policies were effectively facilitating the interests of domestic (white) and international corporate capital rather than ‘its own’.

From the side of the majority of black workers and poor - as well as from sections of the ANC’s alliance partners, COSATU and the SACP - came the charge that the ANC government’s neoliberal policies, with BEE at the centre, were responsible for massive job losses, increasing impoverishment and inequality, a lack of basic services and most damaging of all, a betrayal of the redistributive principles and vision of socio-economic equality of the Freedom Charter.

Both corporate capital and the ANC scrambled to ‘repair the damage’, or at least be seen to be doing so. The second ‘way’ approach took over. In

1999 the ‘Competition Act’ was passed, “to ensure that small and medium-sized enterprises have an equitable opportunity to participate in the economy; and to promote a greater spread of ownership.” A BEE Commission was soon established that, over the years, has developed a number of sectoral ‘transformation charters’, including targets for black ownership in the respective sectors. Then there was also the passing of the Broad-Based Black Economic Empowerment Act of 2003 (BBBEE) with increasingly larger budgets allocated.

By the early 2000s, a range of new empowerment deals, equity programmes, social awareness plans and longer-term ‘empowerment’ scenario planning had been put in place/publicly unveiled by white corporate capital who were clearly trying to pre-empt what they feared might well be a class and racial backlash. As the Chamber of Mines declared; “The transformation of the mining industry has come a long way since the ANC’s Freedom Charter in 1955, where specific reference was made to the mining industry.”

For its part, the ANC state embarked on a strategic approach that sought to ‘mainstream’ BEE as part of an expanding ‘developmental’ state dedicated to the social and economic upliftment of the black majority. The reality however has simply been a minor cutting up of the capitalist pie to benefit a privileged few without any ‘revolutionary’ disruptions such as nationalisation. So for example, the latest estimates of direct black ownership of companies on the JSE is around 9% (although this is highly contested) with another 12% or so being taken up by largely government controlled pension funds and unit trusts (JSE, 2014).

Most black South Africans, particularly the majority working class, remain deeply sceptical and generally hostile to the way in which BEE has been, and continues to be, pursued. While COSATU has regularly complained that BEE policy places “a disproportionate emphasis on big business” and acts largely as means for enriching “a relatively small number of private individuals”, the investment companies of COSATU and its affiliates have themselves become wrapped up in the overall BEE terrain.

As a result, the ANC implicitly understands that it will not suffice simply to re-arrange the BEE deck chairs but that it is, more than ever, necessary to make a re-connection with the real basis of the ANC’s continued legitimacy (i.e., the liberation struggle) in order for BEE not to be rejected by



the majority of its own constituency. So, in order for what, in reality, continues to be a specific programme of class accumulation and privilege to be ‘seen’ and accepted as part and parcel of the historic mandate of the ANC (i.e., implementation of the economic clause in the Freedom Charter) there is the continued need to provide ideological ‘cover’.

As in the past, the ‘national democratic revolution’ (NDR) serves the purpose. In this respect, its crucial function is to provide justification for the existence and expansion of a (‘patriotic’) black bourgeoisie – which practically represents the leading ‘motive force’ – alongside continued and close cooperation with white capital. The result is that contemporary BEE in South Africa has become, more than ever, the prime practical vehicle for elite accumulation, rent-seeking and corruption as well as the conceptual cover for extreme inequality.

Debate and controversy over the Charter’s ‘economic clause’

“It is therefore a fundamental feature of our strategy that victory must embrace more than formal political democracy. To allow the existing economic forces to retain their interests intact ... does not represent even a shadow of liberation.”

(‘Strategy and Tactics of the ANC’, Third Consultative Conference, Morogoro, 1969)

It should come as little surprise that this section of the Freedom Charter has invoked the greatest debate and controversy; in Mandela’s words, it has been “one of the thorniest”. After all and as the ANC’s 1969 *Strategy and Tactics* document confirms, at the heart of the liberation struggle was the fight to transform not only the political system of apartheid-capitalism but also the economic system.

The historic and ongoing debate and controversy has centred on different interpretations of what the Charter actually means when it says that the “national wealth ... the mineral wealth ... the banks and monopoly industry shall be transferred to the ownership of the people as a whole”.

Does it mean the nationalisation of natural resources and large-scale private capital by a new democratic state acting on behalf of the people? Does it mean the people themselves,

through working class-led “democratic organs of self-government” taking direct ownership and management of the means of production? Or does it mean the adoption of a ‘mixed-economy’ where both the state and private (capitalist) market in a new democracy share the economic driver’s seat to gradually redistribute wealth and resources to the people?

These are not purely theoretical questions though; they apply now and in practice.

On the occasion of the Freedom Charter’s 59th anniversary just last year, the ANC stated that the Charter’s economic clause is central to its drive for “radical socio-economic transformation in this second phase of our transition [whose] agenda [is] to deracialise and industrialise the South African economy” (ANC, 2014). This is definitely an approach that is consistent with the ‘mixed economy’ interpretation of the clause.

On the other hand, at its Special Congress in 2013 NUMSA made a direct call for “nationalisation of the commanding heights of the economy”. And yet, the union has also admitted that there is presently no “strategic plan” for “how the working class will take over the mines, banks and monopoly industries.” NUMSA’s approach then faces a key challenge since it appears to want to combine two interpretations of the Charter’s economic clause. Is the main driver going to be the democratic (capitalist) state, the working class itself or some kind of a combination of the two?

Amongst the majority of left/progressive forces in contemporary South Africa, including within COSATU, it is the first interpretation – i.e. nationalisation by a democratic state – that seems to hold most sway (thus the title of this chapter). However even then, there continues to be debate around whether there needs to be a socialist worker-controlled state or simply a democratic state under capitalism to carry out nationalisation that will benefit “the people”.

All of this raises other key questions for further debate. Under what political and socio-economic conditions does nationalisation constitute a radical systemic change (i.e., socialism) or merely a sideways shifting of economic deck chairs within the existing capitalist system (i.e. state capitalism)? Can we assume that just because something is taken over by the state this makes it ‘public’ given the capitalist nature of the post-apartheid state itself which has seen the corporatisation of many state-owned enterprises linked to the business

(BEE) interests of senior ANC politicians and state bureaucrats?

It is now clear that the ANC has chosen the mixed economy, ‘developmental state’ approach. This allows state-owned enterprises to be used as the standard bearers of ‘change nationalisation’ whilst the new (black) political and economic elite reap the corresponding benefits of their control over state assets in the world of ‘free market’ capitalism.

On the ‘other side’ (i.e. for many in the union movement, left political formations and broader working class) though, the calls for nationalisation often conflate the state, the nation and the people who live in it. As the history of the USSR’s ‘actually existing socialism’ model so clearly revealed, transferring ownership of all key components of the private to the (captured) state is neither a necessary or sufficient condition for a socialist people’s ownership.

Historically though, nationalisation has been associated with socialism. In the light of the multiple crises facing the broad working class today and as capitalism time and again proves incapable of satisfying even the most basic and immediate demands of the masses, it is appropriate to revisit the question of nationalisation and its place in the struggle for socialism.

This immediately raises the idea of socialisation, which entails the transformation of private property in the means of production into social property. Many would argue that nationalisation is but a particularly reductionist form of socialisation in which the state – and by association those in control of it – takes the centre (ownership) stage. A nationalisation in which the state varyingly owns and manages the majority of enterprises, plans the production and distributes the product necessarily demands a large and centralised bureaucracy which most often leads to a monopolisation of both political and economic power.

Yet, socialisation can also take the form of transforming key components of the means of production into collective/group ownership of property. Further, socialisation can take the form of self-management where the means of production are turned into the property of worker communities – wherever located – and in which the product(s) of those communities are not bought and sold as commodities but distributed and exchanged freely as both a means of individual collective use value and for general (societal) social needs.

In this view, the entire debate about nationalisation and more state intervention (to ‘protect’ the public sphere and better deliver public services to those that need them most) is little more than a rhetorical exercise unless that state “has been radically democratised” in both form and content. Otherwise, the practical import of more state ownership and intervention will, as the global record over the last twenty years has so clearly shown, results in the state being used to further reassert and embed a statist neoliberal agenda and profit-defined market ideology.

Simply put, it is the type of state and whose class rule and interests it represents that is fundamental and critical to the question of economic policy and nationalisation. This has amply been demonstrated by the current state enterprises such as Eskom and Telkom that have been commercialised and have not served the interests of the impoverished masses, despite being owned by the democratic state.





4. LAND AND THE FREEDOM CHARTER

The Land Shall be Shared Among Those Who Work It!

Restrictions of land ownership on a racial basis shall be ended, and all the land re-divided amongst those who work it to banish famine and land hunger;

The state shall help the peasants with implements, seed, tractors and dams to save the soil and assist the tillers;

Freedom of movement shall be guaranteed to all who work on the land;

All shall have the right to occupy land wherever they choose;

People shall not be robbed of their cattle, and forced labour and farm prisons shall be abolished.

This section, which is referred to here as the land clause, was largely a response to the needs and interests of the rural masses of the time, i.e. the black population in the apartheid 'reserves' and workers on white farms. The clause speaks directly to the racist inequality and privilege that characterised the situation on the land and envisions a democratic future where there would be a sharing and re-division of all the land among those who work it.

Although not specifically mentioned in the clause, the plight of black people in the urban areas where they were restricted to designated 'townships', is indirectly addressed by the call for everyone to "have the right to occupy land wherever they choose."

In general terms, the clause sets out a scenario in which a new democratic state would scrap all laws related to land that privileged white people and unjustly denied or limited access to land for black people.

The Changing Context of the Land Question

After centuries of colonial and apartheid-capitalist dispossession, the land question resonated powerfully in the 1950s.

The creation of a Union of South Africa in 1910 saw 'wars of dispossession' replaced by 'laws of dispossession'. The 'Land Act of 1913' was to become the cornerstone of that legalised dispossession, prescribing that 'African' people could occupy and own land only in the 'reserve' areas which made up a mere 13% of all land in South Africa.

This was then followed by the 'Natives Urban Areas Act of 1923' which allowed local white authorities to regulate and control the so-called influx of Africans from the reserves into the urban centres. This Act was further tightened by the 'Black Urban Areas Consolidation Act of 1945'. Further, there was the 'Native Trust and Land Act of 1936' which declared rural areas settled by the Africans in reserves as trust land, giving most authority to traditional leaders. Other apartheid land laws were also passed such as 'The Asiatic Land Tenure and Indian Representation Act of 1946' and the 'Coloured Persons Settlement Act of 1946' which denied Indian and Coloured people land and settlement rights.

All of this legislation was then consolidated in 'The Group Areas Act of 1950' which solidified South Africa's racial geography and control in both rural and urban land areas. But the new National Party government was not done. It soon passed 'The Prevention of Illegal Squatting Act of 1951' that criminalised blacks who came to settle in cities and towns where the vast majority of land was designated as whites-only residential and business areas.

Soon thereafter the 'Bantu Authorities Act of 1951' was passed which introduced the tribal, regional and territorial authorities system as a forerunner to the formal establishment of the Bantustans. And then the 'Black Resettlement Act of 1954' legalised forced removals of black residents from designated white areas in towns and cities (Phala, 2013).

The land clause in the Charter reflected the anger and opposition of the black masses to these changed and intensifying conditions of oppression, both in the rural and urban areas. Apartheid's racialised social and geographic

engineering of land catalysed a continuous process of proletarianisation of the African masses and thus the development of apartheid-capitalism.

The 'reserves' acted as a repository for a 'reserve army of labour', providing a steady flow of migrant labour to the mines, white farms and urban manufacturing areas while at the same time supplementing the starvation wages of migrant workers through subsistence farming, thereby boosting the profits of the capitalist bosses. At the same time, population growth, overstocking and overgrazing, led to massive soil erosion in the 'reserve' areas. Over time, this resulted in a marked decrease in the use of land for productive purposes to serve subsistence needs. A direct by-product was that increasing numbers of now destitute and landless Africans came to settle in towns and cities in their search for employment resulting in massive overcrowding and degrading living conditions in 'townships'.

By the time of the adoption of the Charter, an independent, self-sustaining black peasantry had all but disappeared from South Africa. The entire land system was now designed to service the needs and interests of apartheid-capitalism. Not surprisingly then, from the late 1950s and into the early 1960s there was an upsurge in land-related struggles.

Capitalist Agriculture

The 19th century capitalist revolution in South Africa was set in motion by the mining industry, during the period following the discovery of diamonds and gold. This spurred on capital accumulation both in agriculture and manufacturing.

In terms of the Land Acts, white farmers occupied and owned 87% of all the land in the rural areas. Much of this land was arable and fertile and could be used productively, unlike that in the 'reserves'. These farmers were mobilised under the banner of Afrikaner nationalism and constituted a huge voter base for the National Party. The apartheid regime, in turn, provided them with massive subsidies, loans and other forms of state support.

However, the economic crisis of the 1970s saw increasing numbers of farmers fall into bankruptcy. The apartheid state was also pressurised to decrease the subsidisation of the less profitable farmers. Farming debt mounted and by the mid-

1980s it came to exceed the gross agricultural income. The long period of economic stagnation in South Africa impacted especially severely on agriculture, its contribution to the economy declining significantly since the 1950s. In the 1950s its share of Gross Domestic Product (GDP) was 15% on average, dropping to 11% in the 1960s, then to 8% in the 1970s and 6% in the 1980s. Today, its share is just over 3%.

Along with this drastic decline in the economic contribution of agriculture came an equally rapid drop in the number of white-owned farms. In 1965 there were around 100 000 white-owned farms but by 1985 this number had declined to 60 000. Today there are probably fewer than 35 000, many of which are owned by large-scale commercial agri-businesses.

Indeed, during the 1970s and 80s there was a steady concentration of land ownership in the hands of a small group of agri-businesses and rich white farmers. By 1983, 27% of the white capitalist farming sector accounted for 72,8% of gross farming income and controlled 80% of agricultural resources". The monopoly capitalist corporations in other sectors, such as mining and finance, increasingly acquired massive interests in agriculture. For example, by the early 1980s, Barlow Rand and Anglo American together owned more than 75% of the sugar industry (Dolny, 1990).

