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The Negotiated Nation: Evaluation of Nation Building in the Post-
Apartheid South Africa

By

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Declaration

I declare that *The Negotiated Nation: Evaluation of Nation Building in the Post-Apartheid South Africa* is my own work, that it has not been submitted for any degree or examination in any other university.

All the sources I have used or quoted have been indicated and acknowledged by complete references.

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Date 12 October 2021



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Abstract

The demise of apartheid presented South Africa with an opportunity to rebuild itself from its painful racist past to become a home to all those who live in it. This was done through a process of nation-building, which took the form of a multicultural civic nation, affectionately known as the Rainbow Nation, that embraces diverse cultures while affirming that individual citizens have equal rights. This thesis argues that the building of the Rainbow Nation has been somewhat successful, but more on a symbolic than institutional level, and that enduring forms of racial exclusion from socio-economic well-being pose the greatest threat to constructing a united, multicultural nation of civic equals.

The Rainbow Nation was constructed by both banal and radical forms of nation-building. Banal forms entailed the use of symbols such as the idea of the Father of the Nation, Nelson Mandela, the Constitution, the anthem and flag, common sports teams, as well as restorative justice. Radical forms entailed political, social and economic institutional reforms. Political reforms were anchored in the establishment of a democratic political order where citizens have equal rights, including the right to vote and to choose their representatives, an inclusive government that, even if temporarily, was reflective of the population, as well as a decentralised system of government. Social reforms were constituted by a rights-based social policy, a pro-poor welfare system, and education and language reforms. Economic reforms were constituted by a deracialised and inclusive economy which was implemented through the adoption of affirmative action, Black Economic Empowerment (BEE) and land reforms.

The Rainbow Nation has been partially successful in the inclusion of the previously marginalised majority into the national life. Its success, owing to symbols and restorative justice, entailed the existence of a national identity and some degree of reconciliation. More specifically, the Father of the Nation, Nelson Mandela, the Constitution and sports are symbols of unity, while symbols such as the flag and the anthem are reflective of the multicultural Rainbow Nation. Due to the restorative justice of the Truth and Reconciliation Commission, some degree of reconciliation was achieved. Additionally, radical reforms contributed to the Rainbow Nation by the extension of political rights to the previously marginalised majority, the establishment of a representative political system and transitional government, as well as a government that is closer to the people. Social reforms have included reduced levels of absolute inequality, a race-blind education system with increased access and improved quality, and the recognition of African languages as official languages. Through economic reforms, the public service is now representative and reflective of the population, levels of black ownership, control and management in the private sector have improved and there has been some degree of land restitution, greater tenure security and some land redistribution.

Nonetheless, the Rainbow Nation has not succeeded in incorporating fully the previously marginalised majority into the national life. The failures of the Rainbow Nation are mostly evident in the radical forms of nation-building. While banal forms such as sports and restorative justice have been relatively successful, this was mostly at the symbolic level. Sport selection continues to be an issue, while restorative justice has failed to deliver the truth to a lot of victims. The amnesty system favoured perpetrators and insufficient reparations were made to victims. Furthermore, the support for democracy is declining, the Voting Age Population electoral turnout is declining, the political system continues to be dominated by one party, and

governance is characterised by corruption and ineffective service delivery. Government expenditure on social services is escalating and has reached unsustainable levels. Furthermore, there is a segment of the population that has no access to quality education, and African languages remain underdeveloped and underutilised. The economy is racially polarised with blacks concentrated in the public sector and whites in the private sector. Levels of black ownership, management and control in the private sector are far from satisfactory and land reforms have failed to secure tenure and redistribute.

Key Words: Nation, Nationalism, Nation-building, Rainbow Nation, Banal Nationalism, Radical Nationalism



Acknowledgements

This thesis is dedicated to my late parents. May you continue to rest in eternal peace!

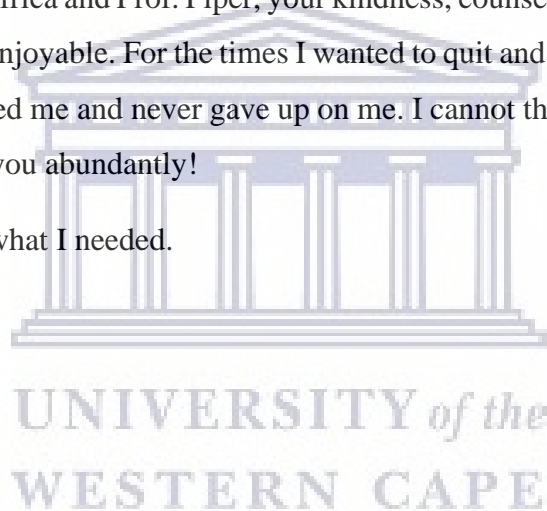
To my sisters, Andiswa, Siphokazi and Zimkhitha, you remain the reason I seek the highest star.

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Acronyms

ANC – African National Congress

ANCYL – African National Congress Youth League

APC – African People’s Convention

ASGISA – Accelerated Shared Growth Initiative of South Africa

AU – African Union

AZAPO – Azanian People’s Organisation

B-BBEE – Broad-Based Black Economic Empowerment

BEE – Black Economic Empowerment

BIG – Basic Income Grant

CDE – Centre For Development and Enterprise

CGE – Commission for Gender Equality

CLB – Communal Land Bill

CLRA – Communal Land Rights Act

CLTP – Communal Land Tenure Policy

CODESA – Convention for a Democratic South Africa

CSVR – Centre for the Study of Violence and Reconciliation

DA – Democratic Alliance

DP – Democratic Party

EC – Electoral Court

EE – Employment Equity

EFF – Economic Freedom Fighters

EPRI – Economic Policy Research Institute

ESS – Electoral Satisfaction Survey



GDP – Gross Domestic Product

GEAR – Growth, Employment and Redistribution

GNU – Government of National Unity

HDI – Human Development Index

HDR – Human Development Report

HSRC – Human Science Research Council

IDEA – Institute for Democracy and Electoral Assistance

IEC – Independent Electoral Commission

IFP – Inkatha Freedom Party

IJR – Institute for Justice and Reconciliation

ICTJ – International Center for Transitional Justice

IRR – Institute of Race Relations

ISS – Institute for Security Studies

KSG – Khulumani Support Group

KZN – KwaZulu-Natal

LANTAG – Language Plan Task Group

LCS – Living Conditions Survey

LRAD – Land Redistribution for Agricultural Development

NA – National Assembly

NAM – Non-Aligned Movement

NCOP – National Council of Provinces

NDP – National Development Plan

NEA – Not Economically Active

NEDLAC – National Economic Development and Labour Council



NEFA – National Empowerment Fund Agency

NETF – National Education and Training Forum

NGP – New Growth Path

NLFP– National Language Policy Framework

NP – National Party

NPC – National Planning Commission

OAU – Organisation of African Unity

OBE – Outcomes-Based Education

PAC – Pan-African Congress of Azania

PAFMECSA – PanAfrican Freedom Movement for Eastern, Central and Southern Africa

PANSALB – Pan South African Language Board

PLAS – Proactive Land Acquisition Strategy

PR – Proportional Representation

RET – Radical Economic Transformation

RRC – Reparation and Rehabilitation Committee

RSA – Republic of South Africa

SABC – South African Broadcasting Corporation

SAHRC – South African Human Rights Commission

SANNC – South African Native National Congress

SARB – South African Reconciliation Barometer

SASAS – South African Social Attitudes Survey

STATSSA – Statistics South Africa

TANU – Tanganyika African National Union

TRC– Truth and Reconciliation Commission



UBPL – Upper-Bound Poverty Levels

UBPL – Upper-Bound Poverty Line

UDM – United Democratic Movement

UN – United Nations

USA – United States of America

VAP – Voting Age Population



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Chapter 1 Introduction

*We, the people of South Africa, believe that South Africa belongs to everyone who lives in it,
united in our diversity.*

(Republic of South Africa (RSA) Constitution Preamble, 1996)

Nation building in post-apartheid South Africa aimed to weld together the racial fragmentation caused by decades of apartheid. “We, the people...”, extracted from the preamble of the Constitution of the Republic of South Africa (1996), carried rich meaning as it symbolised a transition from the history of ‘us and them’ to that of ‘we’ as equal citizens of a common ‘rainbow’ nation. On the one hand, the Rainbow Nation promised to recognise the many linguistic and cultural differences of South Africans, like the colours of a rainbow. On the other hand, it also promised to include all politically and economically as equal citizens, as equal members of the rainbow. This combination of cultural group tolerance and systemic individual equality regardless of race or creed formed the essence of the idea of the rainbow nation.

The promise of the Rainbow Nation was important for minorities that feared cultural exclusion, but was also especially important for the previously marginalised black¹ majority who had most to gain from a just, inclusive and non-racial democracy. This was important for black South Africans as the apartheid dispensation was a racial order that elevated the status of whites at the expense of other racial groups. It impacted negatively on political, social and economic life as it shredded the social fabric and fragmented the body politic. While apartheid was a continuation of racial logics dating back to colonial rule, it nevertheless extended and deepened the racial order after 1948, leaving a legacy of stark divisions and inequalities between races (Chimere-Dan, 1992). The question, therefore, that confronts this thesis is that, given our racialised past, has nation building in post-apartheid South Africa been effective in building one common and over-riding political identity?

In evaluating the success of post-apartheid nation building, and specifically rainbow nationalism, the thesis draws on recent modernist theories of multicultural, civic nationalism

¹ The use of racial classification in this thesis is for the purpose of making a point about how South Africa was structured under apartheid and how these continue to influence the new South Africa. Racial classification is not, in any way, a personal view of the author.

to construct an analytical framework to evaluate nation building. This framework is informed by the lessons from nation building in post-colonial Africa. These lessons are appropriate not only because of the shared African context, but also because of the similar challenges of creating a new national identity, healing the divisions of the past, and redressing its harmful legacies. In addition, nation building started some time ago in much of the rest of Africa, as early as the 1960s in some places, and therefore offers better evidence about what has worked overtime. In short, the analytical framework distinguishes between forms of nation building that are termed 'banal' or symbolic, and forms that are termed 'radical' or systemic reforms.

It is this framework that is used to critically assess the case of rainbow nationalism in South Africa. Thus, the thesis argues that the post-apartheid state made extensive use of both common 'banal' and 'radical' techniques of nation building. Banal forms refer to unifying symbols to promote and embrace diversity such as the founding 'Father of the Nation', Nelson Mandela, the Constitution, the national anthem, the flag, and sports. Additional to these symbols was a process embarked on to ensure restorative justice to forge unity between the former perpetrators and victims of apartheid policies. Radical techniques include changes to institutions or rules of political and economic life, including the establishment of inclusive citizenship, rights-based social policy as well as the creation of an inclusive economy.

However, as the thesis concludes, the success of rainbow nationalism was partial, especially in respect of radical aspects. On the one hand, it is evident that the use of symbols such as the father of the nation, Nelson Mandela, the Constitution, anthem, flag and sports have been largely successful in the creation of the idea of the Rainbow Nation, but not completely successful. Through restorative justice, victims and the families of victims unearthed the truth about the crimes of apartheid, amnesty was granted to perpetrators and victims received reparation. In addition, there have been successes in radical or institutional reforms. Democracy established a mostly legitimate political system where citizens have equal rights such as voting, free speech, freedom of association, and a government that is inclusive and reflective of the population. Social reforms reduced social disparities and inequalities resulting in progression towards a more equitable education system and the promotion of multilingualism. Through economic reforms, the public service is representative of all races in proportion to the population, and black ownership, control and management in the private sector has improved. There is some degree of land restitution, more security of tenure and some land redistribution.

On the other hand, the Rainbow Nation is found wanting, mostly regarding radical forms of nation building. Restorative justice was seen to favour the perpetrators through the granting of amnesty and reparations were not fairly nor sufficiently implemented for the victims. Moreover, support for democracy is declining. Fewer people are exercising their right to vote, the electoral system is not as representative as envisaged, instead, there has been one party dominating since 1994. Despite efforts to bring government closer to the people, there is a lack of effective service delivery. Investment on social services far outweighs economic growth and continues to expand at an unsustainable rate, and there is a big proportion of the black majority that has no access to quality education and does not stand a chance to access tertiary education.

More significantly, the economy is still racially polarised. Blacks are concentrated in the public sector and other races, especially whites, are concentrated in the private sector. There has not been a major shift in ownership, control and management in the private sector. Land reforms have only been able to deliver limited land restitution, while there is a failure to secure land tenure and redistribute significant tracts of land to the previously marginalised majority. Consequently, there remain enduring forms of racial exclusion evident in the economic and social aspects of national life, and thus the post-apartheid order has only partially rectified apartheid racial exclusion, undermining rainbow nationalism. Rainbow nationalism has mostly worked for minorities, who are more concerned about in the symbolic aspects of nationhood, and less so for the black majority, who remain insufficiently incorporated into the post-apartheid socio-economic order.

The rest of this chapter seeks to provide a contextual background leading up to the birth of the Rainbow Nation. This includes features of apartheid, the demise of apartheid and the negotiations. This will be followed by a problem statement, research design as well as the outline of the rest of the chapters covered in this thesis.