Today, agribusiness and rich capitalist farmers are well organised in producer associations such as GrainSA for farmers and the South African Chamber of Milling for millers. Capitalist agriculture produces a range of agricultural commodities - maize, wheat, sugar-cane, fruit, vegetables, beef, poultry, mutton and dairy products amongst others - and is therefore of enormous strategic significance from the point of view of food security. A good example of the influence of corporate capitalist agriculture on the country's food sovereignty is the fact that over the last few years, South Africa has become the only country in the world where the population (largely black) is consuming genetically modified (GM) maize as a staple. At present, almost 80% of all maize produced in South Africa is GM (African Centre for Biosafety, 2012)

Key agricultural sectors such as maize and wheat have experienced increasing vertical integration since 1994 with all the key productive processes, from the farm to processing and packaging to retailing, carried out by overlapping interests. For example, the food wholesale company Metro is

owned by Premier Group Limited and supplies most black retail stores. Further deregulation measures and trade liberalization carried out by the ANC government have increased competitive pressures on the sector, resulting in the further, large-scale sale of farms and/or bankruptcies and consequently increasing monopolisation.

One of the results has been that mostly black emerging farmers have been among the most squeezed, with hundreds quitting, and claiming that the government has "abandoned" them, with no skills and little access to markets. This is in direct contradiction to the Charter's promise of infrastructural, financial and skills support from a democratic state (Hosken, 2014).

Capitalist agriculture has also adopted its own restructuring measures typical of the current 'lean and mean' phase of neo-liberal capitalist globalisation. On the one hand, neo-liberal restructuring and the application of new production technologies have increased productivity. On the other hand, they have led to a significant reduction in the number of permanent workers through retrenchments and the use of seasonal or casual workers.

It is estimated that up to a quarter of all farming jobs were lost in the period from 1988 to 1998. But things have gotten even worse since then, with the number of farm labourers decreasing from 1,1million in 2004 to 624 000 in 2011, a massive decline of 46% (Radebe, 2012).

Mass retrenchments and evictions have also been associated with legislative measures, such as the 'Extension of Security of Tenure Act of 1997' and the setting of minimum wage for the sector. Over a period of 10 years from 1994-2004, over 2 million people were displaced from farms in South Africa, with almost 50% (1 million) of those being evicted (PLAAS, 2005). Incredibly, only 1% of those evictions involved a legal process (Greenberg, 2009a).

So we can see that the major owners of agricultural land - corporate agribusinesses and rich white farmers - constitute a hugely concentrated monopoly of power. Their major preoccupation is profitability and maintaining a competitive edge under existing conditions of capitalist globalisation. Workers' lives and conditions are secondary and their improvement not a priority at all.

These trends in capitalist agriculture in South Africa are global in character. Over the last 20 years, throughout the world, we have seen the concentration of land ownership in the hands of huge agri-businesses and the domination of the market in agricultural and food production in the hands of transnational monopoly capitalist corporations. The neo-liberal opening up of agriculture to 'free market' forces has been entirely in favour of these powerful class forces. The war in Ukraine is precisely around competition and ensuring free access to western monopoly companies to Ukraine's vast and highly fertile and productive agricultural land. On the other hand, these changes have coincided with the mass destruction of first the peasant and then the smaller-scale farming economies.

The Rural Masses Today

After 20 years of democracy, the African rural masses are still deprived of wealth and access to land. The Freedom Charter's aim of a massive re-division of good arable land into the hands of black people so as to end conditions of poverty and hunger has been left hopelessly unfulfilled.

Most poor households in South Africa today are to be found in the rural areas. The millions who still live in the poor rural villages and districts of the former 'Bantustans' continue to suffer grinding poverty, hunger and ill-health. The twin scourges of mass unemployment and HIV&Aids have risen to prominence with devastating impact over the last decade in particular.



Farmworkers in the Boland and Hex River Valley in the Western Cape went on strike in January 2013 for a wage increase from R69 to R150 per day

Today, the livelihoods of rural households remain almost completely dependent on migrant labour wages, informal economic activity as well as state pensions and other social grants. Income-generating and subsistence farming has all but collapsed. At the same time, the reactionary black middle class and capitalist elements (including chiefs and indunas) that established themselves with the support of the illegitimate 'Bantustan' regimes under apartheid, have been joined by the newly emerged and emergent claimants of black economic empowerment. Having established their presence in the urban towns and to a lesser extent in the rural areas, they are looking for further economic opportunities, including increasing access to land.

Hunger and poverty in these rural areas is rife because of the failure of meaningful land reform and support for agricultural production, a lack of formal jobs as well as the state's inadequate provision of social security. A key result has been "massive speculation in land and a sharp increase in land prices. In prime agricultural zones there have been few willing sellers and consequently little change in the unjust land ownership patterns inherited from the past" (ALARM, 2005).

In the historically white farming areas, farm workers and their families continue to live under appalling conditions. This is despite the new laws and policies that seek to challenge the more extreme forms of oppression. As we have seen, the class of capitalist farmers has adapted to changing economic and political circumstances through mass retrenchments and evictions. As a

result, informal settlements in rural towns or peri-urban areas have mushroomed throughout the country. In turn, this has intensified the demand for land, jobs, housing and basic services in urban areas.

Of course the situation in the rural areas varies from district to district and province to province. However, the broad trends in the post-apartheid South Africa are clear.

The millions of black South Africans living and working on commercial farms remain hugely vulnerable, the victims of “evictions, slave wages, disruption of family life and social networks, insecurity of tenure as well as lack of access to land for their own production” (ALARM, 2005). The reality after two decades of democracy is that the land is not being shared by those who work it. More specifically, rural women who constitute a majority of the rural population have hardly benefited at all from the land reform process and must continue to fight against gender oppression as a result of the passing of ‘The Communal Land Rights Act of 2004’ which has only served to reinforce the power of men to exploit women’s productive labour.

Under such conditions it should not come as a surprise that less than 5% of all farm workers are unionised; casualisation and labour broking have spread dramatically in recent years (Reddy, 2013). The ongoing struggle for decent work, wages, and living conditions resulted in the largest, post-1994, strike by farm workers in the Western Cape in 2012. Fed up with starvation wages of R65 a day, the workers demanded a daily minimum wage of R150. After an intense and often violent struggle, they eventually won a wage of R105 per day but even this is not enough to provide them with life’s basic necessities of food, shelter and clothing.

These realities contradict the demands of the Charter’s land clause.

How did the ANC and SACP interpret the Land Clause of the Freedom Charter?

Until the period of negotiations after 1990, the key documents of the ANC and SACP, in keeping with the land and nationalisation clauses of the Freedom Charter, were clear about the need to break up the white monopoly ownership of the land and for a radical mass re-division of the land.

In 1989, the SACP anticipated that the realisation of the demands of the Freedom Charter would entail different forms of ownership - state farms, co-operative farms, as well as individual peasant plots (SACP, 1989). On his release from prison in 1990, Mandela reaffirmed the ANC’s historic position, declaring that “the land question must also be addressed within the context of the restructuring of the old economic power relations”.

However, these pronouncements were at odds with the reality of the ANC and SACP’s actual political agenda and practice in the preceding two decades. As the former Landless People’s Movement (LPM) noted, there was an almost complete absence of “any significant organised political engagement with the land struggle from the 1960s onward ... even from within the liberation movements”. As a result, “the task of supporting struggles against land dispossession fell to a small group of liberal and welfare organisations ... (who) ... were the only formations capable of articulating a land reform perspective approximating the demands of the poor and landless majority.”

This meant that just as the ANC and SACP were heading into negotiations with the apartheid state, including over the crucial issue of land, “the disparate voices of the landless were drowned out by technocratic processes and dwarfed by the booming rhetoric of the country’s tiny, yet heavily protected, white commercial farming lobby” (LPM, 2004).

Given that rich white farmers and capitalist agribusiness continue to monopolise both land ownership and ‘farming interests’, a meaningful adherence to the Charter today would imply some form of land nationalisation and a radical shake-up of white monopoly capital in agriculture. This has clearly not been the case up to now though.

The ANC’s land reform programme

Since the democratic elections of 1994, the policies pursued by the ANC government have not prioritised meaningful land reform whether as applied to the rural or urban areas of the country. The core reason for this is that the ANC government’s land reform programme is broadly based on the property clause in the Constitution.

While the property clause places a broad obligation on the state “to foster conditions which enable citizens to gain access to land on

an equitable basis”, the overarching framework of post-1994 land reform is based on capitalist, ‘free market’ principles. This includes the World Bank-inspired “willing-buyer, willing-seller” principle which has privileged existing (largely white and corporate) landowners and effectively gutted the government’s stated intention of achieving meaningful targets for land redistribution.

Here’s the main ‘catch’ - under the property clause, expropriation by the state is permitted for redistribution purposes. However, this can only take place if compensation is paid to the existing owner and only if, in determining the amount of compensation, the market value of the land, among other things, is taken into account.

The cumulative result is that in over 20 years of democracy there has been little progress in respect of socio-economic development to benefit the rural masses and the eradication of deep rural poverty. Similarly, in the urban areas, apartheid-era defined land ownership and use as well as residential patterns have remained largely intact. This has produced growing numbers of landless urban poor, many of whom have come to the cities to try and escape rural poverty.

There has been no shortage of post-1994 legislation that speaks to a more substantive land reform programme, including restitution

and redistribution. Land restitution is aimed at restoring land to black people dispossessed under apartheid since 1913 while land redistribution has been largely aimed at providing the rural poor or farmworkers with access to land for productive purposes in order to improve their livelihoods.

The key pieces of legislation are:

- *Restitution of Land Rights Act of 1994* - which gives content to claims for restitution from those dispossessed under apartheid. The Act was amended in 2014 to extend the cut-off date - originally 1998 - for lodging a claim for restitution
- *Land Reform (Labour Tenants) Act of 1996* - which provides certain rights to occupancy and land for those working on farms
- *Extension of Security of Tenure Act of 1997* - which sets out measures to facilitate long-term security of land tenure and to regulate conditions of residence as well as eviction processes
- *Prevention of Illegal Eviction from and Unlawful Occupation of Land Act of 1998* - which provides measures to prevent arbitrary evictions and which gives effect to Section 26(3) of the Constitution



- *Spatial Planning and Land Use Management Act of 2013* - which provides a legal framework for all spatial planning and land use management legislation and seeks to address historical spatial imbalances in land use (more particularly in urban areas)

At the same time however, there have also been other contradictory pieces of legislation passed, such as the *Traditional Leadership and Governance Framework Act of 2003*. This law has practically entrenched the apartheid-defined boundaries of the old Bantustan system and given extensive powers to existing 'tribal authorities' through the establishment of 'traditional councils', only 40% of whose members are elected.

In a similar vein, the *Communal Land Rights Act of 2004* provided for 'traditional councils' to act as the main titleholders of land, based on the boundaries created by the 1951 Bantu Authorities Act. The *Act* gave these 'traditional councils' powers over land allocation and use. Fortunately though, the Constitutional Court struck this law down in 2010, ruling that it unconstitutionally denied security of tenure to over 16 million citizens living in the former Bantustans.

However, it would seem that some in the present ANC government want to bring back more or less the same socially reactionary and anti-democratic communal land tenure model in a different legal guise as evidenced in presentations to a parliamentary workshop in 2013 (van der Westhuizen, 2013). The ANC also tried, and failed, to gain public and political acceptance for its *Traditional Courts Bill of 2013* which would have given extensive powers to male traditional 'leaders/chiefs' on a range of rights and customs/law, including land issues. The Bill was stopped in its tracks by mass opposition, much of it coming (not surprisingly) from rural women.

Whatever the content and implementation of legislation, the hard, practical reality is that without substantive 're-division' of land as set out in the Charter the rural and urban working class and poor will not 'share the land'. The latest figures show that no more than 5% of land has been transferred through restitution and redistribution since 1994 and that more than 80% of agricultural land continues to remain in the hands of a small group of corporate agribusinesses and white farmers (Nkwinti, 2010).

At the heart of this spectacular failure of land reform is a capitalist-infused, private oriented

approach to land. The ANC government's land reform policy revolves around the state purchasing land on behalf of the people and then handing it to them for their private use. As Greenberg (2009a) points out, "the assumption (here) is that the use of land for private profit is a legitimate use of public resources ... all that is required is for the land to be used 'productively'. In other words, the 'people' are not really the owners of the land "but only using it by the grace of the state."

On the other hand, if the ANC government were to declare land as a collective resource for all who live and work on it (as per the Freedom Charter), this would do away with the need for massive state expenditure to purchase land. Instead, there has been hardly any public expropriation of land - in either rural or urban areas - with government opting to pay the prevailing market price for the land and then retain ownership, meaning the state is simply "active in the land market as a buyer of private property" (Greenberg, 2009b).

What has made matters worse is "the collapse of more than 90% of the farms that the government bought for restitution or redistribution". Even the government Minister for Rural Development and Land Reform has admitted that "much of this land is not productive and has not created any economic benefit for many of the new owners ... there has been an over emphasis on hectares at the expense of development and food security" (Boyle, 2010).

And when it comes to restitution in urban areas, the government policy has been to pay out flat rate compensation to those previously forcibly removed from their homes and land. As land activists have long pointed out, this "further strips restitution of its significance as a constitutional right linked to the correction of the skewed land ownership patterns created by apartheid" (NLC, 2000). Further, the urban poor who continue to struggle for access to land for housing have consistently suffered from forced evictions carried out by the state and private landowners (SERI, 2011).

In all of this we can see once again that capitalist class power and neo-liberal policy go hand in hand to frustrate the interests of the rural and urban poor.

How can the Land be 'Shared Among Those Who Work It'?

"There is this block on the national conversation on land reform and the equitable distribution of the land. That block is private property. As long as land reform must bow down before private property it will go nowhere"

Herschelle Milford - Surplus People Project)

Given the present scale of the problems of mass poverty, food insecurity, unemployment and the overall crisis conditions affecting both the rural and urban working class and poor, it is clear that the Charter's promise is far from being realised. As the quote above refers, the biggest blockage to the kind of land and agrarian reform that would benefit the African masses is the failure to confront the private property elephant in the room.

In the century leading up to 1994, apartheid-capitalism created mass unemployment and destroyed the viability of both peasant and subsistence farming. In the process, it also created the conditions for the almost complete land disenfranchisement of an ever-growing urban mass. Since the new democratic order, the adoption of a capitalist-friendly macro-policy framework has done little to transform these inherited realities and indeed has most often reinforced class and racial inequalities in respect of the land question.

As it presently exists, land reform policy and practice has failed to draw the necessary conclusions. There appears to be little political will to tackle the question of monopoly capitalist domination of agriculture and both rural and urban land-related issues and to see and use the state as a catalyst for collective, public ownership of land as opposed to simply an institutional substitute.