1.1 Contextual Background

This thesis starts from the premise that nation building in South Africa was about redressing the legacy of apartheid. This legacy stemmed from a system which threw the majority of non-whites out of the body politic and strictly adhered to a policy of segregation, except when it suited white economic interests (Tabata, 1960). Onwuzurike (1987: 224) argues that the primary objective of the apartheid system was the “enhancement of the white economic well-

being and political stabilisation through perpetual scapegoating of blacks and disorganisation of their aspiration toward economic, political, and psychological stability”. Mothlapi (1987:5) argues that

South Africa’s legislation [under apartheid] from the very beginning concentrated on increasing the power of whites and their government and diminishing black civil and human rights by restricting the ability of blacks to exercise these rights in various ways.

More specifically, when it came to power in 1948, the National Party (NP) aimed to set up systems to ensure white supremacy and dominance (Gutteridge, 1995; Emmerson, 1968). Thus, post-1948 elections occurrences did not only formalise and institutionalise racial discrimination but changed the character of the society for white South Africans (Gutteridge, 1995). In this regard, at least 57 racist laws and amendments were passed between 1948 and the late 1980s. The segregation was evident in political, social and economic life. These laws regulated aspects such as political representation; sexual and cultural apartheid was evident in the racialisation of population registration and segregation, as well as pass laws and influx control; and economic apartheid was evident in job reservation for white people, segregation in education systems and in residential areas and land tenure to mention but a few. Effectively, these laws controlled all aspects of public life and were all aimed at segregating the majority of the population from all aspects of a functioning state.

1.1.1 Features of Apartheid

Under apartheid, political oppression was characterised by the enhancement of white people’s political rights and the progressive elimination of political rights for black people, which entailed limiting participation in any form of political life. While this process started before 1948, it intensified after the formalisation of apartheid and differing between the various racial groups. A case in point was the introduction of the Representation of Natives Act (1936), which removed black voters in the Cape from the common voters’ roll and placed them on a separate roll, allowing them to elect only three members to the House of Assembly. The Act also provided for four indirectly elected senators to represent black people countrywide, while qualified coloured voters in the Cape remained on the common roll. The Asiatic Land Tenure and Indian Representation Act (1946) allowed Indians in the Transvaal Province and Natal

Province to elect three members of the House of Assembly and two Senators, but this representation was removed by the Asiatic Laws Amendment Act (1948).

After the formalisation of apartheid, the Separate Representation of Voters Act (1951) removed coloured voters in the Cape from the common voters' roll and placed them on a separate roll, allowing them to elect only four members to the House of Assembly. Initially, the Act was not approved and was therefore invalidated by the Supreme Court. The government subsequently altered the method of electing the Senate and passed the South Africa Act Amendment Act (1956) with a two-thirds majority, validating the Separate Representation of Voters Act (1951). However, the Separate Representation of Voters Amendment Act (1968) abolished the remaining parliamentary representation for coloured people, and the Coloured Persons Representative Council Amendment Act (1968) replaced it with an elected "Representative Council" with limited powers.

An alternative political system was established for blacks. The Promotion of Bantu Self-Government Act (1959) abolished the remaining parliamentary representation for black people under the Representation of Natives Act. It was replaced by the Urban Bantu Councils Act (1961), which also replaced the Advisory Boards created earlier by the Natives Urban Areas Act (1923), and permitted the democratic election of new municipal councils with African chairmen that were assigned some administrative duties. Additionally, lack of political rights meant that blacks had no representation in parliament, no voting rights and no freedom of mobilisation, protest or association. The latter was evident in the banning of political parties between 1948 and 1990.

To entrench segregation, under the Prohibition of Political Interference Act (1968) political parties were forbidden to have members belonging to more than one race. As non-whites had no direct representation in parliament, non-white political activity was largely confined to extra-parliamentary groups. This was further enforced through blanket laws such as the Suppression of Communism Act (1950), the Unlawful Organisation Act (1960) and the General Law Amendment Act (1963), which covered actions and publications that promoted any form of industrial, political, social or economic change that may disrupt public safety and order.

Social segregation was characterised by the separation of racial groups. It aimed to exclude non-whites, especially blacks, from urban areas which were reserved for whites (Giliomee, and Gagiano, 1990). National Party ideologues propagated a particular vision of South Africa as a multiracial society and justified separate development policies in terms of primordially

conceived ethnic differences (Baines, 1998). The introduction of legislation such as the Group Areas Act (1950) and the Reservation of Separate Amenities Act (1953) was an embodiment of apartheid's ideology of segregation. They mostly amounted to another layer of repression on the black population. This was to be seen in the creation of homelands for blacks, each characterised by a particular ethnic identity (Gutteridge, 1995). This was done with the intention that, as the economies of the homelands developed, more and more blacks would move from white areas to their allocated homelands, thereby reversing the direction of African migration. In their homelands, Africans would be able to exercise political rights and in so doing, would lose claim to their franchise in greater South Africa.

In addition, other legislative and policy interventions promoted social segregation, such as the welfare system, and education and language policies. Firstly, under apartheid, the trappings of a welfare state for whites were created to protect whites against various contingencies (Van der Berg, 1997). From 1937, up to and including the taking over of the government by the NP in 1948, several welfare structures were put in place. One of the ways this was done was through social assistance, which was funded from the central budget. According to Van Eeden, De Necker and Ryke (2000), while social assistance was extended to other groups, it was primarily intended to reduce poverty for the white population. Thus, the quota for non-whites was not commensurate to those of whites. According to Van der Berg (1997), blacks were particularly excluded from old-age pensions. The Social Security Committee (1944: 19) argued that rural natives were excluded from old-age pensions mainly on the assumption that "native custom makes provision for maintaining dependent persons". As a result, in 1943, expenditure on the elderly was 56 per cent, 40 per cent and 4 per cent for coloureds, whites and blacks, respectively (Social Security Committee, 1944: 43-4). This had changed by 2005, with less than 1 per cent of white pensioners receiving state-funded grants compared to 80 per cent of blacks (Burns, Keswell and Leibbrandt, 2015).

The institutionalisation of apartheid also had an implication on education, especially for blacks (Jansen, 1990). The Bantu Education Act (1953) was introduced to apply apartheid in the education system. Under the terms of the act, education for whites, coloureds, Indians and Africans were separately administered and financed and had different curricula. Particularly for blacks, the government provided an inferior quality of education, with limited resources. According to Jansen (1999), native education was characterised by the rapid structural deterioration of black schools and the introduction of a state-mandated segregated curriculum at a primary education level. Furthermore, the apartheid language policy made two white

languages, English and Afrikaans, the only official languages to be used as the medium of instruction. To exacerbate the segregation, blacks were sub-divided on a different ethnolinguistic basis and formally, if not practically, confined in their allocated homelands.

Economic exploitation was characterised by the exclusion of blacks from the economy. Simon (1988) argues that apartheid was instrumental in promoting capital accumulation for whites by restricting skill acquisition largely to whites and facilitating the exploitation of cheap labour from blacks. This was made possible by legislation such as the Apprenticeship Act (1922), which effectively excluded qualified blacks from meaningful economic participation. After the formalisation of apartheid, legislation such as the Physical Planning Act (1967) and the Coloured Labour Preference Policy (1966) were introduced, which further placed a ceiling on the employment opportunities of black workers. Nkomo (1984) noted the effects of job reservation legislation and practices, formal and informal, on the ability of blacks to secure decent jobs for which they were educationally qualified to perform. Additionally, limited access of black students to schools, accompanied by a high rate of attrition and failure, excluded blacks from the completion of schooling. Gish (1987), cited in Jansen (1990: 9), observed that under apartheid “few blacks had the opportunity to receive a secondary education”.

Furthermore, the economic exploitation of blacks was also evident in the limited access to land under apartheid. The status of blacks was reduced to farmworkers who could not buy land, and land that they were allowed to call home was under the control of communal chiefs. The Natives Land Act (1913) was the first major piece of segregationist legislation passed by the Union Parliament. This Act left native areas with 7.13 per cent of the land mass of the Union. In the main, this Act had three provisions on how land ownership was to be distributed and managed. Firstly, it prohibited the buying and selling of land across race groups. This meant that whites were not allowed to buy land from natives and vice versa and exceptions had to be approved by the Governor-General. Additionally, it prohibited the practice of serfdom or sharecropping. This meant that outside the “native reserves”, the Act forbade black tenants from farming on white-owned land; they could only work the land as labour. Furthermore, the Act provided that the land that was in “native reserve” areas, under “communal” tenure vested in chiefs, could not be bought, sold or used as surety.

Over a decade later, the Native Trust and Land Act (1936) was passed. It aimed to reorganise agricultural structures following the recommendations of the Beaumont Commission. This ordinance stipulated that the 7.13 per cent of reserve land, which the black population in the

Natives Land Act (1913) had been allocated, be increased to approximately 13.6 per cent of the total area of the then South Africa. Since the black population accounted for approximately 61 per cent of the population at the time, this area ratio was very small. However, this provision was different for other races. For instance, the Asiatic Land Tenure and Indian Representation Act (1946) sought to confine Asian ownership and occupation of land to certain clearly defined areas of towns. The Act also prohibited Asians from owning or occupying property without a permit if such property had not been owned or occupied by Asians before 1946.

In summary, apartheid was a system that was characterised by political oppression, social segregation and economic exploitation in a system of white supremacy at the expense of black rights, well-being and recognition. This system, implemented through abhorrent laws, was mainly directed at the black population and, to a lesser extent, at the Indian/Asian and coloured population. On the other hand, the segregation aimed at enhancing the status of the white population and ensuring white supremacy and dominance.

1.1.2 The Demise of Apartheid

The racial order imposed by apartheid proved to be unsustainable. Simon (1988) and Kaufmann (2012) argue that the signs of apartheid's demise were particularly evident during Botha's 1980s regime in the introduction of often contradictory reforms that signified a gradual retreat from apartheid. These reform ideas were a sign that there was an increasing recognition that apartheid had failed. The literature suggests that the demise of apartheid was due to a combination of external and internal factors. The external factors included international sanctions as well as the fall of the Berlin Wall (Simon, 1988). The international community viewed apartheid as a danger to international peace and security (Kaufmann, 2012). This was evident early in the 1960s when the United Nations (UN) condemned apartheid in 1962 and implored all member nations to halt all diplomatic, military and economic relations with South Africa.

This was followed by international economic sanctions and divestment from South Africa in the late 1970s to 1980s. The United States of America (USA) was one of the nations which, through the Comprehensive Anti-Apartheid Act (1986), imposed sanctions against South Africa. The Act stated preconditions for lifting the sanctions that would effectively end apartheid. Secondly, the fall of the Berlin Wall signified a shift in the perception of the NP

government of the African National Congress (ANC) as a communist threat. On the side of the NP government and white South Africans the communist threat was gone and it was justifiable to unban the ANC and move to a democratic state (Kaufmann, 2012). Thus, among whites, there was a decline in their fear of a global communist threat while the ANC had lost its main ally to supply weapons to its armed wing, Umkhonto we Sizwe.

Internal factors included the pressure from internal opposition in the forms of protests and daily resistance, as well as failures of the apartheid system. The African opposition, which can be traced back to 1912 with the formation of the South African Native National Congress (SANNC), later named the ANC, played a significant role in the demise of apartheid. Overt opposition intensified after the formalisation of apartheid in 1948, especially after the formation of the African National Congress Youth League (ANCYL). Secondly, at the end of the 1970s, it became clear that the persistence of the status quo had become economically, politically and socially untenable. Black workers and communities in the 1970s mobilised and organised themselves with greater vigour and militancy than ever before, as evident in the 1973 dockworkers strike and the 1976 Soweto uprisings.

Maylam (1995: 57) argues that the essential objective and the fundamental contradiction of urban segregation and apartheid had been directed towards attaining the unattainable, “securing of labour-power without labourers”. Simply put, black labour was needed so it could be exploited, but due to their race, the apartheid system dictated that workers should not live in the cities where their labour was needed. Simon (1988) argues that the contradiction was also evident in the kind of economy apartheid was pursuing versus the management of the workforce. The sophisticated and capital-intensive economy required far higher skills. Barriers like job reservations and influx control aggravated the growing shortage of skilled and semi-skilled labour in urban areas. Thus, restricting skill acquisition largely to whites and facilitating the exploitation of cheap labour and the racial division of labour became an obstacle as the economy required the “liberation of the labour regime” (Simon, 1988: 190).

Furthermore, the system became unmanageable from the early 1970s due to the continuing collapse of the homelands’ economies (Maylam, 1990). The homelands became more impoverished and economically unviable due to over-crowding, leading to more black people moving to urban areas for economic opportunities. Between 1921 and 1951, the size of the urban population rose from just over 580 000 to more than two million (Maylam, 1990). During the same period, the percentage of blacks in urban areas almost doubled from 14 per cent to

27.9 per cent. This was accompanied by massive growth in shack settlements around the major urban areas. From the 1950s the state began to clear these uncontrolled living zones by moving people to newly-built townships. This put pressure on the apartheid system and, most significantly, rendered its systems ineffective. Evidently, in the 1980s, the state lost control due to various factors including the growth in the black population in urban areas and the weakening of the fiscal base (Simon, 1988). These challenges were exacerbated by the recession which hit both blacks and whites as working-class poverty and unemployment emerged, causing instability.

According to Simon (1988), to respond to these challenges, the government's dilemma was "to establish credibility within the new black middle class without being willing to alleviate part of its traditional power base within the white working and middle class" (Simon, 1988:190). Consequently, control over urban Africans weakened; a function previously exercised administratively via municipal officials and Administration Board personnel became heavily dependent on a military presence in the townships. Thus, the formal operation of influx control, as exercised through the pass laws, was abandoned by legislative enactment in 1986. These factors were worsened by the untenable conditions caused by a low intensity conflict between 1985 and 1995 in which more than 20 000 people died (Simpson, 2012; Kaufmann, 2017). Coincidentally, it was these conflicts that strengthened the resolve of those seeking to reach a peaceful settlement. It was evident that the state and the ANC had reached a stalemate. The opposition could not overthrow the government because the security forces were too strong, and the government could not place a new constitutional system in the face of opposition from the majority of its citizens.

Therefore, the need to negotiate became very clear. However, the political conditions were not conducive to a peaceful negotiation process and, therefore, it was incumbent on the state and the liberation forces to create an environment that would be amenable to all parties (Kaufmann, 2012). Especially among whites, the decline in fear of the global communist threat, the collapse of the racist symbolic politics that had propelled apartheid policy, trust in F.W. de Klerk, and the framing of the NP's message in the 1992 referendum campaign contributed significantly to positive race relations (Carrion and Kaufmann, 2018). In the end, Mandela and De Klerk reached a "negotiated settlement" which led to them ending the civil war. The negotiated settlement entailed elements of compromise, such as the agreement to have a "constitutional rather than a revolutionary transition" (Kaufmann, 2018: 502).

1.1.3 The Negotiations and the Birth of a Rainbow Nation

The demise of apartheid paved the way for the creation of a new South Africa. One of the significant debates during the transition was how the new South Africa would be decided on. Upon realising that the end to apartheid was inevitable, Rantele and Giliomee (1992) posed the question of, should South Africa attain a negotiated-assisted transition through symbolic moments such as universal elections and the unity of the constitution, what would be the place of nation-building in such a future? Rantele and Gilliomee (1992) argued that nation-building would be possible if the transition was guided by tolerant inclusiveness and the driving imperatives were towards a democratic community underpinned by a free and vibrant civil society (Rantele and Gilliomee, 1992). Additionally, they argued that constitution-making should also take priority. South Africa's transition mirrored these predictions. The fate of the new South Africa was decided through negotiations. One of the people involved in the process, Respondent AB, argued that "in the context, the genius of Mandela, whether he meant it or not, was that he recognised the moment and cut the deal" (Respondent AB, interview, 9 September 2015).

The events that led to the creation of the new South Africa suggest that the process was negotiated; South Africa is a negotiated nation. Firstly, the negotiations were carried out by a number of parties from various walks of life. According to another respondents, MM (Interview, 24 August 2015), "the apartheid regime brought the Bantustans' parties, who had different kinds of games to play, as well as other parties that were created for the purpose of negotiations". Each party delegated a representative and contributed ideas they would like "to add to the package" (Respondent MM, interview, 24 August 2015). The negotiation process was designed to make South Africans feel that their views were represented in the proceedings. One of the interviewees argues that "[delegates] had an opportunity to speak, but it was not possible to get to a stage where you got unanimity in everything" (Respondent DG, interview, 2 September 2015). It was at this stage that "sufficient consensus" was used as a practical measure to proceed, which meant that provided ANC and NP agreed to proceed to the next discussions the course of action continued (Respondent DG, interview, 2 September 2015).

However, it emerged that during the negotiations there were intra-party disagreements about what could be put on the table during the negotiations. For instance, the challenge faced by the

Inkatha Freedom Party (IFP) was that Buthelezi wanted to “take what is now known as KwaZulu-Natal (KZN), but his constituency would not let him” as the business and migrant workers living in the Gauteng constituencies “wanted to become part of South Africa and migrant workers” (Respondent DG, interview, 2 September 2015). Similar events were experienced in the ANC and the Democratic Party (DP) quarters, with some in the ANC calling Mandela a “sell-out” while the DP had “two senior leaders who threatened to resign from the process if the property rights clause was not considered” (Respondent DG, interview, 2 September 2015). Therefore, all parties had to compromise during the negotiations process.

Going into the negotiations there were two contrasting views on indicators of success, and it was evident that success would be acknowledged if “the negotiating parties believed that their version of South Africanness was included in the package” (Respondent DG, interview, 2 September 2015). On the one hand, there was a side that had an expectation of a South Africa in which life continued as if nothing happened; especially with the focus on the protection of minority rights where “the lifestyle of those who benefitted from apartheid will not change and that was their idea of harmonious” (Respondent DG, interview, 2 September 2015). This view was, however, contrasted with those who expected an admission and reparation. According to Respondent AH (Interview, 9 September 2015), there was a side that wanted

an undivided society where people who were oppressing others recognise that they were behaving very badly and that’s not the way you run a country and you attempt to right the wrongs of the past.

More specifically, for the NP government and the DP, an indicator of success was the guarantee of certain rights for the minority (Respondent AH, interview, 9 September 2015; Respondent DG, interview, 2 September 2015). According to respondent DG, who served in various committees during the negotiations, “we got generally what we thought was good, such as the property clause, which meant that you cannot just take individuals property without following proper procedure”. On the other hand, for the ANC, the indicator for success was political power. Consequently, the ANC negotiated for majority rule, a unitary centralised system and universal franchise (Respondent DG, interview, 2 September 2015).

More significantly, there is also a view that nation-building was not the main objective during the transition but rather the process was a “marriage of convenience” (Respondent, AH, interview, 9 September 2015). The respondent argued that “to be honest, I do not think the nation-building aspect was front of mind for CODESA (Convention for a Democratic South

Africa) negotiations” (Respondent, AH, interview, 9 September 2015). Another respondent argued that “CODESA, in pursuing nation-building, comprises of a view of the ANC that the nation is the ANC and the ANC is the nation” (Respondent MM, interview, 24 August 2015). Another respondent argued that negotiations happened “accidentally... negotiations were never on the agenda of anybody. While people recognised the need for negotiations; nation-building was never the objective” (Respondent AH, 9 September 2015). The respondent further argued that the

killings and the collapse of the negotiations made the negotiators understand each other's sides and through that they began to recognise the nature of this thing and there was a need to get through that (Respondent AH, interview, 9 September 2015).

According to Respondent AH (interview, 2 September 2015), “particularly the outcome of the Boipatong Massacre seemed to have strengthened the resolve of those seeking to reach a peaceful settlement”. Additionally, while the NP government had a lot of military power and power of repression “they could rule but could not govern as that required the consent of the governed as the events of the 1980s showed that they had no support” while the “forces for democracy” were not powerful enough to overthrow the government (Respondent AH, 9 September 2015). Furthermore, according to respondent MM (interview, 24 August 2015), the government of the day also recognised that it was unsustainable to continue “the isolated pariah state” that was South Africa under apartheid. This suggested that the apartheid state could not be sustained and there was a fear that it could become “far-right, ungovernable and with a total loss of legitimacy” (Respondent AH, 9 September 2015). Therefore, it was due to a combination of these factors that, on 2 February 1990, De Klerk and the ANC saw an opportunity to negotiate even though the ANC kept a door open through Operation Vula, which was “an attempt to continue with acts of sabotage during the transition to majority rule” (Respondent AH, interview, 9 September 2015).

Ultimately, respondent AH (interview, 9 September 2015) argued that “it was, therefore, an impasse that led to negotiations”. It was the acceptance by both the NP government and the liberal movements that apartheid was no longer a viable system that paved the way to the process to discuss how South Africans of all races ought to co-exist as equal citizens with equal rights and opportunities; a South Africa that is at peace and observes human rights of all. One of the respondents argued that what was happening was viewed as a “process for everybody in South Africa to find each other; to find a place for everybody in the country on the basis that

everybody is equal, striving to be equal citizens with equal opportunities” (Respondent MM, interview, 24 August 2015).

Therefore, the intention of the negotiations became about the creation of an inclusive South Africa in which all races were equal. A key consideration was given to strategies to address fragmented cultures and identities and how the politics and economics of apartheid would be reversed in order to make way for a new South Africa. Waldmeir (1997) characterised the South African transition as a ‘miracle’ due to its ability to avoid a civil war, instead, embarking on a peaceful negotiation process. Unlike countries such as Zimbabwe, where negotiations took place in Lancaster House effectively under the British Crown, or Namibia’s that was done in the United States, negotiations in South Africa were conducted in the country.

The negotiation process was preceded by some bold initiatives by the state under the leadership of De Klerk. At the end of June 1989, the official NP election manifesto outlined a five-year action plan that committed to convening a national constitutional convention considering the system that might result from it. The NP’s manifesto hinted that the list of protected racial groups might include various ‘black tribes’. From there, the government, under De Klerk’s leadership, started showing relative tolerance despite the existence of a state of emergency and, in a way, established new rules of the political game. This was evident in the demonstrations and protests in September and October 1989. Particularly, the peaceful rally in Soweto following the release from prison of Walter Sisulu and his colleagues may have provoked the wrath of the white right but it helped to accustom others to public opposition (Waldmeir, 1997). Secondly, in his speech in parliament on 2 February 1990, De Klerk announced reforms that marked the beginning of the negotiated transition from apartheid to constitutional democracy. These included the unbanning of the ANC and other anti-apartheid organisations, the release of political prisoners including Mandela, and the end of the state of emergency (F.W. de Klerk, 2 February 1990). Both these gestures assisted in improving the atmosphere of race relations and reduced the incidence of politically motivated violence in the country that eventually claimed the lives of approximately 20 000 people between 1988 and 1995.

These reforms were formally discussed with the ANC and various organisations at the ‘talk about talks’ meeting on 4 May 1990. Top of the agenda was a consideration of six preconditions: the release of all political prisoners; the legalisation of all banned organisations; the return home of political exiles; the end of the state of emergency; the repeal of apartheid laws; and the removal of government troops from black townships (Groot Schuur Minutes, 4

May 1990). These preconditions were agreed to in August 1990, including the suspension of the armed struggle by the ANC and its military wing Umkhonto we Sizwe as well as the bringing of the state of emergency to an end (Pretoria Minutes, 6 August 1990).

The negotiations started on 21 December 1991. At the onset of the negotiation process participating political organisations signed a Declaration of Intent which was the commitment to rebuilding South Africa as a united nation. It was agreed to and signed by a total of 19 political parties, political organisations, administrators and government leaders at the first plenary meeting of CODESA (CODESA, 21 December 1991). This declaration committed

- a) *To bring about an undivided South Africa with one nation sharing a common citizenship, patriotism and loyalty, pursuing amidst our diversity, freedom, equality and security for all irrespective of race, colour, sex or creed; a country free from apartheid or any other form of discrimination or domination.*
- b) *To work to heal the divisions of the past, to secure the advancement of all, and to establish a free and open society based on democratic values where the dignity, worth and rights of every South African are protected by law.*
- c) *To create a climate conducive to peaceful constitutional change by eliminating violence, intimidation and destabilisation and by promoting free political participation, discussion and debate.*
- d) *To strive to improve the quality of life of our people through policies that will promote economic growth and human development and ensure equal opportunities and social justice for all South Africans.*
- e) *To set in motion the process of drawing up and establishing a constitution that will ensure, inter alia*
 - a. *That South Africa will be a united, democratic, non-racial, and non-sexist state in which sovereign authority is exercised over the whole of its territory.*
 - b. *The Constitution will be the supreme law and will be guarded over by an independent, non-racial and impartial judiciary.*
 - c. *A multiparty democracy with the right to form and join political parties and with regular elections on the basis of universal adult suffrage on a common voters roll; in general the basic electoral system shall be that of proportional representation.*
 - d. *There shall be a separation of powers between the legislative, executive and judiciary with appropriate checks and balances.*

- e. *Diversity of languages, cultures and religions of the people of South Africa shall be acknowledged.*
- f. *All shall enjoy universally accepted human rights, freedoms and civil liberties, including freedom of religions, speech, and assembly that will be protected by an entrenched and justiciable Bill of Rights and a legal system that guarantees equality of all before the law.*

Consequently, from the negotiations arose binding measures leading to the drafting of a democratically inclusive Constitution (McDonald, 2000). South Africa was reinvented as a non-racial and democratic ‘Rainbow Nation’ that is home to all those who live in it (Peberdy, 2001; Macdonald, 2000; Kaufmann, 2012). The idea of the New South Africa as a home for plural groups was further articulated in the final RSA Constitution (1996) Preamble which starts by stating “We, the people of South Africa, ... believe that South Africa belongs to all who live in it, united in our diversity”. This was supported by the first democratic president of the Republic of South Africa, Mandela, who said in his inaugural speech on 10 May 1994,

We must therefore act together as a united people, for national reconciliation, for nation-building, for the birth of a new world.

Let there be justice for all. Let there be peace for all. Let there be work, bread, water and salt for all.