It is in this context that the concrete proposals advanced by mass-based organisations of the broad working class and land activists can form the foundation for a meaningful socialist alternative and thus also for the practical realisation of the Charter's promise. The key ideas and proposals include:

- Increased popular discussion and mobilisation around land issues and struggles and building strong mass based organisations of those worst affected
- Doing away with the willing-seller/willing-buyer approach

- Combined intervention by the state and organisations of the working class to radically restructure existing land-ownership and use patterns, including revisiting the property clause in the Constitution
- Large-scale state support for the rural poor, through the sustained provision of financial, human and infrastructural resources, to enable them to work the land effectively and ensure a decent livelihood
- The practical application of land expropriation in both rural and urban areas for the transfer and use of land in the interests of the poor masses
- Increased state capacity and commitment to more effective planning and co-ordination of land and agrarian reform and a crackdown on associated corruption within the state at all levels
- The insertion of a 'social obligations clause' in the Constitution to protect those who occupy underutilised land
- A moratorium on the eviction of farm dwellers and enforcement of relevant legislation

The implementation of these proposals will not necessarily constitute a socialist approach to land and agrarian reform. However, they will certainly go a long way to ensuring that the Freedom Charter's land clause becomes more than just a statement of intent, a dream to be constantly deferred.



5. POVERTY AND THE FREEDOM CHARTER

In this section we examine what the Freedom Charter says about sharing wealth and ending conditions of poverty. Here, we also consider how far the ANC government has fulfilled the vision and prescriptions of the Charter related to wealth and poverty.

In considering the associated meaning of the Freedom Charter in these respects, and in the context of a capitalist South Africa, it is first necessary to consider two important questions: the relationship between wealth and poverty under capitalism and, the relationship between the state (including government) and capitalism?

Poverty and wealth under capitalism

The defenders of capitalism claim it is the best system developed by humankind for ensuring an equitable distribution of wealth and thereby meeting the material needs of all people. Anti-capitalists including socialists, argue that capitalism serves the narrow interest of the capitalist class to make profit. At the heart of the system is the exploitation of the working class.

Driven by this antagonistic struggle between class forces, the overall tendency is not greater equality and elimination of poverty. Instead, there is on the one hand greater material and social misery, inequality and poverty for the broad working class and on the other, an ever increasing accumulation of wealth for the capitalist class.

Karl Marx put it very simply: *“The accumulation of wealth at one pole of society involves a simultaneous accumulation of poverty, labour torment, slavery, ignorance, brutalisation, and moral degradation, at the opposite pole.”* (Marx, Capital, Vol. I)

For the ANC-led Congress Alliance, nationalisation of the monopolised sections of the economy was historically seen as an instrument for ensuring a more equitable sharing of the wealth of the country. However, while the Freedom Charter demanded degrees of political and economic transformation directly aimed at addressing apartheid-capitalism’s racially defined social and economic oppression of the black masses, it envisaged that this would take place on the basis of capitalist social relations.

Wealth in any capitalist country, besides what nature provides, is the creation of the working class. Even the machinery that workers use to produce a particular commodity is itself a product of the previous labour of workers. The capitalist system is based on the exploitation of the working class - and this includes both employed and unemployed labour - by the capitalist class. The latter owns the factories, the mines, the farms and the banks and investment houses that finance them. In other words, capitalists own both the means of production and most of the capital produced. However, it is the labour power of the working class that creates the cars or wheat or gold that constitutes the core wealth of a country.

For the time an individual worker uses to produce this wealth s/he earns a wage paid by the capitalist. However, the wage is just enough to sustain the worker and/or his/her family. While a worker is paid a wage, s/he produces much more than the value of this wage. This extra value or surplus value - the source of all profits - goes to the capitalist. The more the worker produces over and above the value of his/her labour power, the greater the surplus. In other words, the actual products of workers’ labour power are appropriated by the capitalist owner and sold for profit. This ensures that the capitalist class can constantly accumulate wealth at the expense of workers.

This is how wealth is ‘shared’ under capitalism. It does not matter how high the wage of an individual worker is, his/her share will always be far less than what the capitalist pockets after realising the profit.

Furthermore, in order to cut wages and thus increase their profits capitalists have, over the last several decades, increasingly casualised an ever larger number of workers. As a result, a sizeable section of the working class in almost every country across the world is now no longer permanently employed; these workers have been termed the ‘precarariat’ because of the precarious nature of their work. They have to rely on occasional and lower paid work without any of the historic benefits that permanent workers fought so long and hard to achieve.

Finally, there are growing numbers of the permanently unemployed - those whose labour power the system no longer has any need for. They are particularly concentrated amongst the youth. As a result, the levels of participation in what has been called the ‘informal economy’ (i.e., outside

of formal capitalist enterprise and wage-earning work) have sky-rocketed. These workers are completely deprived of any ‘share’ of the wealth created by the capitalist system.

The bottom line is that under capitalism there can never be any equitable distribution of wealth and the majority of the working class - who constitute the vast majority of humanity - will never be able to adequately meet their material and social needs. Any genuine sharing of the wealth produced by the working class therefore demands a social and economic system that is not based on the exploitation of that working class. For many in South Africa and across the world, this would mean the creation of a socialist system.

Capitalism, the state and the material needs of the working class

In a capitalist society it is the capitalist class that constitutes the ruling class. As such, it uses all the means at its disposal, derived from its ownership of the means of production and consequent monopoly of economic power, to ensure maximum conditions of profitability.

Any state within a capitalist society is, as Karl Marx pointed out, not only fundamentally a product of and shaped by the capitalist system. Its dominant function is to serve the essential interests of the ruling (capitalist) class. In other words, the state under capitalism cannot be separated from the capitalist mode of production and as such, “state power must assume a central role in capital accumulation” (Jessop, 1990). “While the state need not be directly controlled by capital to ensure its continued domination and social control ... (it) must ensure the continued smooth operation of market forces as the precondition for its own survival” (Ibid). While governments may be replaced by elections or coups, the capitalist state endures, even if in different forms.

Historical experience shows that the primary role of the state under capitalism is to guarantee the overall economic and political conditions for capital accumulation - i.e., it protects the right to private property and maintains social and political stability. Different states serve this function in different ways. The apartheid state, run by the National Party government, served the interests of the monopoly capitalist ruling class much as the ANC government does today, despite vastly different political circumstances.

State policies can strive to soften class antagonisms through reforms that, to a limited extent, satisfy some of the needs of the working class. So for example, given the size and concentrated power of the national bourgeoisie in South Africa today, the ANC has relatively greater economic leeway for making concessions to 'the people' than other states which have a smaller, less diversified economy or are more heavily dependent on foreign capital. This is why the RDP could argue that, "Given its resources, South Africa can afford to feed, house, educate and provide health care for all its citizens".

However, the fundamentally exploitative relations within capitalism, including conditions of instability, stagnation or crisis of the system as a whole, place definite limits on the extent of the possible reforms. So for example, while the social democratic post-war boom period in Europe partially succeeded in ameliorating class antagonisms, the boom was followed by a slump. Since the crisis was one of profitability, new measures were required to regain profit levels and their introduction kicked off what has come to be known as the 'age of neo-liberalism'.

As neo-liberalism spread across the globe, capitalists ditched the old methods of corporatism, social partnership and class collaboration that had provided conditions of political and social stability for decades. Some of the key neo-liberal

measures introduced included mass retrenchment and casualisation of workers, the lowering of wages, privatising public enterprises and services and charging higher costs for basic services. Consciously, these measures entailed intensifying exploitation and weakening the capacity of the working class to resist.

After 1994 and with the adoption of the neo-liberal macro-economic policy of GEAR, the ANC government signalled its acceptance of the norms imposed by the international and national capitalist ruling class for dealing with the crisis of profitability. And it has largely succeeded, as corporate capital has enjoyed record profits and the levels of inequality and generalised poverty amongst the masses has sky-rocketed. Indeed, the combined impacts of GEAR have been disastrous for the working class in South Africa.

Despite the stated intentions and the range of measures put in place by the ANC government to address poverty and promote greater socio-economic equality, the overall extremes of wealth for the few and poverty for the majority have not only persisted but have grown. In South Africa, in cumulative economic terms, the 'transition to democracy' has in effect been a transition from the super-exploitation of apartheid-capitalism to a deracialised, neo-liberal form of super-exploitation of the working class.



What does the Freedom Charter say about sharing wealth and ending poverty?

Let us consider what the Charter envisages in terms of a sharing of South Africa's wealth and guaranteeing the material wellbeing of 'the people'. At the time, 'the people' or the masses were comprised overwhelmingly of black migrant mine-workers, urban workers, farm-workers as well as the survivalist and unemployed mass in the rural areas of the 'reserves'.

The Charter's Preamble refers to the fact that people have been "robbed of their land" and it criticises the apartheid government for being based on "injustice and inequality". Under apartheid-capitalism 'race' was closely associated with class; institutionalised racism existed to reinforce socio-economic or class "injustice and inequality".

In the economic clause, the Charter envisages a sharing by the people of the country's wealth; it says the national wealth shall be "restored to the people", mineral wealth, the banks and monopoly industry shall be "transferred to the ownership of the people as a whole". However as we have noted in the chapter on nationalisation, state ownership in a capitalist environment does not in itself necessarily translate into material gain for the working class.

The Charter also says that all non-monopoly industry shall be "controlled to assist the wellbeing of the people". Other parts of the Charter spell out the probable meaning of this vague phrase. For example, in its labour section, the Charter recognises the right of all workers to unemployment benefits and it calls for equal work for equal pay and a national minimum wage.

In the land clause, the Charter calls for the land to be re-divided among those who work it and for an end to famine. Elsewhere the Charter calls for lower prices and declares that "food shall be plentiful and no-one shall go hungry."

As we have noted in the chapter on nationalisation, the Charter, both in terms of what it says and in the interpretation of its main advocates, is not an anti-capitalist or socialist document. Indeed, its vision of a radical and egalitarian sharing of the wealth of the country is practically at odds with inherently exploitative character of the capitalist system.

What is clear is that the main intention of the Charter is to 'level the playing fields' - on the existing capitalist terrain, minus apartheid - and ensure that black people also share in the country's wealth by having the opportunity to become more active participants in and beneficiaries of, the capitalist system, including becoming owners of the means of production. It is important to note though, that the Charter makes no mention of the fact that women, by far, make up (both then and now) the largest portion of the poorest of the poor.

However, under capitalism it is only a small minority that can become capitalists and only a portion of the broad working class that can be employed. For the rest, there is not even the chance to productively participate in and benefit from the formal capitalist economy. Indeed, the logic and practical impact of capitalism has always and forever been that 'the people's' share of the wealth will always be a fraction of the wealth of the capitalist ruling class, whether black or white.

The Charter, embedded as it is within the 2-stage theory of the NDR, fails to clarify this fundamentally contradictory position. Even if its intent was (and remains) to provide a framing vision for ending 'the people's' conditions of poverty and allowing them to 'share the wealth', the bottom line is that this can only be very limited under capitalism. As long as there is a capitalist minority who owns the means of production and whose interests dominate the state, the wealth can never be fully shared by 'the people' and neither can their material interests be fully met.

Wealth and poverty 60 years later

The sweeping political and democratic changes since 1994, in partial fulfilment of the aims of the Freedom Charter, have not gone hand in hand with sweeping economic and social changes in favour of the majority, the working class.

This meant that even with the positive political changes, the first decade of democracy was not a period, as one would have expected, of socio-economic advancement of those most oppressed under apartheid-capitalism - i.e., the poor majority. Commenting on that first decade, two noted social scientists concluded that, “overall, the poor did not prosper in the decade following democratisation. Inequality remained high, and perhaps even grew, whilst poverty probably deepened” (Seekings and Nattrass, 2004).

While the second decade of democracy has brought some mild relief to that majority in the form of extended grants (see the section below) as well as greater provision of some basic services, the fact is that poverty remains deep and widespread for most South Africans. Further, the ‘world class’ levels of inequality inherited from the apartheid era have not declined and indeed have even become worse within the black population itself. Today, South Africa is one of the most unequal societies in the world.

The extreme levels of poverty and inequality have also meant that unemployment in South Africa ranks amongst the highest in the world. Millions of people continue to struggle every day just to survive. It is almost unbelievable that after 20 years of democracy 1 in 4 South Africans regularly suffer from hunger (Oxfam, 2014) with a majority residing in the rural areas (both on the farms and in the former ‘bantustans’) and peri-urban informal settlements. Not surprisingly, those most affected are ‘African’ women, children and youth.

These realities are not simply reducible to ‘bad’ policies or politicians, although these are very real and persisting problems. The real problem of post-apartheid South Africa, as detailed in the previous section on capitalism and the state, is that poverty, unemployment and inequality are structurally embedded into the entire development path.

How has the ANC attempted to give effect to the vision and demands of the Charter?

At the ANC’s first post-1994 national conference in 1997 (50th Congress), it declared that, “attacking poverty and deprivation is the first priority of the democratic government” (ANC 1997). And indeed, the ANC government has introduced a range of policies and programmes all of which have the stated intention of addressing mass poverty and reversing the extreme levels of inequality in the country.

Firstly, the Constitution includes a number of justiciable socio-economic rights that imply a greater redistribution of wealth. These include more particularly, the rights of access to social security and food but also the right of access to education, housing (see the relevant chapters), healthcare and water. Even if within the context of the Constitution’s property clause, the land reform programme has the stated intention of targeting the historically dispossessed and is in part aimed at ensuring sustainable livelihoods for those that work the land.

Further, policy frameworks developed over the last 20 years in all spheres of government refer to poverty alleviation, pro-poor policies, integrated development, the meeting of basic needs, sustainable livelihoods, local economic development, the development of SMMEs and broad-based black economic empowerment.

While there has been a sizeable expansion of some basic services (such as water and electricity) to the broad working class in urban and rural areas since 1994, there are serious and sustained problems around affordability, access and infrastructural maintenance. This has led to a huge increase in the number and frequency, more especially over the last several years, of what are termed ‘service delivery protests’ in working class and poor communities across the country,

But when it comes to more directly addressing poverty and inequality, the three flagship programmes of the ANC government have been in the areas of work opportunities, social assistance and healthcare



A typical queue of unemployed workers on the side of the road in SA

Work opportunities

The core of the ANC government’s efforts to use the state as a vehicle and catalyst for addressing the massive unemployment problem have been through what are called “work opportunities” as part of the ‘Expanded Public Works Programme’ (EPWP). Started in 2004, the EPWP has especially targeted the youth and rural residents.

According to the government, in its first 5 years, the EPWP provided 1,6million work opportunities in the infrastructure, environment, social and economic sectors with a further 3 million work opportunities being provided between 2009 and 2013. This included the introduction of a ‘Community Work Programme’ (CWP) in 2009, which has, according to the government, more specifically targeted employment creation projects identified in conjunction with communities (The Presidency, 2014).