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1.2 Literature Review: Evaluation of South African Nation-Building

This section seeks to present the scholarly work which has attempted to evaluate the progress made in nation-building in post-apartheid South Africa. It has been more than two decades since nation-building commenced and South Africa was reinvented as a non-racial and democratic ‘Rainbow Nation’ (Peberdy, 2001; Macdonald, 2000; Kaufmann, 2012). Nation-building in post-apartheid South Africa occurs against a backdrop of the past that was plagued by divisions, violence and discrimination (Chaka, 2014). It, therefore, focuses on the reconstruction and transformation of political, economic, and social frameworks (Chaka, 2014; Vorster, 2005). Chaka (2014: 352) adds that nation-building also focuses on the “social-psychological aspect of forging a broad and inclusive national consciousness”. Ultimately, nation-building aimed

to enable the growth of a common and shared loyalty towards the state and its institutions amongst all citizens, a loyalty that is able to transcend identities imposed by the former order and ascribed on the basis of race (Grossberg, Struwig and Pillay, 2006: 54).

In evaluating nation-building, it is critical to note that scholarly work on nation-building in post-apartheid South Africa covers a broad spectrum of indicators. These indicators include the role of media and public relations (Evans, 2010; Chaka, 2014); reconciliation (IJR, 2010); leadership (Blaser, 2004; Chipkin, 2008; and Chaka, 2014); the art galleries (Crampton, 2003); knowledge production and collective memory (Ndlovu, 2013); education (Msila, 2007), political justice (Tambe, 2015); social cohesion (Abrahams, 2016; Barosky, 2013); land reform (Lahiff, 2009; Lahiff and Li, 2012); economic development and inclusion (De Beer, 1998; Vorster, 2005); language (Alexander, 1998); and sports (Van Der Merwe, 2007; Labuschagne, 2004; Heere et. Al, 2013), among others.

This thesis will not attempt to evaluate each indicator that exists. Instead, it will present scholarly work on whether progress has been made in nation-building in post-apartheid South Africa. The literature suggests that the results are both positive and negative. The National Planning Commission diagnostic report (2011: 412) concluded that,

While South Africa has made progress in uniting people behind the new national symbols such as the flag and the Constitution, expanding political freedoms and improving access to the social wage, the country is a long way from achieving social cohesion. South Africa is still a deeply divided society where opportunity continues to be defined by race, gender, geographic location, class and linguistic background to name but a few.

More specifically, successful efforts of nation-building include the creation of national identity, pride and reconciliation. On the other hand, nation-building challenges include lack of confidence in a non-racial future, failure to address socio-economic disparities among races as well as the emergence of the Fees Must Fall movement as an all-encompassing indicator of challenges faced by nation-building. To conclude, this thesis argues that one of the gaps in the literature on South African nation-building lacks a strong conceptual and analytical framework to enable evaluation of nation-building. Therefore, this thesis' contribution is by offering a conceptual framework of South African nation-building as a multicultural civic nationalism.

Additionally, this thesis offers an analytical framework for nation-building in post-apartheid South Africa by distinguishing between banal and radical techniques of nation-building.

1.2.1 Evidence of Progress in Nation-Building

There is evidence that there are aspects in which nation-building in post-apartheid South Africa have been successful. Scholars such as Myambo (2010) have argued that post-apartheid South Africa has done well in allowing for a reconciliation of opposing forces that were tearing the nation apart. This is evident in the creation of national identity as well as, though partially, reconciliation. These successes were, to a great extent, attributed to the Mandela era (Evans, 2010; Blaser, 2004). According to Blaser (2004: 179), under Mandela, “the ‘rainbow myth’ of a diverse but united nation guided by ‘Mandela magic’ was the dominant rhetoric that glossed over a divided nation and diminished confrontation during the transition”.

According to Chipkin (2008), this success was made possible by Mandela’s approach, which was characterised by a preparedness to let ‘bygones be bygones’. This approach, however, changed when Thabo Mbeki took over the presidency from Mandela in 1999 – a point I will return to at a later stage (Blaser, 2004). Evans (2010) argues that, under Mandela, the gains in the creation of national identity were successful in creating an appearance of unity and stability. Furthermore, the successes of nation-building were highlighted in the evaluation of nation-building conducted by the South African government in the Presidency’s 20-Year Review in 2014. To a certain extent the evaluation outcomes of the review are consistent with the evidence in scholarly work on South African nation-building. For instance, the review highlighted that in post-apartheid South Africa, it is possible to imagine a common South African identity (DPME, 2014).

More specifically, scholars such as Bornman (2005), Myambo (2010) and Evans (2010) argue that post-apartheid South Africa has been successful in creating a national identity. Abrahams (2016) argues that the underlying assumption is that the pursuit of national identity is a means to overcoming social divisions inherited from apartheid. Scholars such as Chidester, Dexter and James (2003), Bornman (2005), Myambo (2010) and Evans (2010) acknowledge the role of symbols such as the flag, the anthem, sport, and the Rainbow Nation in the creation of a national identity.

MacDonald (2010) argues that in post-apartheid South Africa, national identity is evident in the sense of belonging felt by South Africans of all races. A survey conducted between 1994 and 1998 revealed that there is an encouragingly high level of identification with the political community known as South Africa (Bornman, 2005). The NDP diagnostic report (2011) states that it is possible to imagine a common South African identity due to the existence of a single geographical space, which means that for the first time in over 350 years South Africa's borders are not contested internally. According to Grossberg et al (2006), national identity in South Africa strengthened over the period 1998 – 2000 and the proportion with a strong national identification increased by 10 per cent per annum. Roefs (2003) concludes that increasing numbers of people perceive themselves to be South Africans and feel that they belong to the nation.

The SASAS (South African Social Attitudes Survey) longitudinal study 2003 – 2013 revealed that nation-building has largely worked at the symbolic level and has achieved its objective of contributing to reconciliation and national unity (HSRC, 2014). This study concluded that South Africans remained resolutely proud of their country in the 10 years between 2003 and 2013. Levels of national pride were consistently high, with the share of South Africans who have indicated that they ‘would rather be a citizen of South Africa than any other country in the world’ above 80 per cent with increases to 91 per cent in the year 2005 and 2006 – see figure 1.1.

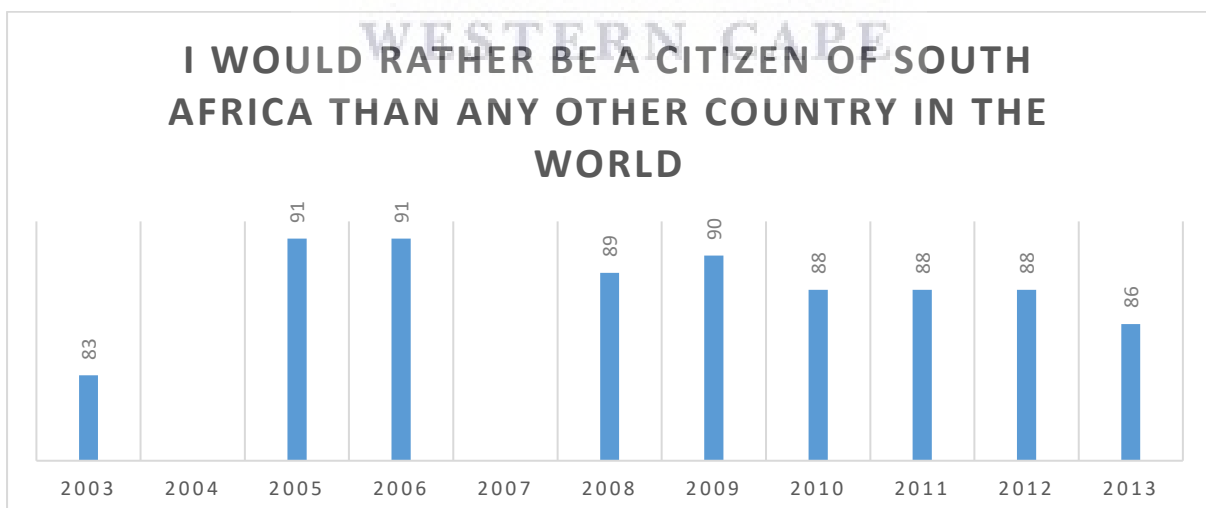


Figure 1.1: I would rather be a citizen of South Africa than any other country in the world (Source: HSRC, 2014).

The Quality of Life Trends Study conducted in 1996 examined the reasons for being proud to be South African. Among the reasons stated in the survey were the symbols explored in this

chapter, namely sport, the Rainbow Nation, the anthem, and the Constitution, with a share of 24, 17, 8, and 6 per cent respectively (Møller, 2013) – see figure 1.4.

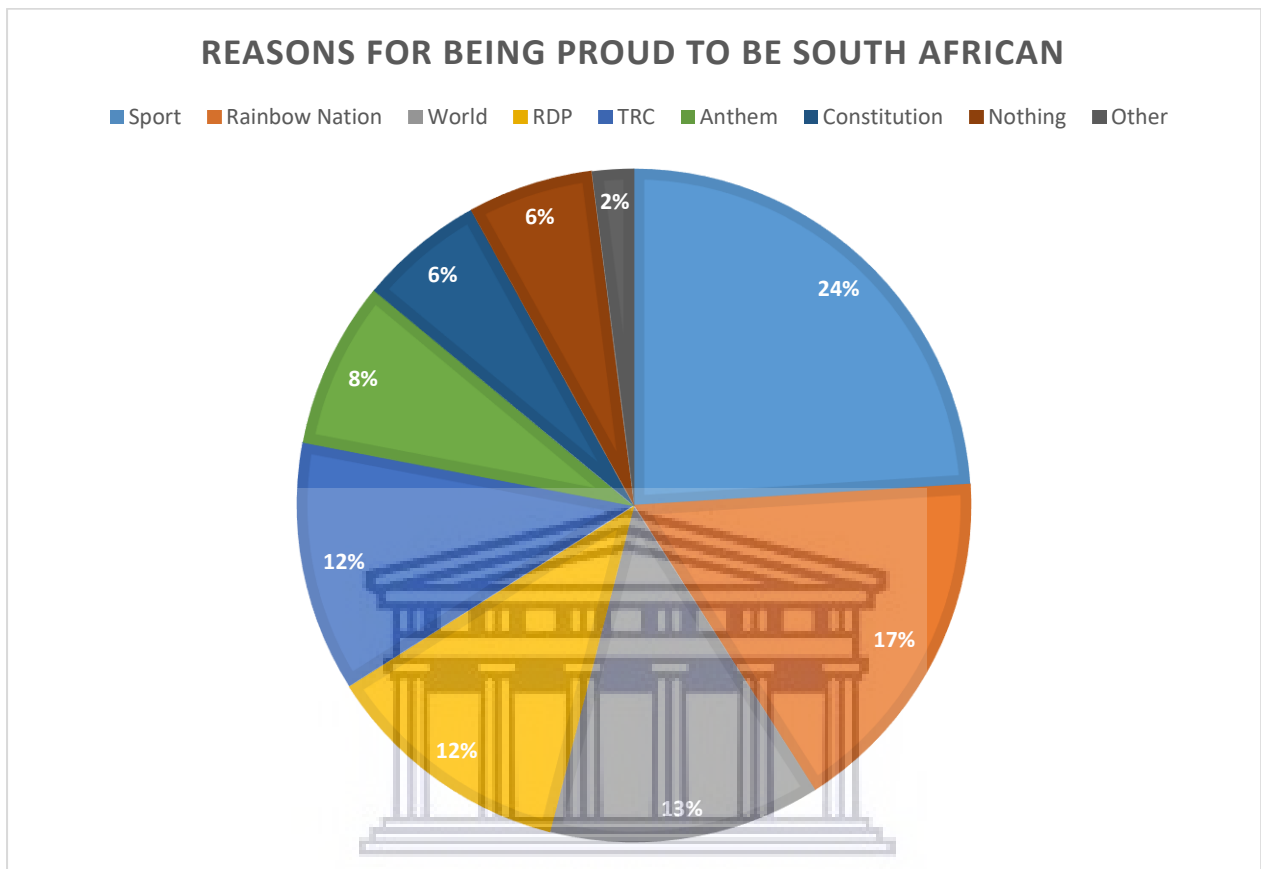


Figure 1.2: Reasons for being proud to be South African (Source: The Quality of Life Survey, 1996)

Whilst there is evidence that these symbols have largely worked in their contribution to the construction of the Rainbow Nation, in recent times challenges have grown to several of these banal forms like the anthem, the Constitution, and especially in sports, and all in terms of the enduring significance of race and the incompatibility of rainbow nationalism with racial exclusion. It is, as will be revealed in subsequent chapters on radical forms of nation-building such as reconciliation and social, economic and political reforms in radical transformation that rainbow nationalism has struggled much more to deal with racial exclusion and race politics. This confirms the findings of the HSRC and SASAS (2003 – 2013) that levels of national pride are reducing due to economic inequalities, poor educational standards, unemployment and deprivation, crime and corruption, and state inefficiency.

However, while there is evidence of the existence of national identity, it has some limitations in so far as its impact and efficacy on nation-building. Heere et al (2013: 465) have questioned the focus on “national identity as a means to increase unity”; that while South Africans “feel more positive about their nation ... this positive evaluation was not accompanied by a stronger relationship between the individual and the overall South African group” (Heere et al, 2013: 465). Significantly, Bornman (2005) questioned the impact of national identity on nation-building. However, Chidester, Dexter and James (2003) argue that symbols of national identity do not make a nation and Bornman (2005) argues that the role of symbols in national identity may be less important and civic elements such as the Constitution more important in promoting nationalism.

Secondly, there is interdependence between national identity and pride (Grossberg et al, 2006). Bornman (2005) argues that one of the findings of the survey conducted between 1994 and 1998 was that South Africans of all language and racial groups indicated pride in being South African. This was consistent with the Afrobarometer study conducted between 1995 and 2000 which indicated that South Africans rated high in relation to national pride (Mattes, 2004). However, this sentiment was strongly felt by black South Africans, while the study indicated a decline between 1995 and 2000 amongst whites, Indians, and coloureds by 12 per cent, 6 per cent and 7 per cent respectively.

Furthermore, a study conducted by SASAS in 2003 suggested strong loyalty to South Africa with 83 per cent of respondents indicating that they would rather be a citizen of South Africa than of any other country. Of great significance, 93 per cent of South Africans were either proud or somewhat proud of South Africa (SASAS, 2003). However, a SASAS study conducted between 2003 and 2013 shows a decline from 2008 in those who indicated that they would rather be a citizen of South Africa than any other country in the world. This trend was accompanied by a significant increase in those who indicated that there were some things about South Africa today that made me feel ashamed of being South African. This assessment was supported by the Presidency’s review that public opinions on race relations, pride in being South African, and identity-based on self-description all showed little improvement or a decline (DPME, 2014: 18).

Thirdly, scholars such as Mlambo (2010) argue that it was the hailing of the success in allowing for a reconciliation of opposing forces that was tearing the nation apart (Myambo, 2010). As a departure point, it should be noted that South Africa’s reconciliation is intrinsically linked to

the work of the Truth and Reconciliation Commission (TRC) and it is therefore crucial to determine the impact the work of the TRC has had in paving a reconciliation path. An Institute for Justice and Reconciliation (IJR2015) study found that 56.2 per cent of respondents agreed or strongly agreed that South Africans have made progress in reconciliation since the end of apartheid while 12.4 per cent disagreed or strongly disagreed with the statement and 27.4 per cent indicated they did not know.

However, the IJR (2015) suggests that there is an evident lack of social integration with different races claiming to find it difficult to understand the customs and ways of other people and other races. The finding that there are people who find it difficult to understand the customs and ways of other racial groups could be explained by lack of or limited exposure to different cultures, meaning that the country does not 'live' the Rainbow Nation. Nevertheless, the good news is that South Africans are still willing to reconcile. According to the findings of the IJR (2015), an aggregate of 65.7 per cent agree and strongly agree that South Africa still needs reconciliation as opposed to 8.4 per cent of those who disagree and strongly disagree.

1.2.2 Challenges of Nation-Building in Post-Apartheid South Africa

Conversely, there is scholarly work that suggests that there is a lack of progress in nation-building. Struwig, Gordon, Davids, Sithole, Weir-Smith and Mokhele (2013) state that the country's legacy of racial division remains unresolved; other forms of divisions such as class, regional, ethnic and cultural divides and prejudices are starting to manifest beneath the national surface. More specifically, these challenges are evident in the shift from a vision of a non-racial future to re-racialisation, lack of social cohesion, as well as the failure to address socio-economic disparities among races, among other aspects.

Instead, post-apartheid South Africa is subjugated by tense race relations, uprisings against lack of service delivery, increasing inequality and ongoing white emigration (Evans, 2010). This assessment is consistent with the Presidency's 20-Year Review which highlighted that the challenge of nation-building in post-apartheid South Africa is the difficulty in creating a common identity due to deep-seated racial, ethnic, cultural, language and religious differences and diversity and large-scale socio-economic disparities (DPME, 2014).

Firstly, there is an evident lack of confidence in a non-racial future (Humphrey (1997). According to Humphrey (1997: 8),

the reimagining of a non-racial nation confronts the political challenges of the politicisation of new ethnicity as a strategy for mobilisation amongst those who do not subscribe to a non-racial future.

Scholars such as Blasers (2004) and Chipkin (2008) also attributed the lack of confidence in the non-racial South Africa to a shift in the attitudes in the ANC from 1997 when Mbeki was elected president of the ANC. According to Blaser (2004), the new discourse changed towards a more decisive Africanist approach, asserting African hegemony in a diverse nation, while Chipkin (2008) described Mbeki's approach to be vengeful. This change of approach was accompanied by an emergence of a certain language and how race was used during this period. For instance, criticism aimed at the government was equated with criticism of black people in general and Africans in particular (Chipkin, 2008).

Over a decade after the ANC conference, Baines (2008) argued that the lack of confidence in a non-racial future was also evident in sections of the formerly dominant political grouping, the Afrikaners, who had sought to redefine themselves as a minority. Gibson and Classen (2010) further argued that there exists a certain degree of intergroup prejudice, animosity, and intolerance. In essence, Kotze (2012) concluded that the commitment to non-racialism has been rendered ineffective by the rhetoric emerging from civic and political organisations, which has re-racialised South Africa.

Secondly, the literature suggests that post-apartheid South Africa has not resolved socio-economic disparities among races. This has been argued to be a major obstacle to a shared identity (Buhlungu, 2007; Myambo, 2010; Evans, 2010). Beall, Gelb and Hassim (2005) cautioned against the focus of the nation-building ideology in the first decade of democratic South Africa. Their criticism was that there was an "overstated focus" on reconciliation and the Rainbow Nation which ran a risk of "glossing over socio-economic fractures and inequalities".

True to their caution, a few years later, Buhlungu (2007) described South Africa as having 'two worlds' consisting of 'haves' and 'have-nots'. This assessment was consistent with the position advanced by former President Mbeki's analogy of the two nations (Mbeki, 29 May 1998) and the ANC's analysis that South Africa was still a "divided nation, one rich and white, the other, black and poor". More specifically, Kotze (2012) argues that South Africa is still plagued by apartheid-constructed identities and divisions rooted in both socio-political and socio-economic life. In essence, the success in the creation of national identity was only successful

in so far as symbolic events were concerned, but they did not promote the necessary steps needed to dismantle the deep-seated socio-economic effects of apartheid (Evans, 2010). The National Development Plan (NDP) diagnostic report (2011) identified that South Africa must overcome challenges such as the persistence of poverty, unemployment and inequality as a top priority.

Most significantly, there is scholarly work that suggests that the emergence of the Fees Must Fall campaign signified an all-encompassing indicator of the challenges facing nation-building in South Africa. The campaign was led by 'born frees' who are battling the legacy of a system that ended slightly more than two decades earlier. More specifically, the Fees Must Fall movement was considered an ideological vehicle advancing a cultural revolution, not just for free education, but for what they have termed the decolonisation of spaces of higher learning (Kotze, 2018). At its commencement, the campaign movement started as an objection to institutionalised racism and patriarchy at the University of Cape Town (UCT) which started on 9 March 2015 when a University of Cape Town student, Maxwele Chumani threw faeces at the Cecil John Rhodes statue (#rhodesmustfall) (Knudsen and Andersen, 2019; Castro and Tate, 2017).

The campaign extended into a wave of protests across the country as seen by the march to the Union Buildings on 23 October 2015 to demand free higher education (News24, 23 October 2015). The protests were fuelled by announcements by the University of the Witwatersrand (Wits University) of an increase in fees for 2016, citing that the 5 per cent government subsidy was not sufficient to cover the net cost of the university (Wits University, 14 October 2015), the Department of Higher Education and Training (DHET) on 17 October 2015, and Rhodes University, among others (Cloete, 2015). These announcements were about student funding and debt, fee structures, and the National Student Financial Aid Scheme (NSFAS), particularly noting an increase of 11.5 per cent in student fees (Cloete, 2015; Naicker, 2016). At the end of 2015, most South African universities had participated in protests demanding free higher education (Bitzer and De Jager, 2018).

Of great significance, Naicker (2016) argues that race and class and privilege have been reified in South African universities in the way higher education has been structured post apartheid. Naicker argues that the system has enabled the continuation of a socio-cultural exclusion of the majority of black South Africans. This view is evident in the DHET report issued in 2016 which indicated that the few black students that managed to enter higher education are likely to get

academically excluded. According to the report, 24.5 per cent of students ‘dropped out’ of university after their first year and only 14.4 per cent graduated in three years, while a whopping 52.1 per cent graduated with their first degrees after an average of seven years and 47.9 per cent of the group never graduate (DHET, 2016). Most importantly, the report stated that ‘the highest drop-out rates were among black and coloured students, with the report stating that only 11.9 per cent of black students graduated after three years, and 32.1 per cent left after their first year (DHET, 2016). The report gave multiple reasons for this high rate of university dropout but more crudely, the reasons were academic exclusion.

In summary, the literature suggests that there is progress that has been made in nation-building in the post-apartheid era. The progress is evident in the creation of a national identity, instilling a sense of national pride, and reconciliation. However, these successes were gains from the Mandela era; there is an evident decline in all aspects post the Mandela era. Most significantly, nation-building is facing challenges which include the declining confidence in a non-racial future and the failure to address socio-economic disparities among races as evident in the Fees Must Fall protests.

1.2.3 Gaps and Contribution to Literature

This thesis has identified that the gap in the literature on South African nation-building, especially in evaluating progress, is in identifying indicators of nation-building and establishing a framework in which to measure the success of nation-building. As indicated earlier, literature on nation-building in South Africa covers an array of indicators. This presents at least two challenges namely, that conceptually, it is not clear which indicators are indicators of nation-building and which are not. It is critical to note that this is not a challenge unique to South Africa. Neuman (1976) argues that nation-building gives no clear indication of what the end product would look like and how one would recognise an integrated polity.

In the case of South Africa, this challenge is exacerbated by the fact that scholars study indicators of nation-building in a silo, neglecting the interdependence that these indicators have on nation-building. Consequently, the absence of a defined conceptual framework in the South African literature makes it challenging to evaluate the progress of nation-building in its entirety. The literature suggests that all political activities in the post-apartheid era can be categorised as nation-building, which is not entirely accurate.

Therefore, this thesis seeks to contribute to the literature on South African nation-building by establishing a conceptual and analytical framework. Conceptually, nation-building in post-apartheid South Africa is founded on modernist theories of multicultural civic nationalism. Analytically, this thesis, using lessons from post-colonial Africa, establishes a framework in which to measure nation-building. This framework distinguishes between banal techniques of nation-building and radical techniques of nation-building. Banal techniques include the use of symbols, while radical forms entail political, social and economic institutional reforms.

1.3 Problem Statement

As indicated earlier, literature on nation-building in post-apartheid South Africa states that the challenges facing nation-building include the declining confidence in a non-racial future for South Africa and the failure to address socio-economic disparities among races, among other issues. Respondent TM (interview, 8 October 2015) argued that the country has not determined a developmental way of dealing with challenges facing the country. The respondent argued that, “our problem is that we have not sufficiently determined a developmental way of dealing with issues; unless you plan these things they will not be dealt with” (Respondent TM, interview, 8 October 2015).

This thesis supports the assertion that, despite all the efforts that shaped nation-building, the reality is that South Africa is still a deeply divided society. In summary, as put by Hofmeyer and Potgieter (2018: 5),

One does not have to look further than South Africa’s traditional and social media outlets to realise that South Africa remains a divided society. Hardly any key issue in the country escapes from being interpreted through the lens of race.

In this section, this thesis presents how these challenges manifest themselves and undermine the objectives of nation-building in post-apartheid South Africa. It does so by presenting evidence of widening racial inequality, high levels of intolerance and declining levels of trust in public institutions.

1.3.1 Racial Inequality

South Africa stands out for being a highly unequal country, with these inequalities along racial lines (Gradin, 2014). According to Steyn-Kotze (2012), the racialised nature of inequality and the lack of nationhood combined create very different experiences of nationhood and citizenship. One of the respondents argued that there are mistakes that the government has committed in the choices made since 1994. For instance, with reference to the adoption of the Growth, Employment and Redistribution (GEAR) programme in 1996, he argued that “we were not obliged to adopt a conservative neoliberal programme willingly; partly under pressure but partly because we tend to believe our own propaganda” (Respondent AH, interview, 9 September 2015). He argued that “if we took BEE (Black Economic Empowerment) and put it on broad-based from the first day we would have had less billionaires but more millionaires and that could have been better” (Respondent AH, interview, 9 September 2015).

The South African labour market, which is the largest contributor to overall income inequality at 74.2 per cent, is heavily racialised (Statistics South Africa (StatsSA), 2019). Between 2011 and 2017, blacks were the least employed, with a slight increase of 2 per cent from 38 per cent to 40.3 per cent during the that period (StatsSA, 2019) – see figure 1.3. In contrast, whites were most employed during the same period at 64.4 per cent in 2011, which reduced to 63.7 per cent in 2017. In 2011, the gap between employed whites and blacks was 26.4 per cent, which decreased to 23.4 per cent in 2017. On the other hand, in 2017, blacks still had the highest percentage of those who Not Economically Active (NEA) and unemployed at 41.6 per cent and 31 per cent, respectively. In comparison, whites’ percentage of NEA and unemployed in 2017 was 31.7 per cent and 4.5 per cent, respectively. Nonetheless, the fact remains that more whites are employed than blacks and the gap remains.