Not surprisingly though, the EPWP has not translated into any larger-scale permanent jobs programme. The ‘work opportunities’ provided are largely short-term and lowly paid and are also often linked to local, politically managed patronage networks. As a result, the EPWP has made little headway in addressing not only the continued unemployment crisis in South Africa but also in providing a platform for the poor to emerge from the dark shadows of poverty.

Social assistance

Probably the most extensive programme of the ANC government since it came to power has been the ‘Social Assistance Programme’. Through the provision of social grants and pensions, it is intended to provide some sort of income support for targeted sections of the population including the elderly, children and the disabled.

Not without a degree of truth, the ANC government has consistently argued that the grants have significantly alleviated poverty in South Africa. From a base of around 2,7million grant recipients in 1994 that programme has grown dramatically such that by 2013 the number of recipients reached 16 million. Of these recipients, about 3 million are above the age of 60 and just over 1 million are people with disabilities. However, the vast majority - 11,3 million people - are beneficiaries of the Child Support Grant (The Presidency, 2014).

Regardless of the massive expansion of the social grant system however, there still remain a large number of poor people who are not included. The amounts of the various grants provided remain small despite the ever increasing cost of living and the continued lack of jobs and income-generating opportunities. Also, the ANC government has consistently rejected repeated calls by social movements and civil society organisations, including COSATU, for the introduction of a Basic Income Grant especially aimed at the unemployed. The reason always given is that it is unaffordable.

Furthermore, there are serious questions as to whether the social grants are primarily being rolled out by the ANC government as a tool for political patronage and electoral support given that the ANC's electoral support comes predominately from the poor? More fundamentally, the question arises as to whether the vast expansion of social grants can be viewed as confirmation of the ANC government's failure to deal with enduring poverty and increasing inequality?

Healthcare

It was to be expected that the new ANC government would prioritise the expansion of the country's public healthcare system, and more particularly primary healthcare, given apartheid's hugely discriminatory provision of healthcare to the black majority. And indeed, during the first decade of democracy hundreds of new health clinics were built, many of which were located in the rural and peri-urban areas of the country, alongside several new and upgraded urban hospitals.

However, with the onset of the HIV&Aids pandemic in the mid-late 1990s and the accompanying denialism of the ANC government at the time, the newly expanded healthcare system was put under huge strain. Simultaneously, the pandemic soon became a major factor in the increased levels of poverty and inequalities in South Africa, especially amongst the poor. By 2004, it was estimated that over six million people

were carrying the virus and over 600 000 children had become orphaned as a result of the disease.

Fortunately though, there was a change of approach from the late 2000s which saw the number of HIV-positive patients receiving antiretroviral therapy (ART) increasing from

47 500 in 2004 to 2,4 million by 2013, a majority of whom were women. As a result, between 2006 and 2011, there was a 50% decline in the number of children aged 0–4 years who acquired HIV and a similar decline in the number of people acquiring HIV infection (The Presidency, 2014). More recently, the ANC government is moving towards the implementation of a 'National Health Insurance' (NHI) programme that would, it is claimed, provide affordable and comprehensive healthcare to all those in need. It remains too early however, to assess whether this will be the case or not.

Nonetheless, the present state of the public healthcare system is best described as being in intensive care. By the ANC government's own admission, there are serious problems of inefficient administration, a lack of essential equipment and basic medicines in most health clinics, unclean health facilities, poor staff attitudes and long waiting times for basic medical treatment and surgeries (The Presidency, 2014). Many of the country's public hospitals are in a state of crisis, with infrastructure deteriorating and services becoming increasingly dysfunctional under mismanagement and neglect (Benatar and Mayosi, 2014).



Treatment Action Campaign protest against the slow and limited rollout of medicine for people living with HIV&Aids

The reality: some shocking statistics

When we look at some of the key statistics the extent of the levels of poverty, unemployment and inequality 20 years after 1994 is stark.

Wages and income

- The overall share of wages as a percentage of Gross Domestic Product (GDP) declined from 57% in 1994 to 50% in 2011. For those working in the private sector the wage share dropped from 48% in 1994 to 42% in 2011 (Forslund, 2012)
- In 2012, the median minimum wage for workers was R2300 per month across nine sectors and R3000 per month across all bargaining councils while the median wage for executives at 80 JSE-listed corporates was R483 000 per month and for CEOs, R758 000 per month (LRS, 2012).
- The overall share of revenue (inclusive of wages) accruing to workers in the platinum mining industry declined from 60% in 1998 to just 27% by 2010 (LRS, 2012).
- By 2011, about 70% of the working population of South Africa - 33,3 million people at the time - earned just over R1000 a month (noting that the purchasing power of that R1000 has dramatically dropped since 1994). Meanwhile just under 3% of South Africans earn around R16 000 a month (UNISA, 2010).
- The average income of white South Africans is around 800% higher than the average income of blacks while the income disparity amongst the black population has increased significantly since 1994.
- Households headed by women earn less than 50% of households headed by men (The Presidency, 2014).
- Incomes of top government officials and politicians have sky-rocketed over the last decade such that every National Minister now receives an annual income of R2,1 million while national and provincial members of Parliament all take home more than R900 000 a year. City councillors in the Johannesburg Metro now receive an annual income of R458 000 while its City Manager takes home over R3 million per year (McKinley, 2013).

Poverty and unemployment

- Extreme poverty (defined as a household of 5 living on less than R11 a day) has now reached 20,2% of the population while moderate poverty (a household of five living on less than R22 a day) has reached 40,5% of the population. The vast majority in both categories are black South Africans (StatsSA, 2014).
- The Human Development Index (HDI - which measures the overall quality of life) ranking of South Africa is 121 out of 187 countries/territories (UNDP, 2013).
- The average life expectancy of South Africans has declined from 59,9 years in 1995 to 49,5 years in 2011. When broken down by race the average life expectancy of blacks is 45,2 years as against 74,1 years for whites (Gumede, 2011).
- The annual per-capita expenditure on health in the private sector is around R15 000 while the figure for the public sector is 1/10th of that, coming in at around R1 500 (Benatar and Mayosi, 2014).
- Out of a working population in 2014 of 35,5million (aged between 15 and 64) 20,3million formed the labour force. Of these, only 15.1million (42,5% of the working age population) are working, either in the formal or informal sector. The remaining 5.2million are unemployed, a majority of whom are black and women (StatsSA, 2014)
- Only 36,2% of all blacks who are of working-age population are employed compared to 63.8% of whites (Patel, 2011).
- Around 30% of all those employed are working in temporary, part-time and contract positions (Business Report, 2010).
- The percentage of unemployed South Africans (using the expanded definition) now stands at just over 40%
- Of unemployed black people, 67.3% are in long-term unemployment, while the figure for unemployed whites is 50.1% (StatsSA, 2014).
- In 2014, close to two-thirds (67%) of youth (aged between 18-24) were unemployed for a year or longer, while the youth account for 90% of those who are unemployed and have never worked before (StatsSA, 2014b).

- 35% of the population and 44% of Africans still lived in the former Bantustans in 2010. Only 22% of working-age adults in these areas had employment (Makgetla, 2011).

Wealth

- A platinum miner would need to work for 93 years just to earn the average CEO's annual bonus (Oxfam, 2014).
- The two richest people in South Africa have the same wealth as the bottom half of the population (Oxfam, 2014).
- The profit rate (which is the total net operating surplus relative to total capital stock) for capitalists in South Africa almost doubled between 1994 and 2011 (Forslund, 2012).
- In the construction industry during the period 2000-2011, profits were 8 times greater than the amount of investments made by the industry (Mohammed, 2013)
- By 2010, the market value of companies listed on the JSE was almost 300% of GDP which is an increase of 166% since 1994 (Makgetla, 2011).
- By the late 2000s, 10% of South African households accounted for around 90% of all credit, which was almost entirely for houses and cars (Makgetla, 2011).

- The aggregate wealth in South Africa in 2013 was estimated to be about R6,5-trillion with over 70% in financial assets. 75% of this wealth is held by the top 10% of South Africans while the bottom 50% holds only 2,5% (Simkins, 2014).

GEAR, neo-liberalism and the Freedom Charter

Although there have been some advancements in social service provision that have provided partial poverty alleviation, the fact is that while the Charter promised a radical redistribution of wealth to the masses at the expense of the ruling monopoly capitalist class, the opposite has occurred.

As we can see from the facts presented about the present distribution of wealth and the ownership of the South African economy, the position of the capitalist ruling class has been significantly strengthened at the expense of the broad working class. It is simply a reality that cannot be denied. The majority of the broad working class, 20 years into democracy, still find themselves at the bottom of the socio-economic pile and in deep poverty.

Many have argued that the adoption of GEAR and its neo-liberal policies has fundamentally undermined whatever other efforts have been made to meet the social and economic needs of

the masses. As one long-time Southern African liberation movement critical intellectual put it, the masses have been "sacrificed on the altar of the neo-liberal logic of global capitalism" (Saul, 2002). It is clear that the Charter's economic clause is in direct contradiction to neo-liberal theory and the realities of capitalist globalisation.

Instead of the Charter's vision of a strong, democratic and people-centred state intervening in the economy and society to lay the foundations for the elimination of poverty and inequality, GEAR has ensured that the state is largely defined by its primary role as a partner with and catalyst for, corporate capital. This has seen the ANC government rolling back state intervention in the interests of the poor majority through privatisation and commercialisation of the public sector, tax incentives for capital and allowing capitalists almost free rein to do as they wish with their huge, worker-produced profits.

The practical results have seen the ANC government largely relying on the private sector to invest in the productive economy, to create jobs (outside of the public sector) and thus also to lessen poverty and inequality. It has not worked for the workers and/or the poor majority as can be seen by the massive number of unemployed, continued poverty and growing gap between rich and poor. The capitalists have 'taken the neo-liberal gap' to attack the working class even further through large-scale retrenchments, casualisation of labour and, disinvestment in the productive economy.

Other pro-rich neo-liberal 'rules' were adopted through GEAR. For example, favourable and declining tax rates for corporate capital, which now stands at a standard 28%, down 10% from a decade earlier. Meanwhile, the personal income tax rate for those in the middle class has now risen to a high of nearly 40% and the 14% Value-Added (sales) Tax remains in place for everyone, regardless of income (SARS, 2014). Another example is the 'principle' of cost recovery that has resulted in the imposition of school fees, health charges, as well as water and electricity charges for what should be (according the vision of the Freedom Charter) non-commodified public services. Such charges, alongside accompanying service cut-offs and the forcible implementation of pre-paid meters, have added to the poverty and inequality burden of the broad working class.

And then there is the 'volunteerism' (or 'self-help') gospel of neo-liberalism which has seriously

undermined the Charter's view of the public sector as both the enabler and provider of all key social services. What we now have is a situation where poor communities are called on to help shoulder the delivery burden of social services by 'delivering' services to themselves - and more especially, the ill, aged and disabled. At the same time, the rich receive full services without having to lift a finger.

Conclusion

The macro-economic policies and more specific measures to address poverty and inequality over the first 20 years of South Africa's democracy have been hopelessly inadequate. This includes the more recently unveiled 'National Development Plan' which does not deviate to any significant degree from the overall, neo-liberal thrust of GEAR. Not only have they failed to stem the growing tide on this front, they have allowed for massive service and infrastructural backlogs to accumulate, which mostly affect the poor.

In turn, this has facilitated new and expanded spaces at all levels of government for corruption in the provision of those services and infrastructure. Local government, which should be the main driver in addressing poverty and inequality, is according to the ANC government itself, in a general state of financial and administrative crisis (Marrian and Magubane, 2014). The cumulative result is that already strong features of social disintegration are becoming even more pronounced.

The SA state debt is the highest since 1994 and sits at 46.1% of the Gross Domestic Product (GDP) and US\$150bn. This means that with a weakening Rand, more and more state revenue must be used to pay and service this debt. It is little wonder that the Minister of Finance, Nhlanhla Nene, has announced austerity measures, starting with low salary increases for public servants and the freezing of vacant posts.

As the spirit of the Freedom Charter infers, the most important ingredient in confronting South Africa's structurally-embedded poverty and inequality is the political will to radically alter the status quo. It is not simply a matter, as argued in the ANC government's *20 Year review* of "doing more" to address ongoing "challenges". What is required is a political commitment to fundamental socio-economic change. This will not emerge from and be led by the capitalist ANC government.



Diepsloot, Johannesburg



6. HOUSING AND THE FREEDOM CHARTER

What the Freedom Charter says

There Shall be Houses, Security and Comfort!

All people shall have the right to live where they choose, be decently housed, and to bring up their families in comfort and security;

Unused housing space to be made available to the people;

Rent shall be lowered.

Slums shall be demolished, and new suburbs built where all have transport, roads, lighting, playing fields, crèches and social centres;

Fenced locations and ghettos shall be abolished, and laws which break up families shall be repealed.

Apartheid and housing

Apartheid segregated urban areas and rural towns on the basis of 'race'. Furthermore, 'Africans' were discouraged from settling permanently in the urban areas and their freedom of movement was controlled by the pass laws.

Black people in general and 'Africans' in particular therefore did not have "the right to live where they choose". The combined impacts of migrant labour, forced removals and evictions as well as pass laws resulted in the break-up of families and communities on a huge scale.

In the 1950s, those black people who were allowed to reside in the urban areas were not decently housed and were largely denied the right to own their dwelling. Large numbers of black women who worked as domestics in white suburbs lived in small/cramped rooms behind their employer's house. Likewise, the vast majority of migrant workers lived in males-only, prison-like mine and industrial compounds, almost permanently separated from their families.

In general, throughout the apartheid period housing was of an appalling quality for the black majority. Even though there was an improvement in the quality of some urban housing for black people from the late 1970s onwards, most still lived in 'slums', 'fenced locations' or 'ghettos' (all of which the Charter demanded be abolished) at the dawn of democracy.

As the Charter indicates, most available housing (in the urban areas) lacked access to "transport, roads, lighting, playing fields, crèches and social centres". Affordability was a major factor in limiting access to housing, resulting in most of those in the urban areas renting their dwellings from the local apartheid state up until 1994. The Charter's declaration that "rents shall be lowered" was a direct response to this reality.

The situation was even worse in the rural areas. Here, the vast majority of the black population lived in designated 'reserves' in sub-standard 'traditional' housing with little to no access to even those limited basic services that were available in the urban areas. For most of those living on white and corporate-owned farms, housing conditions were often not much better than that offered to farm animals.

There was a more conscious effort by the apartheid state to build more urban housing units and to provide better access to services in the 1980s, mostly in response to increased community action and resistance to local authorities especially after the Vaal uprising in 1983/4. Nonetheless, the overall housing situation for the majority on the eve of the negotiated settlement was a disaster.