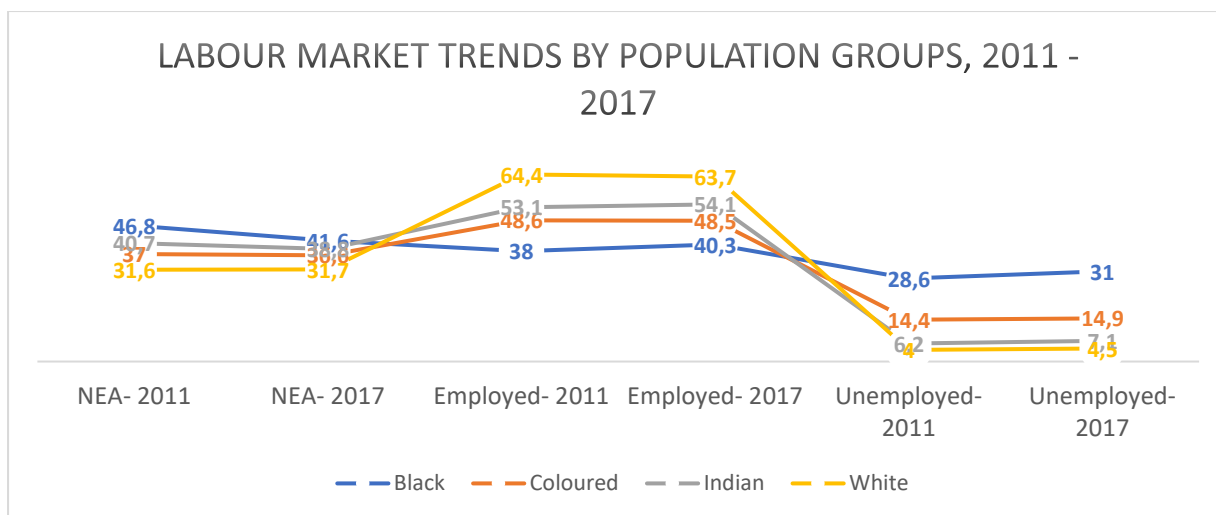


Figure 1.3: Labour Market Trends by Population Group, 2011 – 2017 (Source: StatsSA, 2019)

The earnings distribution depicts a heavily racialised inequality in the South African labour market. In addition to having the worst employment outcomes, blacks also earned the lowest wages when they are employed. Whites, in contrast, earn substantially higher wages than all the other population groups. The Inequality Trend report reveals that the mean real earnings between 2011 and 2015 amongst employed black Africans were R6 899 per month (StatsSA, 2019). In contrast, it was R9 339, R14 235 and R24 646 for coloureds, Indians and whites, respectively. Whites' earning was more than three times higher than that of black Africans.

Further to this, there is still a significant disparity in poverty levels between race groups in South Africa as revealed in the 2014/2015 LCS (Living Conditions Survey) report (StatsSA, 2017). Blacks carried the overwhelming share of poverty, representing more than nine out of every 10 individuals living below the Upper-Bound Poverty Levels (UBPL). The proportion of blacks who were living below the UBPL in 2006 was 76.8 per cent. This proportion remained high at 72.6 per cent in 2009 before declining to 62.4 per cent in 2011. However, in 2015, the proportion of blacks who were poor increased to 64.2 per cent. The coloured population has the second-highest proportion of people who are living below the UBPL. Over the years 2006, 2009 and 2011, the proportion of coloured people living in poverty declined from 56.1 per cent to 45.5 per cent to 37.1 per cent. However, as observed with the black population, this trend changed in 2015 with the proportion increasing to 41.3 per cent. In terms of who is most affected by poverty in South Africa, the findings suggest that it is generally children (aged 17 years and younger), blacks, females, people from rural areas, those living in the Eastern Cape

and Limpopo, and those with little or no education who are the main victims in the ongoing struggle against poverty (StatsSA, 2017).

1.3.2 Low levels of social trust

A study conducted by SASAS in 2008 and 2009, reveals that South Africans generally score low on the trust measure. This was corroborated by in the 2013 Human Development Report (HDR), which reveals that only 17 per cent of South Africans trust fellow South Africans (Malik, 2013). Most significantly, the SASAS data on social trust reveals that there is a considerable racial gradient in social trust, with Indian respondents on average (a mean score of 5.12) emerging as distinctly more trusting of others than all other population groups. White South Africans are also more trusting than black adults at a mean score of 4.51, while blacks express the lowest mean level of interpersonal trust at 4.10 (Mmotlane, Struwig and Roberts, 2010).

The IJR’s South African Reconciliation Barometer (SARB) study revealed that, between 2003 and 2013, there has been a decline in interracial trust (IJR, 2014). The percentage of those who mistrust other races decreased by 14.7 per cent, 8.8 per cent, 5.3 per cent and 6.2 per cent for blacks, coloureds, Indians and whites, respectively – see figure 1.4. The study also revealed that blacks are the most trusting of other races while coloureds are the least trusting of other races.

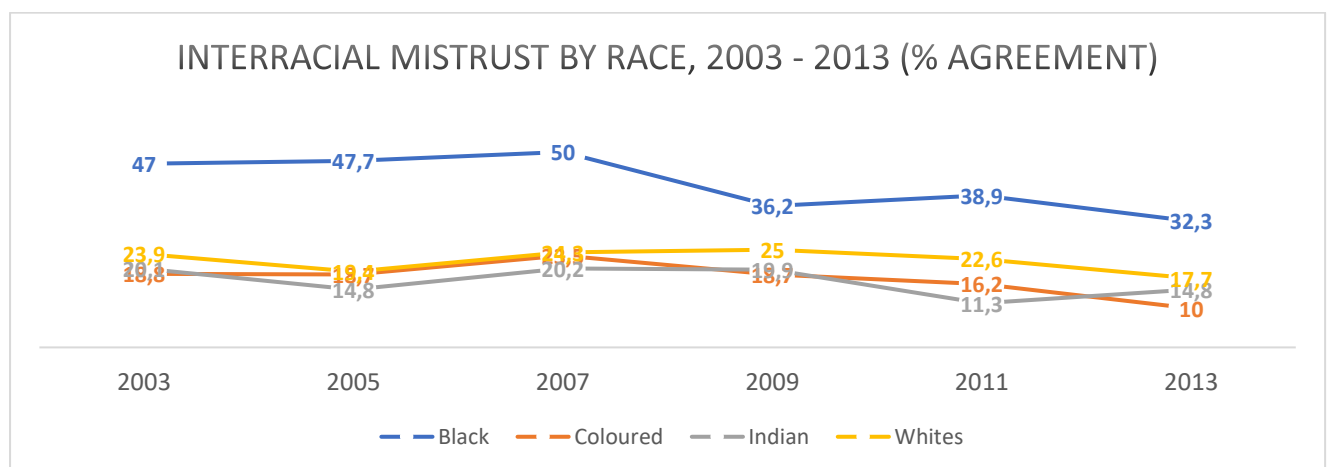


Figure 1.4: Interracial mistrust by race, 2003 – 2013 (Source: IJR, 2014)

A more recent SARB study revealed that only 27.1 per cent of South Africans trust people from other race groups (IJR, 2019). The reasons for low trust levels in South Africa are inversely related to socio-economic trust status (Mmotlane, et al, 2010). While one may have expected that the dismantling of apartheid legislation and the achievements of the post-apartheid developmental state would have translated into a considerable increase in interpersonal trust, this has not materialised. Mmotlane, et al (2010: 5) concluded that

From a policy perspective, the strong linkages between social trust and societal inequalities signify that the continued emphasis on addressing inequality through robust social spending and class-based redress policies may be important for strengthening the sense of trust, togetherness and tolerance needed to ensure further progress towards realising the vision of a united and cohesive society.

1.3.3 Racial and National Intolerance

There is evident persisting racism and racial intolerance that cuts across social class, political parties and age groups. This, according to Chipkin and Ngqulunga (2008), suggests that South Africa still has a serious racial intolerance problem. In recent years South Africa has seen a rising number of reported cases of racial intolerance, which suggest an unresolved 'race question' in the post-apartheid South Africa. This has been evident with public figures such as the former ANCYL president Julius Malema for citing the song 'Kill the Boer' in 2011 and the Democratic Alliance (DA) Member of parliament (MP), Dianne Kohler-Barnard in 2015. Additionally, there have been more 'civil' cases such as those of the humiliation of black staff by white students at the Free State University in 2008, the Pretoria Girls' High discrimination case against African hair in 2016, Penny Sparrow's calling black people monkeys in 2016 and Vicky Momberg in 2016, who was effectively sentenced to two years in prison, to mention the ones which became public.

This intolerance has also spilled over to other segments of the population as evident with xenophobic attacks which emerged strongly in 2008 and resulted in the killing of approximately 60 people. Roughly one-third of those killed were South Africans. These attacks were claimed to be caused by the use of violence to drive foreign nationals out of South Africa,

thereby reducing competition for jobs and other scarce resources (Carter, 2010). Seven years later similar attacks emerged in Kagiso and Soweto in which six people were killed and over 70 foreign-owned shops were looted. An Afrobarometer conducted after the 2008 xenophobic attacks found that 83 per cent of South Africans, regardless of race, are distrustful towards foreigners (Carter, 2010). This percentage increased in 2015 to 88 per cent, with 45 per cent of respondents further blaming foreigners in their country for limited job opportunities. One of the key findings by Afrobarometer was the correlation between low intolerance and lower levels of education (Carter, 2010).

This, it could be argued, is against foreign nationals but there is also an attack on the rich. A survey conducted by the Centre for the Study of Violence and Reconciliation (CSVr) looked at the reasons why South Africa generates so much crime and violence (Naidu, Adonis, and Mbanjwa, 2007). According to the survey,

The pervasive nature of crime and the seriousness of the problem of violence point to deep level problems in our society. Of these problems, one factor that needs to be understood more clearly is the role of inequality. Considering that South Africa is one of the most unequal societies in the world, it is not surprising that South Africa is so violent.

Consequently, there is much evidence that the previously marginalised majority feels aggrieved and lacks a feeling of belonging in the new South Africa. These challenges suggest that while the end of apartheid enabled the nation to maintain full legal equality for all South Africans, regardless of race, it falls short in correcting the inequalities created by decades of apartheid. The implication is therefore that the promotion of national reconciliation and, by implication, the reduction of racial polarisation has little chance of succeeding should these persist.

In summary, this thesis has demonstrated how the challenges facing post-apartheid South Africa undermine the envisaged objectives of the Rainbow Nation. Most significantly, at the core of these challenges are racial divisions. This is evident in the gap in racial inequalities, mistrust among races and racial and national intolerance.

1.4 Research Methodology

This research forms part of the study of nations, nationalism and, more especially, nation-building. The literature suggests that there is a consensus that post-apartheid South Africa has embarked on a nation-building process around a multicultural civic nation, commonly termed the Rainbow Nation. As indicated however, recent studies suggest that nation-building is facing challenges, especially, but not only, in terms of enduring racial divides. This is despite the constitutional commitment to building a nation that belongs to all those who live in it, united in their diversity. Thus, the question arises as to what extent have the objectives of nation-building been met in post-apartheid South Africa, and if they have not, in what ways and where have they fallen short. In doing so, this research seeks to examine the process embarked on, particularly the techniques used. Ultimately, this research evaluates the progress made by each strategy with a focus on building a Rainbow Nation.

This thesis is a qualitative study which seeks to, through deductive use of the theory, explain nation-building in post-apartheid South Africa. It uses secondary data to explore the construction of a narrative and practices around Rainbow Nation-building in post-apartheid South Africa. This study seeks to understand a social construction that is nation-building and evaluate dissonance with this model. More significantly, this study sets out to investigate why and how nation-building occurs in post-apartheid South Africa. It does so by extracting data from existing documents.

1.4.1 Research Objective and Research Questions

The main objective of this research is to evaluate whether the implementation of nation-building has been effective in addressing the history and legacy of apartheid. The main objectives of nation-building, as expressed in CODESA's Declaration of Intent on 21 December 1991, were signed by political parties, political organisations, administrators, and government leaders. The objectives included, inter alia, to bring about an undivided society, to heal the divisions of the past, as well as to improve lives of all South Africans inclusive of those who were previously excluded.

First, a framework, drawing from lessons from post-independent Africa, is established to ensure that the South African case aligns with the study of nations, nationalism and nation-building. The established framework is, in turn, used to achieve the objective, namely, to evaluate whether the nation-building has been effective in redressing the history and legacy of apartheid. This was done by examining and evaluating banal and radical techniques of nation-building used in post-apartheid South Africa.

To achieve this objective, the study is centred on the following main research question:

1. Has post-apartheid nation-building been successful?

To answer this the study has identified the following sub-questions:

- a. What is the character of the Rainbow Nation as imagined by the post-apartheid state?
- b. What were nation-building techniques used to create the Rainbow Nation?
- c. Were these nation-building techniques effective in reversing the legacy of apartheid in South Africa?

1.4.2 Definition of Concepts

This section outlines the concepts that are central to the objectives of this dissertation, namely 'nation', 'nationalism' and 'nation-building'. This dissertation aims to draw on modernist theories of multicultural and civic nationalism to construct an analytical framework in order to evaluate nation-building in post-apartheid South Africa. To achieve this, this dissertation uses a modernist definition of a nation, particularly that of Anderson (1991), that the nation is an imagined political community. Secondly, nationalism is a political ideology whose main concern is how nations are formed. This definition recognises a shift from the primordialists' notion that nations are formed organically to a modernist view that nations are built. In doing so, this dissertation examined two modern forms of nationalism, namely multicultural and civic types of nationalism. Lastly, nation-building refers to a process of reconciling historically divided societies and uniting them under the same cause and value system thereby creating a sense of national identity.