Despite the significant democratic changes since 1994, many of the structural features of apartheid remain and no more so than in relation to housing. Indeed, in one way or another, the housing-related problems raised in the Freedom Charter are still with us today. The result is that the scale of the housing crisis for black working class South Africans, alongside the millions of new African immigrants that have come to South Africa since 1994, remains huge.



The housing situation in the democratic era

"There Shall be Houses ... for all"?

The Freedom Charter asserts the right of all people to be decently housed. Giving effect to this right surely means putting an end to any housing backlog, on the one hand; and ensuring that everyone lives in adequate or 'decent' housing, on the other. The Charter therefore addresses both the quantity as well as the quality of the housing required.

The new, democratic Constitution (Section 26) partially affirmed the Charter's demands by formalising the right of "everyone ... to have access to adequate housing". However, it is crucial to note that the Constitution not only qualified the right to housing for all by inserting the word "access" but like other socio-economic rights in the Constitution, made such access dependent on the state's forging of "reasonable legislative and others measures within its available resources, to achieve the progressive realisation of this right."

Regardless, the Constitution makes it the democratic state's duty to work towards ensuring everyone can access housing as well as parallel rights such as secure tenure, basic services, materials, facilities and infrastructure. And indeed, since 1994 the state has created a raft of legislation and policy to give effect to this right (SERI, 2011). These are:

- The *Housing Act 107 of 1997* (amended by Acts 28 and 60 of 1999; Act 4 of 2001)
- Extension of Security of Tenure Act (1997)
- The *Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998*
- The *Rental Housing Act 50 of 1999* (amended by Act 43 of 2007)
- The *National Norms and Standards for the Construction of Stand Alone Residential Dwellings Financed through National Housing Programmes* (April 2007)
- The *Social Housing Act 16 of 2008*

Despite the Constitutional right and these progressive pieces of legislation however, the reality is that 20 years into South Africa's democracy there remains a serious crisis of housing for increasing numbers of the poor black majority. According to the latest and most reliable

statistics available (from the 2011 Census), 1-in-5 people or 20% of South Africa's population are living in shacks. Given a population of around 52 million, this means that approximately 10,4million people still do not have any kind of formal dwelling to call home.

In terms of the number of subsidised houses 'delivered' by the state since 1994, there are conflicting claims. The ANC government claims that as of 2013 it had 'delivered 3,7million housing opportunities' and that the number of people who now have formal housing has risen from 64% of the population in 1996 to 77,7% in 2013 (The Presidency, 2014). However, the general consensus is that the number of actual houses built is in the region of 2,5million with another possible 1million people having accessed some kind of lesser state housing subsidy for constructing their own dwellings.

The harsh reality though is that the housing backlog, which is conservatively estimated at around 3 million dwellings, continues to grow. While the National Treasury currently says that it will take no less than 30 years to clear the backlog at present funding rates, it is estimated that in large urban areas such as the eThekweni Metro it will take anything up to 80 years for the backlog to be eradicated (Medley, 2012). This means that most people on housing waiting lists are unlikely to receive houses in their lifetime.

Indeed, it can be expected that the housing backlog will expand as a result of natural population increases, further migration to urban areas (of those seeking to escape poverty in the rural areas or dismissed or evicted farm workers and their families), decreasing household sizes and the growing demand for housing by youth and single mothers. This is all the more likely given that, according to the 2011 Census, 63% of the population now lives in urban areas, an increase of over 10% since 1994.

Decent, secure and comfortable housing?

Just two years after the 1994 democratic elections, the new Department of Housing declared in their Annual Report of 1996 that: "We approach mass delivery with a very real threat: that in our chase of the quantity, we fall short on the quality. It will be no solace at all that we created our new ghettos democratically'. As we will see, the ANC government has indeed fallen far short on a huge scale, and 'new ghettos' have been created.

The Freedom Charter, without offering a clear definition, demands quality housing; it says housing should be 'decent' and this is then associated with the notion of 'comfort' and 'security'. Over 40 years later South Africa's first democratic Constitution says that everyone has a right of access to "adequate housing". Like the Charter, the Constitution does not provide a clear definition of what "adequate" means.



RDP housing development in Mamelodi, Tshwane

However, the ANC's 1994 election manifesto, the RDP, did define what "adequate" or "decent" housing is. It stated that:

"As a minimum, all housing must provide protection from the weather, a durable structure, and reasonable living space and privacy. A house must include sanitary facilities, storm-water drainage, a household energy supply (whether linked to grid electricity or derived from other sources, such as solar energy), and convenient access to clean water. Moreover, it must provide for security of tenure in a variety of forms."

In terms of international law, the accepted legal meaning of 'adequate housing' also includes: security of tenure; necessary services, materials, facilities and infrastructure; affordability, habitability and accessibility; good location; and, cultural adequacy.

Even though what is on paper certainly meets the Freedom Charter's requirement for people to be "decently housed" and to live in "comfort and security", the real situation on the ground is very different.

The reality is that the overall quality of the over 2 million 'RDP' houses built since 1994 has been questionable to say the least. Typically, what are called RDP 'starter houses' are one-roomed and 30 square metres in size even though a substantial portion do not even meet this minimalist 'standard'; they are clearly not big enough to comfortably fit a 'normal' sized family of four, not to mention larger families.

As a result of cheap, poor quality building materials and shoddy workmanship there have been a range of complaints about fittings, fixtures, wall cracks, weak doors, poorly fitted toilets, flimsy roofs. With private construction companies keeping costs down and chasing deadlines, many structures have been left with the work incomplete and serious structural faults. In a significant number of cases, the infrastructure has failed to comply with the minimum standards for water supply or sanitation.

Furthermore, most housing projects are badly located, having been built even further away from towns and cities than was the case in the apartheid era. Beneficiary households thus often have poorer access to workplaces, shops, schools, clinics and recreational facilities, adding significantly to the cost of their transport and household expenses.

This is compounded by a lack of amenities/facilities such as halls, parks and sports fields are scarce. Poor environmental conditions such as a lack of grass and trees and proximity to mine dumps and operations cause related problems of dust, sand and toxic air and water pollution as well as land erosion for many.

Affordability has also become a big problem. With greater emphasis by municipalities on cost recovery and increased user fees, poverty-stricken households are struggling to keep up with associated housing costs such as water, electricity, rates and maintenance. Also, much of the existing and former public housing stock is old and in a poor state of repair and is becoming increasingly unfit for human habitation.

There is also an ongoing crisis of evictions especially in the larger urban areas. Poor urban dwellers, unable to afford public rental housing and/or unable to access subsidies for RDP houses, have increasingly been forced into occupying unused land far from the city or into seriously overcrowded and decrepit inner-city slum buildings. Human rights lawyers have been inundated with cases relating to illegal evictions of residents from inner city buildings, often at the behest of private developers and property speculators. Further, there are regular demolitions of shacks in informal settlements on unused land as well as repossession of houses in township areas (and subsequent evictions of owners or tenants). This has, over the last several years, ensured that the right to housing has become the most adjudicated socio-economic right before the Constitutional Court (SERI, 2011).

Strictly speaking then, in terms of the Charter's demands, the government's housing 'delivery' has failed on many counts. At best, 'half' houses have been delivered. As such, even the RDP minimum of 'a reasonable living space and privacy' combined with the requirement that housing be 'habitable' and 'secure', remains largely unmet.

The practical result is that almost all families who have received an RDP house are forced to add extensions as they can afford them or to build informal structures built with wood and/or corrugated iron next to the house to accommodate the entire family. What this has led to cumulatively, is a crisis of overcrowding. Even if unintentional urban 'ghettos' have been (re)created, precisely the opposite of what the Charter demands.

Then there are the millions who do not have a formal house, those who live in shacks in urban and peri-urban areas and those who live in 'traditional' dwellings in the deep rural areas. Shacks in informal settlements afford poor protection from rain, damp, wind, cold, heat and dust. Like their rural counterparts, they are also prone to flooding in the rainy season and fires when it is hot, leading to annual rounds of destruction and death.

Combined with the macro-conditions of mass poverty and unemployment, these conditions have resulted in a massive increase in the incidence of both violence (inside and outside the home) and crime in poor and working class areas. For young and old but more especially for women, a lack of security and safety has become a terrible reality.

Poor housing conditions are also associated with ill-health. In particular, damp informal housing and cramped RDP subsidy houses are breeding grounds for the spread of tuberculosis that is rampant in South Africa. Furthermore, the link between TB, the weakening of the immune system and the onset of AIDS is well-known. In these and other respects, inadequate and poor quality housing is a killer.

Moreover, such poor housing and living conditions are hardly conducive for learning and decent education.



Kliptown, Soweto

The ANC's housing policy and its neoliberal failings

The main means of formal housing provision in the post-1994 period has been, and remains, the housing subsidy scheme carried out by the state but facilitated through the private sector. However, such a subsidy policy was a radical departure from what had been called for prior to 1994.

Even though the 'housing clause' in the Freedom Charter fails to make a direct link between addressing popular housing needs and the question of nationalisation and/or public socialisation of housing provision, its demand for everyone to be "decently housed" implies a non-private sector/capitalist approach. Indeed, the Charter's 'economic clause' calling for the nationalisation of monopoly industry would necessarily also include the highly monopolised building and construction industry that has been found to be acting as a corrupt cartel – colluding and overcharging the state.

While the ANC abandoned the Charter's general nationalisation call, the issue of nationalisation continued to be raised in relation to housing by both the ANC and COSATU in their policy documents of the early 1990s. At its 1992 Economic Policy Conference, COSATU stated that, "The state's

primary role is the provision of mass based housing. It needs to... nationalise the building and construction industry".

What was being proposed was the mass delivery of public housing at subsidised rents alongside the integration of new housing developments into existing (white) suburbs as well as inner-cities. Specific reference was made to selective public/state ownership of the housing and construction industry such as a National Housing Parastatal that would target housing as a key stimulator of consumption driven economic growth and job creation.

However, the RDP signalled a neo-liberal retreat from these positions, calling for the state to allocate subsidy funds to ensure affordable housing and acknowledging the need for the state to "take account of funding and resource constraints" in its housing plans.

This was pioneered by the first Housing Minister of the new South Africa, Joe Slovo, but was largely based on a housing model previously developed by the corporate-linked Urban Foundation during the Apartheid era.

What the subsidy scheme did, in opposition to previous approaches of the liberation movement to the housing question, was to privatise mass housing provision in the post-1994 period. New working class recipients of housing would become owner-occupiers but to qualify, a person needs to be 21 years or older earn less than R3500 per month, be a first-time buyer and also have a mortgage from a private sector bank/lender.

In this sense, the ANC government simply followed the lead of the Botha regime that had initiated a mass scale sell-off of subsidised rental housing built under apartheid. Neo-liberal policy, to this extent, long preceded the adoption of GEAR.

The RDP set a target of 5% for housing's share of the national budget. Amazingly, this was significantly less than even the World Bank's proposed 7-8%. Then along came GEAR, which ensured that in the crucial first 5 years of its implementation (1997-2002), the housing budget as a percentage of the total budget averaged around 1,7%. This translated into being three times less than the initial RDP target and over four times less than the World Bank recommendations. Gear's budget deficit target also meant that the pitifully low level of the subsidy (set at R15 000

in 1994) declined by 13% in real terms over the 5 year period (People's Budget Campaign, 2003).

This neoliberal approach ensured that at a time when there was the most pressing need for the mass provision of housing by the state, housing became hostage to the dictates of the capitalist market and its profit-making foundations. Even though there has been a gradual increase in housing's share of the national budget over the last ten years, reaching a level of 2,78% in the latest 2014/2015 budget (Gordhan, 2014). This still remains just over half of the RDP target.

To make matters worse, housing delivery has increasingly become highly politicised and subject to escalating levels of politicking and protests by understandably angry and frustrated poor communities. "The dominant discourse around housing delivery is that there is a 'waiting list system' which constitutes a housing 'queue', and that people must patiently wait until their name comes up in terms of a 'first come first served' process" (SERI, 2013). This has allowed for local politicians to politically manipulate housing provision and opened ever-wider spaces for profiteering, patronage and corruption. Just one example of this was shown in a 2009 report by the Special Investigating Unit (SIU), which identified more than 50 000 government officials who had



A veteran of the liberation struggle at a housing protest in Johannesburg, 2006

fraudulently received subsidised houses (SABC, 2012).

The stingy neo-liberal budget, a market-driven construction process and a growing politics of the stomach have all contributed to preventing any prospect of the poor masses being decently housed through the subsidy scheme. If any further confirmation of this was needed, it was provided by none other than the Minister of Human Settlements (Housing) Lindiwe Sisulu just last year when she stated:

“Our intention in giving free houses was to right the wrongs of the past and make sure that we can give our people dignity. And that group of people is not the people below the age of 40. I don’t know of any country that gives free houses to young people. Free housing in a few years will be something of the past. You [the young people] have lost nothing [to apartheid]. Now if it is not clear, say it in every language. None of you are ever going to get a house free from me while I live” (Sisulu, 2014).



Minister of Human Settlements, Lindiwe Sisulu

The ANC government’s prioritisation of capitalist market forces and neo-liberal policy in the provision of housing along with the expansion of corruption and a narrow ‘law and order’ approach to informal settlements, has not only produced but has continued to feed the housing crisis in South Africa.

Conclusion

The Apartheid legacy, the logic of an ailing and failing capitalist economy and the effects of neoliberal policy have all conspired to reproduce worsening housing conditions for the poor in South Africa. The mad logic of the capitalist market produces a booming construction industry and soaring house prices that only satisfy the lavish needs of the corporate rich and upper classes. Meanwhile, the masses are still denied the right to live even half decently.

It is the logic of capitalism that creates the mounting backlogs, that reproduces appalling housing conditions on a mass scale and makes access to housing for the majority utterly unaffordable. As in the case of land, there appears to be no solution to the housing crisis under capitalism.

Further, “the inevitable consequence of the state committing itself to an urban agenda that

simply has no place for millions of people will be a radical escalation of the already intense conflict in our cities” (Pithouse, 2014b).

What is required is a coherent, national, mass building programme of decent housing for all, along the lines proposed by COSATU in the early 1990s. The ANC government can look to countries such as Venezuela and Bolivia, whose governments have shown how public housing programmes are not only a bulwark against poverty but can go a long way to restoring basic human dignity to the masses.



7. EDUCATION AND THE FREEDOM CHARTER

What the Freedom Charter says

The Doors of Learning and Culture Shall be Opened!

The government shall discover, develop and encourage national talent for the enhancement of our cultural life;

All the cultural treasures of mankind shall be open to all, by free exchange of books, ideas and contact with other lands;

The aim of education shall be to teach the youth to love their people and their culture, to honour human brotherhood, liberty and peace;

Education shall be free, compulsory, universal and equal for all children; Higher education and technical training shall be opened to all by means of state allowances and scholarships awarded on the basis of merit;

Adult illiteracy shall be ended by a mass state education plan;

Teachers shall have all the rights of other citizens;

The colour bar in cultural life, in sport and in education shall be abolished.

Apartheid and education

At the time that the Freedom Charter was adopted in the 1950s, almost all skilled jobs were reserved for White workers. The needs of the capitalist system for a more skilled black workforce was still quite limited and school education for black people was not a high priority.

The Bantu Education Act of 1953 broadly determined education policy for ‘Africans’ for the next two decades. According to official policy, “Native education should be based on the principles of trusteeship, non-equality and segregation” (quoted in Badat, 1999). The mission schools were taken over by the Apartheid education administration and there was huge differentiation in the levels of spending on the schooling of various racial groups.

‘Separate development’ for education in the ‘homelands’ became increasingly important. Ultimately, apartheid segregation and the homelands policy ensured that under the racist regime there were 19 different educational departments.

Education policy encouraged a sense of inferiority, subordination and respect for authority in black students. This approach was reflected in the budget allocation for education that guaranteed

high quality education for Whites and inferior education for black people, especially 'Africans'. There were vast disparities in terms of the number and quality of schools built, student-teacher ratios and education facilities and amenities.

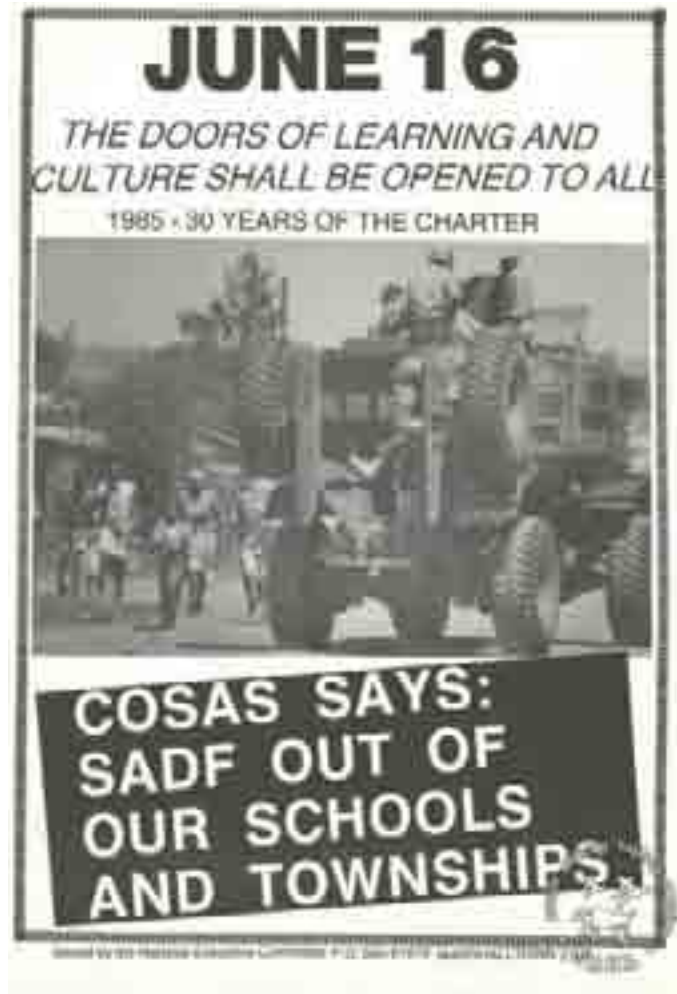
The overall impact was severe. Apartheid education created a massive gap between the "quality of provision and the outcomes of schooling". To give one example of the result, in 1978 70% of the white cohort matriculated as opposed to 5% for the black cohort. There were extremely high drop-out rates in black schools due to large class sizes, poor teacher training, lack of basic resources and then later in the 1980s, violent social and political conflict (Prew, 2014).

Apartheid education was fundamental to the warped socialisation of the black majority to be subservient wage slaves as well as underpinning their oppression. It prevented any meaningful social and economic advancement and constructed (white supremacist) authority as the repository of knowledge and power. Further, it associated tools of social engineering such as a race-based moulding and suppression of sporting and cultural expression that only served to entrench social inequality.

What the education and culture clause meant at the time

Other than the clause referring to "Education shall be free" much of the language and sentiment of this clause no longer resonates today as it might have in the 1950s. The clause appears to more particularly reflect the frustrations of the middle class intelligentsia who were very influential within the Congress movement at the time. In part this was most probably a specific reaction to the narrow, functional racist approach to education of the apartheid authorities.

Arguably, an elitist view appears to run through this section of the Charter. For example, the call for "the government ... (to) discover, develop and encourage national talent for the enhancement of our cultural life" implies that only a few individuals could qualify for the status of possessing 'national talent'. This is a far cry from the more universal and democratic notion that every human being has untapped talent to express themselves in cultural terms; and that existing conditions of class society, in a range of different ways, suppress this innate human potential.



The Charter goes on to say that access to tertiary education will be "open to all by means of state allowances and scholarships awarded on the basis of merit". Here, there is a fundamental contradiction that surfaces the inherent elitism. If something is "open to all" there can be no selective qualification of access such as availability of scholarships based on "merit". Indeed, given apartheid's systematic undermining of black education, merit becomes a discriminatory qualification. The inevitable result can only be that a privileged few are allowed access, to become the next (black) elite.

Further, the Charter's stated aim of education, i.e. "to teach the youth to love their people and their culture, to honour human brotherhood, liberty and peace" is both conceptually narrow and practically limited. It appears to reflect a somewhat sentimental commitment to a specific kind of nationalism and internationalism typical of the immediate aftermath of the Second World War. A more liberatory and universalist understanding of the aim of education, involving the idea of the fullest development of the individual and the importance of developing critical thinking as part of a democratic collective, is wholly absent.



The student movement during the 1970s and 80s

After the relative political quiet of the 1960s and early 1970s and besides the 1973 workers strike, it was student/youth struggles related to apartheid education that provided a renewed spark to broader internal resistance as well as the larger liberation struggle. And, these did not come from within the Congress/Charterist movement.

In early 1976, the apartheid state decreed that the Afrikaans language was to be the medium of instruction in black high schools. In response, a small group of students affiliated with the new Black Consciousness Movement (BCM) in Soweto and organised under the banner of the South African Student Movement (SASM) responded with active resistance and demonstrations.

When the state responded with violent force, more students and some residents in and around Soweto went on the offensive, culminating in the massive 16th June demonstrations. Within a week and after further actions by many more students around the country, a total of 136 people were officially listed as having been killed by the apartheid authorities. SASM was subsequently banned (Marx, 1992).

The Soweto uprising of 1976 represented the willingness of students and youth to more

actively engage in resistance to the oppressions of apartheid education as well as to the apartheid system itself. However, it was not until the early 1980s that the broader impact of the uprising would come to the fore.

"The Doors of Learning and Culture shall be opened!" This was the popular slogan of the student movement of the 1980s. Across the length and breadth of the country, almost every leaflet issued or poster mounted boldly carried this slogan.

The 1980s were characterised by wave after wave of student boycotts and mass protests, marches and demonstrations against apartheid education. This, in turn, led to repeated clashes with the apartheid security forces and the mass arrest and detention of student activists. Every act of repression was met with resistance and drew larger numbers of students into open struggle against the apartheid regime. This spiral of political unrest reached its highest point in the mid- to late-1980s.

From 1983, the Congress of South African Students (COSAS) which was the successor to SASM, alongside the tertiary-based Azanian Students Organisation (Azaso) which emerged out of the BCM and AZAPO-aligned, later renamed the South African National Students Congress (SANSCO) after it reoriented politically to the ANC,

became highly active participants in the newly formed Charterist-aligned, United Democratic Front (UDF). Education demands were linked to a range of other demands in the all-sided struggle against apartheid.

In their hundreds of thousands, students joined workers and other township residents in all the key episodes of the mass uprising during the early-mid 1980s. These included: the mass protests against the Republic Day celebrations of the apartheid regime in 1981; the massive Transvaal stay-away in 1984; the million-signature campaign of the UDF in 1984; the nationally-organised protests when COSAS was banned in 1985; and, in the campaign against the dummy tri-cameral elections, over one million students participated in the boycott of schools and other education institutions.

Both COSAS and SANSCO adopted the Freedom Charter. Although the Charter was regarded as “generally anti-capitalist in orientation”, there was wide acceptance of the two stage theory of national liberation first, then socialism. However, both organisations as well as other student formations developed a more sophisticated critique of apartheid-capitalist education than contained in the Freedom Charter.

The education system was regarded as an integral part of the oppressive machinery of the apartheid-capitalist system. In the words of the ‘Committee of 81’, black schooling was, “the outcome of the whole system of racist oppression and capitalist exploitation” (quoted in Badat, 1999).

In the mass education struggles of the 1980s, the main student grievances related to: the segregated and inferior education they received; the lack of schools; the poor quality of facilities; the shortages of textbooks; corporal punishment; the demand for independent Student Representative Councils (SRCs); low Matric pass rates; and the lack of jobs available for school leavers.

COSAS and SANSCO, alongside NUSAS (the white student body) and the national teacher organisation, the National Education Union of South Africa (NEUSA), were at the centre of a mass campaign to develop an Education Charter. The Education Charter Campaign set out to “explore the education demands set out in the Freedom Charter... to give them greater content” (Badat, 1999). The aim was to develop a set of common goals and demands for the realisation of “non-racial, free and compulsory education”.



In 1986, all the mass organisations (national, regional, local) involved in the education sector came together and formed the National Education Crisis Committee (NECC). The NECC raised the slogan, “people’s education for people’s power”, which, according to Badat included the “preparation of people for participation in the realisation of people’s power.” The NECC also called for the formation of parent-teacher-student associations (PTSAs) “as the organs of democratic school governance”.

All of the student and youth constituencies of the 1980s were central to the intensification of the anti-apartheid struggle. Even though they did not complete the task of drafting an Education Charter due to increased repression, their boundless courage, energy and revolutionary commitment made the notion of ‘people’s power’ from below something palpable and shook the foundations of apartheid-capitalist rule.

However, there were also some negative tendencies within some of the Congress-aligned student and youth organisations and struggles. These included a marked intolerance towards non-Charterist organisations and politics and an often uncritical acceptance of the ideological and strategic ‘line’ from the ANC and SACP. Also, the adoption of the slogan “liberation before education” tended to prioritise political involvement through the lens of the armed struggle/violent conflict, something which robbed a large portion of the 1980s generation of formal education and thus future employment and economic prospects.



Equal Education protest against the lack of school libraries

The Freedom Charter and the struggle for free, quality public education today

While the students and youth of the 1970s and 1980s made amazing sacrifices in the struggle against apartheid education and for equal quality education, many of their key demands have not been met in the post-1994 era. Despite progressive legislation and wide-scale, formal changes within the education system (and in society more generally) systemic problems and inequalities remain.

The Freedom Charter demands that, “Education shall be free, compulsory, universal and equal for all children”. Today’s equivalent is the widely championed slogan of “Free quality public education for all.” How far have both of the slogans been realised?

In answering this question we must always remember that the Constitution [in Section 29(1) (a)] states that “Everyone has the right to a basic education, including adult basic education”. Importantly, in post-apartheid South Africa, the constitutional right to such a “basic education” is not qualified by “available resources” or “progressive realisation”. In other words, it is an immediate right; government is responsible for

providing/realising such basic education now, not in the future and not partially.

While there has been sizeable progress since 1994 in expanding the numbers of black children in primary and secondary schools and more moderate progress in the provision of both early childhood and adult basic education unfortunately, the government has not been able or willing to meet the basic education rights standard as set down in the Constitution. The Minister of Basic Education continues to cite “budgetary constraints” and “the limitation of available resources” as a reason why every child in South Africa is still not receiving a quality basic education (John, 2012).

This is directly linked to the role played by the neoliberal GEAR macro-economic framework. As educationist Salim Vally has pointed out, GEAR’s approach to education, despite lip service to empowering poor communities, is embedded in the neo-liberal obsession with technocratically-driven and fiscally conservative governance. This has not only impacted on the quantifiable aspects of education but also on its content and quality.

Nowhere is this more apparent than in relation to the content of education curricula. The increasing privatisation/corporatisation of the educational system (which will be detailed later

in this section), has allowed corporate education and skills development ‘experts’ to increasingly “have a large part to play in the development of the curriculum, in shaping the orientation and outcomes of education, and determining the ‘suitability’ of teachers and administrators”. Necessarily, this has meant that capitalist ‘values’ such as an individualist, profit-seeking approach and the benefits of associated ‘entrepreneurship’ have become more and more dominant (Vally and Motala, 2013).

Indeed, by allowing education to be framed by the demands of a neoliberal ‘development’ approach, a great deal of emphasis has been placed on being “internationally competitive (with particular emphasis on maths, science and technology to develop requisite ‘productive’ skills for the ‘jobs market’) and the imperatives of fiscal restraint (expressed as cost-containment measures and the increasing marketisation of education)” (Vally, 2004). As SADTU General Secretary Mugwena Maluleke has argued, subjects such as history have been side-lined like an “ugly stepsister, as youngsters are wooed by the more ‘popular’ subjects of maths and science; we need more social sciences, we are not teaching our children to be objects, but human beings” (As quoted in Bega, 2014).

The overall effect has been to greatly undermine an approach to education that is grounded in social justice and equality.

Adult education and literacy

The Freedom Charter calls for an end to adult illiteracy and in the first few years after 1994 there was decent progress made in fulfilling that call. According to official statistics, from 1996-2001, the adult literacy climbed from 83% to 89%.