Nation

This dissertation uses a modernist concept of the nation, particularly what Anderson (1983) terms an “imagined political community”. According to Anderson (1983: 6), a nation is imagined because “the members of even the smallest nation will never know most of their fellow-members, meet them, or even hear of them, yet in the minds of each lives the image of their community”.

Thus, a nation is a community or collective group of people with unifying traits, within a defined territory who share the same national identity (Barrington, 1997). The unifying traits comprise a mixture of subjective and objective features (Harris; 1986). The subjective features, first and foremost, suggest that a nation can only be defined subjectively by its members, and it is a feeling that members of the nation must possess wherein its members must regard themselves as a nation (Harris, 1986). On the other hand, objective features include that a nation perceives itself to be a distinctive political community that is bound together by common citizenship regardless of cultural, ethnic and other loyalties (Heywood, 2002).

It is critical to state that, while concepts such as state and ethnic groups are often used interchangeably and share some commonalities, they are in fact distinct from a nation (Barrington, 1997). In his account of the misuse of concepts such as ‘nation’ and ‘nationalism’ in Political Science, Barrington (1997) argues that even though the definition of nation shares traits with state and ethnic group, there are distinct features. For instance, an ethnic group refers to a community whose members share feelings of “fraternity, substantial distinctiveness, and exclusivity, as well as beliefs in a common ancestry and continuous genealogy” (Barrington, 1997: 712). A nation may share these characteristics, but not necessarily.

On the other hand, a state refers to a political administrative body with, at least, four distinct features: a sovereign and legal entity; monopoly of legitimate violence; a geographically defined territory; and governance institutions, agencies and agents (Harris, 1986; Barrington, 1997; Lun, 2009; Etzioni, 2004). Notwithstanding the differences between a nation and a state, there is a consensus on the relationship between a nation and state in modern politics; namely that a nation has to be vested in a state (Smith, 1998; Gellner, 1964; Kohn, 1955; Weber, 1948). In essence, a state is critical in giving definitions to national societies and cultures. This means that a nation depends on the state, as a legal entity, to decide on who can belong to a nation (Axford, et al, 1997).

Nationalism

This dissertation uses a modernist definition of nationalism that is a political ideology whose central concern is about how nations are formed (Gellner, 1964; Hutchinson and Smith, 1994; Smith, 2001). This definition signifies a shift from the notion that nations are creatures of ‘God’s hand’ as suggested by primordialists to the notion that nations are modernist products that need to be built (Hutchinson and Smith, 1994). Thus, Gellner (1964: 169) argued that “nationalism “invents nations where they do not exist” and Smith (2001: 15) argued that nationalism is “a process of formation, or growth, of nations”.

In this sense, nationalism was believed to be “a doctrine of popular freedom and sovereignty” (Hutchinson and Smith, 1994: 4-5). This means people must, first, be liberated from all external constraints. In turn, as members of a nation, they must determine their destiny, possess a sense of belonging to the nation, and identify with the national identity. Objectively, members of a nation must share citizenship by which they can be identified. In addition to being a doctrine of freedom and sovereignty, nationalism entails fraternity which means that there is a requirement for people to be united, be gathered in a single historical territory, and have legal equality and a single public culture as well as disbandment of all internal divisions (Hutchinson and Smith, 1994: 4-5).

In the modernist era, types of nationalism include civic and multicultural nationalism. Civic nationalism is a form of political nationalism that takes the form of national identity based on common human values, a rejection of oppression such as colonisation, and affirmation of democracy (Stilz, 2009). Civic definition of a nation, appearing for the first in the 1980s in Russia, suggested that a nation can be formed through conscious effort. Thus, civic nationalism entails reconciling civic identities based on inclusive citizenship rather than common ethnic culture or identity. Ethnic nationalism is based on such common characteristics as culture, religion, language and a common ancestor of a dominant nationality, on the one hand, and of ethnic minorities, on the other (Tolz, 1998).

On the other hand, multicultural nationalism is another form of political nationalism. Hutchinson (1994) argues that multicultural nationalism entails a form of national belonging that makes cultural difference a constitutive part of national unity, opening possibilities of a diverse political community. According to Modood (2019), multiculturalist approaches to national belonging not only makes nationalism about making individual rights but also makes minority accommodation a feature of acceptable nationalism.

In this thesis I will argue that nation-building in South Africa includes both subjective and objective elements that correlate roughly to the symbolic and institutional character of banal and radical forms of nation-building. I will also argue that nation-building in South Africa has a civic and political character rather than ethnic and cultural and can be seen as a form of racial multiculturalism based on a common commitment to democracy, equality and freedom that is struggling to overcome the symbolic, but especially the institutional legacy of the racial system of apartheid.

1.4.3 Research Design

This study takes the form of an interpretative case study. Crowe defines a case study as a “research approach that is used to generate an in-depth, multi-faceted understanding of a complex issue in its real-life context” (Crowe et al, 2011: 1). An interpretive framework is a theoretical approach that involves the systematic analysis of socially meaningful action to arrive at an understanding and interpretation of how people create and maintain their social worlds (Neuman, 1997). Importantly, an interpretative case study allows that social phenomena must be understood in the social contexts in which they are constructed and are guided by how people interpret and understand situations (Angen, 2000). In essence, this approach makes use of established theoretical propositions to analyse a case (Lijphart, 1971).

This thesis seeks to investigate nation-building in post-apartheid South Africa with a focus on investigating why and how nation-building occurred in post-apartheid South Africa. The choice of an interpretative study acknowledges the uniqueness of the case of South African nation-building to that of other post-colonial African states. Firstly, when decolonisation was taking place in other African states in the early 1950s, South Africa had just introduced the apartheid system in 1948. It was not until the early 1990s that South Africa embarked on nation-building. On the other hand, evidence of nationalism and nation-building in post-colonial Africa was seen in the nationalist upsurges which signified a great moment for a people that had been denied humanity by centuries of slavery and colonialism (Shivji, 2003). Secondly, the conditions which led to nation-building, namely through negotiations, was rather unique to South Africa. The intentions of negotiations were evidently about the creation of an inclusive South Africa in which all citizens of all races were equal (Waldmeir, 1997). On the other hand, nation-building in Africa emerged in the 1950s and 1960s during the decolonisation era. The

need for nation-building in the post-World War II era coincided with the accelerated decolonisation in Africa that took place in the 1960s.

It is the combination of these factors that makes an interpretative case study suitable to study South Africa's nation-building after 1994. This enabled an in-depth study of the post-apartheid South Africa rainbow nationalism, its objectives, history, processes and results thereof. Moreover, the case-study approach enabled the thesis to explore the multi-faceted issues that made up the Rainbow Nation.

1.4.4 Data Collection and Analysis

This thesis used primary and secondary sources of data. Primary sources include in-depth interviews with a targeted sample of individuals who either participated in the CODESA negotiations or who contributed significantly towards the process. These individuals consisted of three politicians who were part of the negotiations, two academics who wrote about the transition into the democratic South Africa as well as one businessman who started his business during apartheid. Additionally, primary sources also include government documents such as legislation, policies and reports. Secondary sources, on the other hand, include academic sources as well as studies conducted by institutions such as the IJR, the Human Sciences Research Council (HSRC), Statistics South Africa (StatsSA), Independent Electoral Commission (IEC) and Afrobarometer.

The reason to use both primary and secondary sources is due to the amount of data required to answer the research questions. Firstly, the interviews were helpful in framing the notion of a 'negotiated nation', to understand the nature and the inside of the negotiations during the transition. Secondly, this study traced the history of apartheid to the 1940s with the formalisation of apartheid and moved beyond the establishment of the democratic dispensation. Therefore, it required a broad spectrum of data over a period of at least six decades to answer the questions systematically and consistently. Additionally, secondary sources allowed for access to multiple databases and ensured the veracity of the data consulted.

The data was analysed through a textual analysis from primary and secondary sources. This means that this thesis used theories of nations, nationalism and nation-building and models of nation-building which entails banal and radical forms of nation-building in post-colonial Africa

to construct a framework for analysis. Data were thus analysed using the deductive content analysis with the analytical framework derived from the experiences of post-colonial African nation-building. The analysed data was then divided into banal and radical forms of nation-building. Banal forms were analysed under two themes namely, symbols used to build the Rainbow Nation and transitional justice through restorative justice. On the other hand, radical forms of nation-building were analysed under three themes namely, political, social, and economic reforms.

1.4.5 Limitations

At a theoretical level, the limitation of this studying has been a lack of a comprehensive body of literature on post-apartheid South African nation-building. More importantly, there is a lack of an analytical framework of post-apartheid South African nation-building. Consequently, scholarly work on South Africa's nation-building includes a whole range of indicators which makes it difficult to assess comprehensively. This has made it difficult to comprehensively trace the nation-building process from its inception to date. The attention paid to nation-building is rather limited. Evidence suggests that in South Africa the interest on nation-building resurrected after the 2010 Soccer World Cup. Secondly, the research on South Africa's nation-building is relatively fragmented. It is found in various fields of studies and indicators of nation-building are often studied in isolation.

1.5 Outline of Chapters

This thesis seeks to achieve two objectives namely, to establish whether the process undertaken during the transition from apartheid was nation-building and, if so, whether nation-building has made progress in achieving the objectives of the Rainbow Nation. It does so by posing the question "has post-apartheid nation-building been successful?". The findings will be presented in seven chapters. The first two chapters will present the theory of nations, nationalism and nation-building as well as establish a framework, drawing lessons from post-colonial African states, in which the South African case of nation-building will be analysed. The third and fourth chapters will present how banal nationalism was applied in post-apartheid South Africa,

namely through the use of symbols and restorative justice, respectively. The fifth, sixth and seventh chapters will present how radical nationalism was applied in post-apartheid South Africa, namely through political, social and economic reforms, respectively. The last chapter will present the overall conclusion.

Chapter 2 A Model of Nation Building

This chapter presents a theory of nations, nationalism, and nation-building. This chapter advances that there are, at least, three contending theories of a nation, namely Primordialism, Modernism, Ethno-Symbolism. The shift from Primordialism to Modernism signified a change in the understanding of how nations come to be, namely through a process called nation-building. Recent theories suggest that nation-building can either be pursued through cultural or political nationalism. Political nationalism, through civic nationalism, is most prevalent in post-colonial Africa. This chapter further clarifies the relationship between state-building and nation-building as these terms that are used interchangeably. This chapter further presents how nations are built and identify indicators of nation-building, namely the creation of national identity, healing divisions of the past and redress the past and its legacy.

Chapter 3 An Analysis Framework for South African Nation-Building

This chapter aims to establish a framework in which the South African nation-building can be analysed. It does this by drawing from nation-building experience of the post-independent African states. This chapter advances that there are two approaches to nation-building, namely banal and radical techniques. Banal nationalism was applied through national cuisines, changing the name of states and cities, renaming and changing national currencies, flags and anthems as well as transitional justice. On the other hand, radical nationalism was applied through policies such as language reforms, the introduction of a one-party state, land reforms, and obligatory military conscription. Both approaches were used in post-independent Africa. This was the objective to create a national identity, to heal divisions of the past and redress the past and its legacy.

Chapter 4 Symbolic forms of Banal Nationalism in South Africa

This chapter presents the first set of banal techniques used in post-apartheid South Africa. It does so by examining the role played by Mandela as the Father of the Nation, the symbolic role of the constitution and meaning behind the Rainbow Nation. More significantly, this chapter examines the role played by symbols such as the flag, anthem, and sport to promote the Rainbow Nation. Symbolic forms of banal nationalism succeeded in the construction of the Rainbow Nation and they have achieved their objective of contributing to reconciliation and national unity. However, some tensions around race have re-emerged strongly of late. These tensions are due to the failure to effect radical transformation.

Chapter 5 Restorative Justice as a form of Banal Nationalism in Post-Apartheid South Africa

This chapter examines the process post-apartheid South Africa undertook to heal the divisions of the past. In doing so, it argues that the process undertaken was Restorative Justice. This process was conducted by the Truth Reconciliation Commission (TRC). TRC had three focus areas, namely public truth-telling, granting amnesty to perpetrators and granting reparations to victims. Restorative justice was partially successful in telling victims and their families the truth about apartheid crimes. However, granting amnesty to perpetrators and reparations to victims was not successful. Thus, restorative justice was not successful and its contribution to a reconciliation was limited.

Chapter 6 Political Reforms in Post-apartheid South Africa

This chapter presents the first of the three radical techniques of nation-building in post-apartheid South Africa, the political reforms. It advances that democracy was used as a political mechanism to build the Rainbow Nation. Thus, political reforms started with the reconceptualisation of citizenship to democratic citizenship. Democratic citizenship was promoted by universal adult suffrage and the proportional electoral system. Furthermore, post-apartheid reformed its governance systems as evident in the creation of a Government of National Unity and decentralisation.