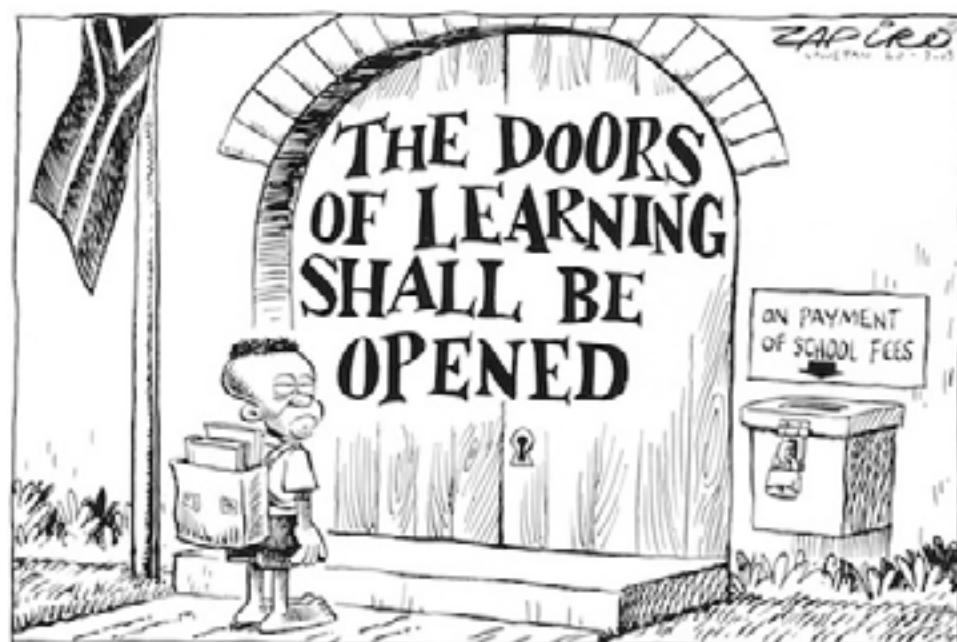
However, since then the literacy rate has remained static. According to the United Nations Development Programme’s Human Development Report in 2012, South Africa’s adult literacy rate stood at 89%, the same level as in 2001. While the country’s public education spending as a proportion of total government spending amounted to around 18%, the same level as that of countries such as Chile and Indonesia’s, the adult literacy rates in those countries stood at 98.6% and 92% respectively (Mail & Guardian, 25 January 2012).

In addressing the education needs of adults, the Constitution goes much further than the Charter by guaranteeing adults the right to adult basic education and training (ABET) as an immediate right. However, after more than 20 years of democracy, ABET continues to remain underfunded and is largely a paper right. A sizeable majority of the population over 20 years of age have still not completed secondary schooling.

Early childhood education

Both the Freedom Charter and the Constitution claim early childhood education (ECE) as part of the overall demand/right to basic education because that is precisely what “all children” and “everyone” means.

This is extremely crucial since the public provision of ECE not only lays a solid educational foundation that improves readiness for school and later academic performance, but is a central part of ensuring the psychological and physical health of very young learners which makes it much less likely that children will drop out or fail as they progress through their schooling. Simply put, ECE is neither a luxury nor a privilege;



it is a key right and therefore a responsibility of government

However, in the first ten years after 1994 there was very little progress made due to a severe lack of funding for the educational (and thus also developmental) needs of children from the ages of 0-6. By 2004, “only 13% of children” had “access to this crucial level of education” (Vally, 2004).

While there has been some improvement in the last 10 years, with the Department of Social Development now providing a subsidy for poor children in registered ‘early childhood development’ facilities and after care centres, the application and implementation of the subsidy scheme remains highly problematic. In addition to very burdensome registration and documentation requirements the provincial budgets covering the subsidy scheme come nowhere close to covering all those who are eligible. Not surprisingly, those who suffer the most are poor children living in rural areas.

Further, because the subsidies are not nearly enough to cover costs, “most centres depend on fees to supplement the inadequate subsidy”. Since “the poorest families cannot afford these fees, this leaves many areas of the country, and many children” without adequate early childhood education. At present only 1 in 5 of the poorest children attend an ‘early childhood development’ facility/centre. Even worse, “children with disabilities make up less than 1% of the enrolment” at such facilities even though they are amongst those most in need of ECE (Centre for Education Rights & Transformation, 2013).

Free Basic Education?

In the new democratic South Africa, education is still not free

Consistent with the neoliberal ‘principles’ of GEAR, a system of school fees was introduced by the *South Africa Schools Act of 1996*. What this effectively did was to institutionalise the idea and practice of ‘public-private partnerships’ to encourage the flow of private monies into the public educational system in the form of (supposedly non-compulsory) school fees. This is consistent with the neoliberal policy of ‘financial decentralisation’ where the fiscal responsibility for educational provision is gradually shifted away from the public sector to local communities and

parents of learners.

Not surprisingly, the Hunter Committee that proposed the system argued that universal provision of public education was not viable because, given budgetary constraints rich white students would suffer a decrease in the quality of education they were used to.

The imposition of school fees was met with widespread opposition by the South African Democratic Teachers Union (SADTU) as well COSAS, the Pan-African Students Organisation (PASO) and other student/youth organisations. The words of the President of SADTU at the time sum up how the fees system was in direct opposition to the demands of the Freedom Charter:

“The user fee system has spawned a privileged semi-private system within the public system, which attracts more than its fair share of resources, but is supported by public funds. We are entrenching a highly unequal public education system, albeit now based on class rather than race. If we are serious about equity and redress, we need to seriously review the working of the user fee system.”

Even though the ANC government finally introduced a no-fees school policy in the early 2000s, students and parents alike have been widely subjected to various types of punishment for non-payment of school and other ‘service’ fees, even though these actions are unlawful.

While over 65% of all public schools are now classified as ‘no-fee schools’, the government has made it clear that they still want poverty-stricken parents of students to make monetary contributions. Recently the Minister of Basic Education stated that, “there are things that schools would require that government is not necessarily able to provide at that given time ... I think it even disempowers communities if they are not encouraged to take (financial) responsibility” (Phakathi, 2013).

The practical result is that working class parents, students and community members have been forced to take on much greater responsibilities for school governance, funding the school’s upkeep and infrastructural development.

Tertiary Education and Opening the Doors of Learning

At a tertiary level, the doors of learning have indeed been opened, in that the number of black students at historically white universities and technikons has grown dramatically since 1994. It would seem that the plan to develop a black middle class is proceeding fairly well.

The Freedom Charter says, “Higher education and technical training shall be opened to all by means of state allowances and scholarships awarded on the basis of merit”. The students of the 1980s and 1990s went much further and demanded free education, up to and including tertiary education.

However, the notion of free tertiary education, a reality for a long time in many European welfare states, has been almost universally replaced with a system of fees and loans. The education budget has consistently fallen far short of meeting the needs of black working class youth who would like to study further.

At the same time, the cost of tertiary education has sky-rocketed rendering many students severely indebted long after they leave tertiary institutions. These international trends have become the norm in South Africa today. The demand of the Freedom

Charter has been given a twist, in that tertiary education is indeed open to all, provided one pays at the door.

Salim Vally has neatly captured the contradiction: ‘There is a disjuncture between active and formal democracy ... [we are in] an era ... where managerial imperatives emphasising the discourse of outcomes, the measurement of outputs, budgetary parameters, normative guidelines and user fees holds sway over a rights-based approach, substantive equality and free quality education”.

Democratisation and Privatisation of Schooling

The *South Africa Schools Act of 1996* also set out a contradictory framework for the operation and role of school governing bodies (SGB’s).

On the one hand, the functioning of SGB’s should conform to the government’s dominant neoliberal economic policies. Many have referred to this as the privatisation of education through the back door. In this framework, the main emphasis is for the SGB’s to take over the financing of the school and govern its financial security. In this way the government hopes to turn the SGB’s

into fund-raising committees and thereby shift greater economic responsibility for education onto taxpayers themselves, ensuring an informal additional taxation and further financial burden on hard-pressed parents, more especially the poor.

On the other hand, the ANC government has also felt the need to demonstrate its commitment to democracy, which bears some resemblance to past struggles. So, what we now find is the government’s neo-liberal policy of self-financing converging in legislation with the democratic traditions of PTSA’s of the past (e.g., grassroots, decentralised control over education content and activity). In the legislation, the SGB’s have been given the responsibility of democratic control over the schools’ affairs, developing policies and directing the schools activities. The main emphasis is on parents playing the dominant role in school governance.

The major shortcomings here are clear: given that the ability of the school communities and parents in poor/working class areas, to govern education in their own interests is limited by numerous factors like educational levels, experience, financial resources and time etc., it is again the state that actually ends up retaining control of the content and direction of education to school communities.

As such, the envisaged role of democratic participation and control is very rarely possible while at the same time, the main role of SGB’s becomes one of fund-raising and financial management. Implicitly, democratising of education in form is converging with neo-liberal cost recovery measures in content.

The result is that power and privilege within education are being re-enforced. As one international education analyst has pointed out; “schools are expected to own the problems but not the solutions (and this) reinforces the tendency to privatise the costs of education delivery” (McLennan, 2003).

Predictably, all of this has served only to exacerbate already existing spatial and class-based socio-economic inequalities of educational access and opportunity. Previously existent public/state educational mandates have been devolved onto private individuals and collectives. Those least able to fill the fiscal gap - poor communities - are further burdened while wealthier urban communities have gladly embraced this creeping privatisation, effectively transforming ostensibly

‘public’ schools into privately managed and run institutions. Where this has been resisted, expensive-elitist independent private schools (whether at the primary, secondary or tertiary level) have been set-up, most often with the direct involvement of corporate capital, further exacerbating the division between the haves and the have-nots.

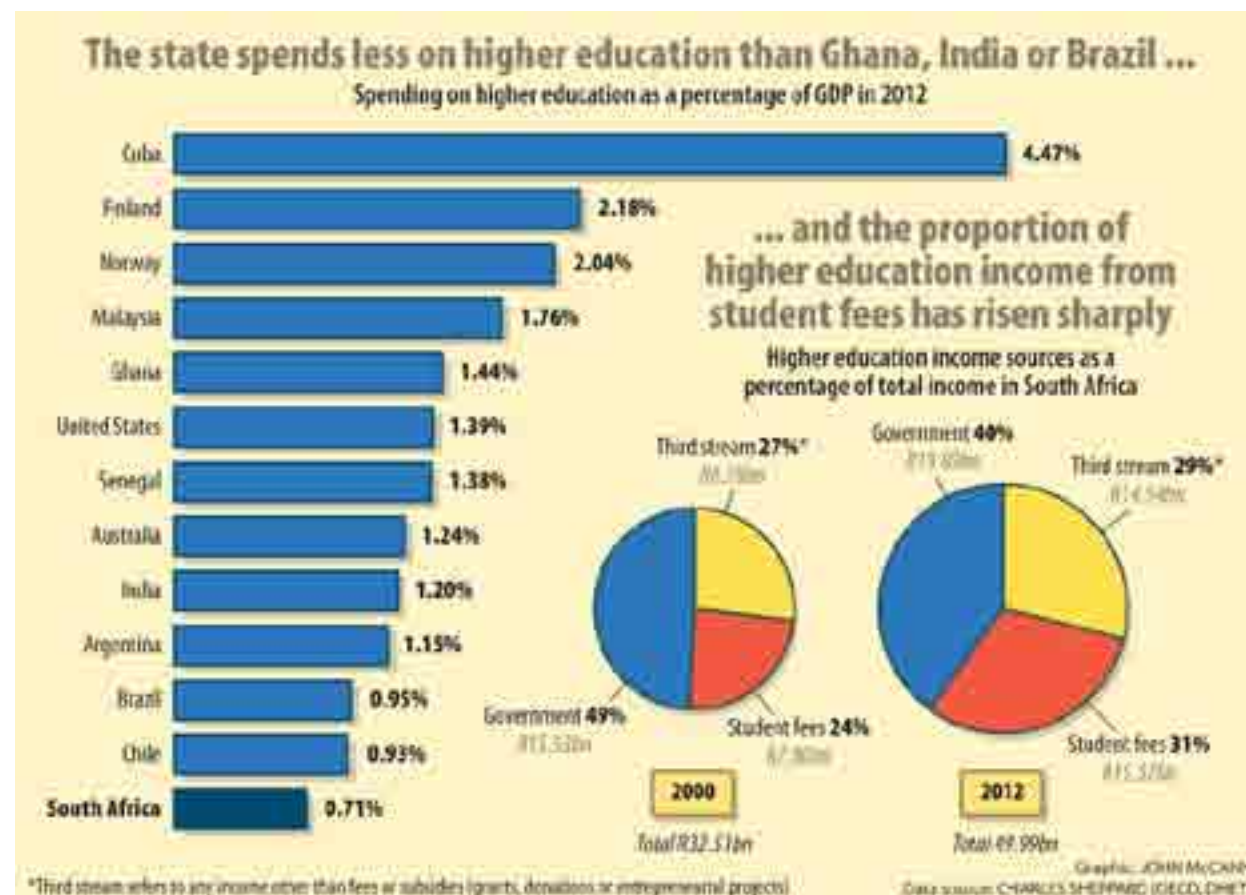
Compulsory and Quality Education

The Constitution grants everyone the (immediate) right to “basic education”. By this is meant education until the age of 15 years or the completion of Grade 9. The *Schools Act of 1996* makes school education compulsory but only up to grade 9 or until a learner turns 16. However, the Freedom Charter does not set such a limit.

By making education compulsory the MECs of provincial education departments have a duty to provide a place in a school for all learners up to the specified grade or age. Any parent or other person who deliberately keeps a learner out of school is in breach of the law and can be charged with a criminal offence.

While the number of students enrolled at schools has increased significantly, there are still many learners of school going age who are not within the school system. Indeed, over the last decade in particular there has been an increase in the number of working class students who dropout or play truant. The latest figures show that in 2001 there were 1.2 million children enrolled in Grade 1 but that only 44% of them stayed in the system to take their National Senior Certificate (NSC) in 2012 (Holburn, 2013). Besides the many personal challenges and social problems that come with poverty, many are de-motivated and do not see the point of attending school when future job prospects, in the light of mass structural unemployment, are so slim.

Learners from poor working class communities are affected by a range of factors such as: poverty, unemployment, hunger, malnourishment, poor housing conditions, ill-health, inadequate health care, inadequate community facilities, high levels of violence in the household and community, high incidence of drug and alcohol abuse. These all impact negatively on school performance and the quality of education they access.



It is not only a lack of material resources and other contextual problems but also growing crises around poor performance, absenteeism, predatory sexual behaviour and corruption involving growing numbers of public school administrators and teachers themselves. Further, a lack of government regulation and oversight of fly-by-night private schools in the urban areas has only exacerbated the situation.

It should thus come as little surprise that there is a growing gap in performance between (poor) public and (wealthy) public/private school students linked to racial and class location/ experience. It does not help matters when the politicians and economic elites who often preach the loudest about the need for good public education are the very ones who send their own children to expensive private schools.

The corporatisation of higher and further education

When it comes to higher education, the government has embraced “the (global and neoliberal) universality of the institution of managerialism” and corporatisation. The cumulative result has not only been “the rapid growth in the for-profit higher education sector” but a distinct lack of both racial and class ‘transformation’, the use of unfair and discriminatory selection and admission processes, “the financial and academic exclusion of students, unacceptably high dropout rates and the alienation of university research from a (progressive) developmental agenda” (Bawa, 2014).

More specifically, the content and quality of university (as well as other higher/further education institutions) curricula is being negatively impacted on by the increasing attempts to link their organisation and funding directly with the needs and interests of private corporate capital.

In turn, this is directly linked to a growing culture of consultancy wherein academics ‘hire’ themselves out to both government and corporate capital to produce research that has little to nothing to do with the needs of a public education institution or its students. One of the consequences of this is that the kind of critical (radical) scholarship that was so important to the political and socio-economic struggles of the broad working class in the 1970s and 80s has been greatly diminished.

What we are witnessing at most all South

Africa’s universities is the gradual but systematic insertion of the (educational) demands and needs of the capitalist market. It is a ‘smart’ privatisation which fits neatly into the neoliberal educational regime of cost-benefit analysis, where the ‘service’ provided becomes commodified as it enters into a market relationship with its ‘users’.

The primary result is a ‘business university’ that is increasingly divorced from providing a holistic public education which can equip students with both intellectual knowledge and practical skills that are defined by the pursuit of social justice and equality and centred on human development and need.

Beyond the formal university setting, the way in which the government has ‘transformed’ institutions of ‘further education’ such as Technikons and Training Colleges, has seen associated ‘skills and training’ also becoming increasingly defined by a neoliberal paradigm.

As opposed to developing a curricula that speaks directly to the kinds of skills and training which would best meet socially and economically useful (public and collective) needs of society, the present approach emphasises that ‘skills and training’ should be designed to fill the gap in ‘skills’ (mainly) in the private sector and thus also to reduce the high unemployment rate.

As a result, the very ‘developmental’ features of neoliberal capitalism - i.e. exploitation of labour through constant retrenchments, increased casualisation and permanent low-wage jobs - have become the main basis for the ‘transformation’ of further education in post-apartheid South Africa. As Vally and Motala (2014) point out, “unemployment is a structural problem and education should not be seen as supplying the labour requirements of business”. Skills development is not ‘ideologically neutral’ and occurs within a wider rubric of capitalist strategies of accumulation and maximisation of profits (Ngcwangu, 2014).

It is the height of irony that the government which professes to be pursuing the Freedom Charter is now rushing headlong to reduce “the value of education to the narrow interests” of the same social and economic forces which provided the exploitative foundation for apartheid-capitalism.

Indeed, the fact is that 20 years after 1994 the apartheid system’s division of labour continues to largely define the workplace, especially in the

private sector. As Kgobe (1997) pointed out in the early years of the transition, “South Africa’s workplaces are not constructed on the basis of a skills knowledge hierarchy. They are made up of a large, relatively homogenous group of workers with roughly equivalent skills and a small group of more skilled jobs”. In this contemporary context, “what sense does a skills-based career path have?”

Equality in Education

Although the Freedom Charter does not explicitly call for quality education it does demand equality in education. To meet the aim of equality, the implication from 1994 onwards was surely that the standards of education provided to black students under apartheid needed to be raised to the level of quality previously afforded only to white students.

Some progress on this front has indeed been made. All apartheid legislation related to education has been scrapped. New legislation and policies have been introduced to promote equity, a democratic ethos and a human rights culture within education. The education budget ensures that poor schools in historically disadvantaged areas access a greater share of financial and other resources.

However, the formal measures to meet the aims



The discovery in Limpopo that school textbooks had not been delivered to schools and dumped scandalised the Department of Basic Education

of real equality are failing. The logic of a fee-paying system for primary and secondary schooling operating in a neo-liberal capitalist environment means that learners in poor schools continue to receive unequal education. Meanwhile, the sons and daughters of the political and economic elite access the highest quality education that money can buy.

Rich schools, such as the former Model C schools and Independent schools, can charge high school fees because the parents of learners can afford to do so. This allows these schools to create conditions for quality education, such as: small class sizes and abundance of the best educational resources and equipment and lavish facilities.

The present situation of educational infrastructure and basic services in poor (and especially rural) public schools is testimony to the equality crisis. During 2012-2013, most schools in the mostly rural Limpopo province were without textbooks for almost the entire school year. Massive shortages of textbooks have also been reported in many other provinces. In 2011, the Eastern Cape government drastically cut school transport services, the school feeding scheme and terminated the positions of more than 4 000 temporary teachers filling vacant posts at critically understaffed schools (Capazorio, 2011).

According to the student-based movement - Equal Education - of the over 25 000 public ordinary schools in South Africa,

- 3600 have no electricity supply
- 2444 have no water supply, while a further 2563 have unreliable supply
- 11 231 still use pit-latrines while 970 have no ablution facilities
- 10% have stocked computer centres while 5% have stocked laboratories
- 8% have functioning libraries and most of these charge fees and pay for the libraries themselves.

By under-taxing the rich and tightly curbing social expenditure, in keeping with neo-liberal prescriptions, the government ensures that the vast majority in the schools in the townships, on the farms and in the villages across South Africa are left without enough funding to ensure quality and equal education.



Statue of Cecil John Rhodes being removed in the start of a movement to transform the University of Cape Town

CONCLUSION. CHARTING FREEDOM TODAY...

“(O)ur country will never be prosperous or free until all our people live in brotherhood, enjoying equal rights and opportunities”

(Preamble of the Freedom Charter)

“(T)o imagine that a milder mannered capitalist order can secure a decent future for the majority of South Africans- or that deracialising bourgeois rule will meet the aspirations of exploited and oppressed people... that really requires a leap of faith.”

(Colin Bundy, 1987)

No real freedom is possible under neoliberal monopoly capitalism

There is little doubt that the Charter envisaged that an end to apartheid and the establishment of a non-racial democracy would open up a period of freedom and prosperity. In doing so, the Charter indirectly posed the question of the relationship between democracy and capitalism given the closely intertwined nature of the apartheid system and capitalism itself.

In many ways, the underlying assumption in the Charter in this regard is identical to that of the two-stage theory of the NDR. That is, once political

democracy is achieved the pursuit of “freedom and prosperity” must take place on a capitalist terrain that is deracialised for the benefit of the majority (the first stage).

Such an approach can be most clearly seen in the Charter’s economic clause wherein nationalisation was to be used as the main vehicle for a deracialised, non-monopoly form of capitalism. In other words, the (white) monopolies had to be broken up so that a new emerging black business (capitalist) class could compete on a more equal basis.

Whatever benefits that would accrue to the poor, working class masses would thus be through the democratic state’s willingness - on behalf of the people - to use the nationalised capital to enhance and expand the masses general economic “opportunities”.

In the event though, the practical abandonment of nationalisation by the ANC and SACP leadership, effectively put to bed any prospect of testing whether the ‘theory’ of non-monopoly capitalism is possible. Instead, in the post-1994 era the monopoly character of South Africa’s economy was allowed to remain intact and thus too, the overall economic status quo. Political democratisation

was combined with a partial deracialisation based on cooperation with monopoly capital (i.e. BEE). Some refer to this reality as the “democratic counter-revolution”.

As has been shown in this booklet, the growth of a new section of black capitalists has produced a commonality of interests between old and new elites. That commonality has ensured, beyond the small circles of elites, a relative societal stability during the first 20 years of democracy. Some former comrades and township dwellers now have a real material interest in the capitalist economic system. The clear association that black workers made between ‘race’ and class and apartheid and capitalism in the 1980s has become blurred as the baas that carries out the business of exploitation not only has a white but also a black skin.

Indeed, monopoly capitalism has been fully supported by the ANC/SACP government. The ‘reasonable men’ that have gone quietly about their business of dominating every sector of the economy, now have equally ‘reasonable men’ running the political affairs of the country. The ANC has performed the required functions of a capitalist government as well as can be reasonably expected. Neo-liberalism was the chosen policy of monopoly capitalism, and the adoption of GEAR by the ANC government, confirmed the inevitable.

Nonetheless, the ANC/SACP government claims that it continues to strive for the realisation of the ideals and vision of the Freedom Charter. Amongst others, BEE is supposedly a reasonable variant of the Charter’s requirement that the wealth of the country be shared by all.

However, the promised prosperity and freedom has not been realised for the working class in the townships, on the farms and in the villages throughout the country. Are the masses expected to extend the period of patience? Should they accept the idea that the fulfilment of the minimum programme (i.e. the Freedom Charter minus its ‘core’) and the first stage of the NDR requires more time?

Furthermore, it is obvious that ‘brotherhood’ and sisterhood are impossible if 80% of the brothers and sisters live lives of poverty, insecurity and social misery, while the other 20% live in luxury and privilege at the expense of the 80%. The gross inequalities in the country and the related increase in inequality, poverty and unemployment have everything to do with the monopoly capitalist character of South African economy and society.

The social and economic realities of the past twenty years for the majority of people in South Africa provide more than enough evidence to show that ‘deracialised bourgeois rule’ under monopoly capitalism has abjectly failed to “meet the aspirations of exploited and oppressed people”.

As the celebrated poet and writer James Baldwin once stated: ‘Not everything that is faced can be changed, but nothing can be changed if it is not faced’. Twenty years after 1994, what needs to be ‘faced’ is that neoliberalism’s political/ ideological understanding of, and practical approach to, development and democracy has been accepted and institutionalised by the ANC government.

Rather than seeing development as a metaphorical ‘house’ whose stability and habitability requires, first and foremost, the laying of a foundation of basic needs/services for the majority who live in it, they have chosen to focus on supporting and strengthening the upper ‘floors’ in the (vain) belief that doing so will not only make the house look more presentable but will somehow work its way down to the foundation. This is neo-liberalism’s “trickle down” approach to development and addressing the needs of the poor.

The pursuit of this kind of developmental plan not only demands that the accumulative ‘needs’ of the capitalist class be the foundation of growth and prosperity ‘for all’, but also that the enduring socio-economic conditions of the workers and poor themselves be identified as the main impediment to such accumulation and thus to development itself (as opposed to the other way round).

What has been done is to falsely twin democracy to the needs of the capitalist market. In turn, this has produced an ongoing ‘crisis of democracy’ wherein institutionalised practices and forms of representative democracy such as elections and local government structures make increasingly little difference since the key developmental decisions are taken by capitalists and their ‘market’.

The result is a forced and false ‘growth’ consensus that mainly benefits the capitalist bosses and the new black elite that the ANC government is so keen to build. The growing class inequalities between rich and poor and the continued exploitation of workers will only be further masked by the manufactured appearance of a political and socio-economic consensus amongst all South Africans.

The realities of class warfare and struggle

“Actually, there’s been class warfare going on for the last 20 years, and my class has won”

(Warren Buffet - American multi-billionaire)

As has been the case in much of the rest of the world over the past two decades, in South Africa the capitalist class and their accompanying political elites occupy have been waging an unrelenting and unrepentant class war on the working class and poor. While they take centre stage and gorge themselves, the poor are simply being asked to embrace and celebrate their continued marginalisation and to be happy for the economic crumbs they will be thrown from the ‘masters’ table.

Indeed, the mass retrenchments of workers over the last 15 years in particular have caused untold misery and havoc for the broad working class. Unemployment is at an all-time high and there is no evidence that the ANC government is either capable or willing to try and solve it. Meanwhile, the capitalist class simply does not care, content to make ever-increasing profits and dispose of workers as if they were nothing more than sheep to be slaughtered.

Likewise, the prospects of an entire generation of township and rural youth obtaining jobs in the formal sector are more remote than ever given the state of the economy and public education system. To make matters even more difficult, old divisions within the working class have been strengthened and new ones have emerged: between employed and unemployed, permanent and casual, formal and informal.

Further, the continued application of the ANC’s GEAR policy has exacerbated the appalling conditions of poverty and misery that the masses continue to live under. Municipalities are in deep institutional and financial crisis, basic services to the poor are hopelessly inadequate, land reform is in an insoluble impasse and the housing crisis for the broad working class worsens.

The painful paradox is that we live in a society that is one of the most unequal in the world and at the same time has one of the most progressive liberal constitutions in the world. Paper rights are little comfort to the unemployed and hungry.

On the political front, there are seriously worrying signs of a retreat from democracy. Those in control of the state as well as corporate capital now more than ever, pick and choose which aspects of democracy they want the rest of society to enjoy. Increased control of information, a generalised lack of regulation, a seeming contempt for democratic oversight and equal application of the law as well as increased securitisation of state and society with brutal repression against working class resistance and struggles. All these have become the hallmarks of contemporary South Africa. Even more fundamentally, there is clearly a gathering crisis when it comes to the underlying principles, ethics and collective approach necessary for meaningful democratic governance and leadership.

Moving forward

Despite the seemingly overwhelming difficulties and challenges facing the workers and poor in the 60th anniversary year of the Freedom Charter, there are also encouraging signs of renewed purpose and struggle.

The broad working class - the unemployed, workers, women, youth and students – has no option but to continue the struggle for freedom. That freedom struggle is a journey, of ups and downs, of sharp turns but most of all, of new possibilities.

What this booklet has shown in many different ways is that in order for South Africa to move forward in that journey to freedom, every traveller needs to have the essential basics required to make the journey.

In the context of this 60th year of the Freedom Charter the question that must be asked (and answered) by the people is whether a reformed and deracialised capitalism is the best we can do or is it possible to forge a radical alternative, socialist society?

The Freedom Charter provides a broad guiding vision as well as many of the sign-posts to navigate the journey but it is not the be-all and end-all of the collective freedom struggle. It is the people themselves and more particularly the workers and poor who hold the key to moving forward.

For sixty years the Freedom Charter provided a broad political vision reflecting the aspirations

of the black masses under the leadership of the ANC. Today there is even contestation for this legacy between the left and the right within the Congress movement, each claiming that they represent the genuine version of the FC’s demands for the post-Apartheid South Africa. It is precisely this deliberate vagueness and ambiguity in critical areas of the FC that are its biggest weaknesses in providing a coherent programme for the working class in South Africa.

In essence, like the ANC, the FC reflects and represents the historical class interests and aspirations of the black middle class, previously oppressed by Apartheid.

It is for this reason that today, ANC government leaders can also claim that their neo-liberal and anti-working class policies do represent the vision of the FC since it has delivered Black Economic Empowerment (BEE) – even though for only a few.

Over the past decade we’ve witnessed the dawn of a new political era in South Africa with the black working class masses increasingly realising and recognising the betrayal by their traditional political leaders and the ANC. Moreover, they have no choice but to act against it and to defend themselves – in the process asserting new found

political independence and mass organisation. In this context a new generation of working class fighters requires political and programmatic rearming. May this publication, following the previous one, “50 Years of the Freedom Charter – A Cause to Celebrate?” contribute to this endeavour.



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