Political reforms have been successful in extending equal civic rights, including the right to vote, to the previously marginalised majority and the right to vote for their representatives. For a short while, South Africa had a government that was inclusive and reflective of the diverse population and government was brought closer to the people. However, political institutions and systems are facing challenges due to unmet socio-economic expectation through effective service delivery and holding elected officials accountable. These challenges include the declining VAP voter turnout in all elections, political party representation is not as broad as envisaged, instead, there is one-party dominating, the government is not reflective of the diverse population and government performance is below satisfaction resulting in inefficient service delivery.

Chapter 7 Social Reforms in Post-apartheid South Africa

This chapter presents the second radical technique of nation-building in post-apartheid, social reforms. The social reforms adopted in post-apartheid South Africa made its contribution to the Rainbow Nation by eradicating social disparities and inequalities caused by apartheid. It did so by establishing a rights-based social policy with three aspects, namely social, economic and political. The social aspect was evident in the adoption of a welfare system, the economic aspects were evident in the education reforms while the political aspect was evident in language reforms. Social reforms were, to a certain extent, successful in the eradicating social disparities and inequalities.

This is evident in the decrease in levels of absolute poverty, the establishment of an equitable race-blind education system with improved quality for the previously marginalised majority and African languages having a legitimate space as official languages on the Rainbow Nation. On the other hand, the cost of provision of social services proves to be unsustainable amid stagnant economic growth, there is a portion of the previously marginalised population without access to good quality education and English and, to a lesser extent Afrikaans, have retained their dominance in the face of under-development and under-utilisation of the African languages. Thus, there is a segment of the population, the poor black people, that remain not fully included in the Rainbow Nation.

Chapter 8 Economic Reforms in Post-Apartheid South Africa

This chapter presents economic reforms as the third radical technique of nation-building in post-apartheid South Africa. The objective of economic reforms is to de-racialise the economy and to ensure the inclusion of the previously marginalized majority. Thus, this chapter argues that economic reforms involved establishing an inclusive economy. In doing so, Affirmative Action, through its employment equity policy was implemented to increase the representation of the previously marginalised majority in the public sector. Black Economic Empowerment was implemented to increase ownership, control and management of the previously marginalised majority in the private sector. Land Reforms were implemented to pursue justice for the previously marginalised. This was done through land restitution, land tenure security and land redistribution.

Economic reforms have contributed to nation-building to some extent. This is evident in that the public sector is inclusive and reflective of the diverse population, there are improvements in levels of black ownership, control and management in the private sector and there is some degree of success in land restitution, secure tenure and redistribution. Nonetheless, the economy is racially polarised with blacks concentrated in the public sector and whites concentrated in the private sector, levels of ownership, control and management in the private sector continue to favour whites and land reforms have not been able to ensure land secure tenure and redistribution.

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Chapter 9 Conclusion

This chapter will conclude the main argument of the thesis, making the case that: Post-apartheid nation-building in South Africa was centred in a multicultural-civic nation termed the Rainbow Nation. Constructed as a combination of group cultural recognition, and common individual political and economic rights for all citizens, rainbow nationalism can be assessed in terms of a framework of both banal and radical nation-building techniques identified elsewhere in post-colonial Africa. Banal techniques included the use of symbols and restorative justice to create a national identity and achieve reconciliation, where radical techniques were concerned with the transformation of institutions of power to effect political, social and economic reforms. However, despite these efforts, South Africa has only partially achieved the objectives of the Rainbow Nation, especially in respect to racial institutional change. The evidence reveals that the previously marginalised black majority has not been fully included as socio-economic

conditions have not improved. Consequently, enduring racial forms of exclusion have undermined the promise and legitimacy of the Rainbow Nation.



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Chapter 2 A Model of Nation Building

Since the end of World War II, there has been a concerted effort to build nations, primarily due to the influence of the Atlantic Charter, adopted in 1941, and its emphasis on sovereignty. The decolonisation in the 1950s and 1960s in Africa also presented newly independent states with an opportunity to build nations. This was significant for two main reasons. Firstly, the boundaries of the post-colonial states were drawn by colonialists without any reference to, and sometimes without the knowledge of, their inhabitants (Hobsbawm, 1990). Colonial boundaries were drawn in such a manner that they cut across old polities and multiple ethnicities; thereby eroding identities of many ethnic groups.

Therefore, the formation of such states during the colonial era had little significance for their populations, except, perhaps, for their colonial-educated and Westernised native elites. In the post-colonial era, elites were subsequently faced with the problem of creating nationality. Secondly, the post-colonial state lacked national identity. One of the main traits of the post-colonial state was fragmentation, primarily along ethnic and racial lines which some were created by the former colonial powers. It, therefore, became critical for the post-colonial state to create a nation to transcend ethnicity, which was a tool of division under colonial rule (Mamdani, 2005).

In light of the above argument, there are two potentially interrelated questions that this chapter seeks to answer. First, how did the former European colonies of Africa, which won their independence in the post-World War II era, come to think of themselves as nations and aspire to nationhood? Secondly, what were the shared features of nation-building among this group? In doing so, this chapter advances the argument that the process of nation-building that culminated in the 1994 elections/1996 Constitution in South Africa is not unique to South Africa. Nation-building across ethnic and other identities was and is a common challenge for post-colonial African states following World War II. In looking at this, the first section of the chapter will begin by outlining the difference between the state and the nation. The second section will outline a conception of nation-building, especially in the post-colonial African context.

2.1 Contending theories of the nation

Barrington (1997: 713) defines a nation as

“groups of people linked by unifying traits and the desire to control the territory that is thought of as the group’s national homeland ... Many groups hold common myths, values and symbols ... Nations are not just unified by culture; they are unified by a sense of purpose”.

Piper (2004), in his review essay, identifies three theories of a nation: the ‘primordialist’, which advocate that a nation is an “organic and enduring part of the human society”; the modernist theory, which advocates that a nation arises as a response to the requirements of modern systems; and the “ethno-symbolist”, which advocates that a nation is a modern imagining of a pre-existing ethnic group under modern conditions.

2.1.1 Primordialism

Geertz (1973:259) defines primordialism as:

“One that stems from the ‘givens’ or, more precisely, as culture is inevitably involved in such matters, the assumed ‘givens’ of social existence: immediate contiguity and kin connection mainly, but beyond them the givenness that stems from being born into a particular religious community, speaking a particular language, or even a dialect of a language, and following particular social practices. These congruities of blood, speech, custom and so on, are seen to have an ineffable, and at times overpowering coerciveness in and of themselves.”

Primordialism has been linked to the idea of the “organic nation,” a nation in which identity and cohesion are given to its members, independently of any free will (Smith, 2001). Nationalists who adopt a primordialism view argue that the roots of national identity and sovereignty are based on primordial traits such as ancient ethnicity. The 19th century European nationalism which was mainly concerned about self-determination defined nations as an ethno-social community (Tolz, 1998). According to Norman, (2006), in this type of community

members of the community are pre-accepted based on distinguishing factors such as ethnicity and religion.

Primordialism has three main schools of thoughts namely biological kinship, socio-biological and cultural primordialism. The school of thought that advances biological kinship can be traced to philosopher Jean Jacques Rousseau, with his call to flee urban corruption and return to 'nature' to recover a lost innocence. This type of "natural primordialism" entered into the very definition of nationhood with Abbe Sieyes, who asserted that "nations must be conceived as individuals outside the social bond, in the 'state of nature'; they exist only 'in the natural order'" (Smith 2001, 43).

The socio-biological school of thought holds that nations, ethnic groups and races can be traced to the underlying genetic reproductive drives of individuals and their use of strategies of nepotism and inclusive fitness to maximise their gene pools (Van den Berghe, 1978). In this case, the cultural group is treated as a wider kin network, and cultural symbols such as language, religion and skin colour are used as markers of biological affinity.

Cultural primordialists emerged later and proved to be a more influential version of primordialism. This approach is traced to Edward Shils (1957), who, relying on Weberian theory, attempted to distinguish different types of social bonds in modern society. Taking issue with the intellectual current of the 1950s which posited that citizens gave their loyalty to the state purely out of rational, self-interest, and that industrialisation and modernisation would erase "irrational" bonds such as kinship and village, Shils (1957:131) argued that modern society is in fact "held together by an affinity of personal attachments, moral obligations in concrete contexts, professional and creative pride, individual ambition, primordial affinities and a civil sense".

2.1.2 Modernism

On the opposite side of the debate from the primordialists are the modernists, whose views have become more or less orthodoxy in the nationalist literature since World War II as seen in the work of Western scholars such as Ernest Gellner, Eric Hobsbawm and Benedict Anderson. Modernists believe that nations are modern phenomena (Smith, 2001). The major change in the theory of nationalism was the shift from the past thinkers' definition to a view that nations had to be built, bit by bit. Gellner (1964: 18) argues that, unlike primordialists, "it is nationalism

that invents nations where they do not exist”. This view holds that nations are not creatures of ‘God’s hand’, as post-Herder prophets of nationalism often claimed; instead, they are synthetic—they have to be created in a complicated educational process.

A famous modernist account of nationalism is advocated by Gellner (1963) who argues that modern society requires the creation of a ‘high culture’ to meet the requirements of the modern world. Gellner (1963), argues that industrialisation is the primary cause of nationalism. In “the agro-literate” stage of history, he argues, when the inhabitants were economically static and internally culturally diverse, rulers had little incentive to impose cultural homogeneity on the ruled. However, in modern society, as work becomes technical, and there is a requirement that the populace has the same languages and skills, it becomes necessary to create a ‘high culture’ in which the populace must be incorporated through education.

Nationalism, in short, is a product of modernity: “Nationalism is an innovation, and not simply an updated version of something far older. Nothing like it existed before. But this is not a matter of the perennial movement of history, it is a phenomenon brought into being by a wholly new epoch and an entirely novel set of conditions” (Smith 2001: 46). While modernist theorists agree that nations and nationalism are modern developments, and most also agree that their place of origin was Europe (Anderson, 1983), there is a lack of consensus as to how nations and nationalism first came into being – on what conditions of modernity were most influential in their development. Was it due to structural-materialist factors or ideational-subjective factors? Did nations emerge as a result of agency or as an unavoidable by-product of modernisation?

On the first question, whether nations emerged due to structural-materialist or ideational-subjective factors, the British historian Ellie Kedourie advances an argument that it was due to ideational-subjective factors that nations emerged as nationalism was a response to “the predicament of modern man” (Kedourie 1960, xv). Kedourie emphasises the ideological nature of nationalism, particularly its quasi-religious power and its role in breaking up empires and creating nations where none had existed. According to Kedourie (1960), nationalism was a species of the European idea of progress coming out of the Enlightenment, which attempted to attain the impossible by seeking perfectibility in a world of doubt, giving political form to the optimistic rationalism of the Enlightenment which had undermined the stable forms of community which humans need.

This view of the nation as a modern construct is linked to the rise of modern democracy and was often linked to the demand for the “sovereignty of the people” which required that legitimate power should be in the hands of a large number of people (Harris, 1986: 295). Examples of this include the American and French revolutions of 1776 and 1789 respectively. According to Hutchinson and Smith (1994), “nationalism was, first and for all, a doctrine of popular freedom and sovereignty”. This means people must, first, be liberated from all external constraints, determine their destiny, and be masters in their own house by having control of their resources, and obey only their own ‘inner’ voice. In addition to being a doctrine of freedom and sovereignty, nationalism entails fraternity which means that there is a requirement for people to be united through emotional bonds of mutual support, to be gathered together in a single historical territory, a homeland, and have legal equality and a single public culture as well as the disbandment of all internal divisions.

On the question of whether it was as a result of agency or as a by-product of modernisation, scholars such as Benedict Anderson advance the claim that nations emerged as a result of agency while scholars such as Hobsbawm (1990) argue that they are a by-product of modernisation. Anderson (1983) defines the nation as an imagined political community. It is imagined because “the members of even the smallest nation will never know most of their fellow-members, meet them, or even hear of them, yet in the minds of each lives the image of their community” (Anderson, 1983: 6). In the modern era, this is further made possible by the rise of the printing press and mass media.

2.1.3 Ethno-Symbolism

While the literature on the nation focuses primarily on the two-way debate between modernists and primordialists, Smith (2001) has proposed a synthesis of primordialist and modernist views, called ethno-symbolism. In doing so, he argues that the process of nation-formation is “not so much one of construction, let alone deliberate ‘invention,’ as of reinterpretation of pre-existing cultural motifs and of reconstruction of earlier ethnic ties and sentiments” (Smith 2001: 83). According to Smith and Woolman (2002: 25),

for Ethno-symbolists, what gives nationalism its power are the myths, memories, traditions and symbols of ethnic heritage and the ways in which a popular living past has been and can be rediscovered and reinterpreted.

Smith (2001: 83) argues that ethno-symbolism,

pointed to the danger of a 'blocking presentism', that is, an exclusive focus on the views and interests of the present generation in shaping the past. This makes it difficult ... if not impossible, to grasp the many ways in which ethnic pasts help to shape present concerns by providing the cultural frameworks and parameters within and through which the needs and understanding of the present are formed and articulated.

However, the literature suggests that modernism is historically shallow and that the 'presentist' view simply does not stand up to historical scrutiny (Smith, 2001). According to Smith (2001), ethno-symbolists place the rise of modern nations in the context of previous collective cultural identities in premodern epochs, of which the most important is the *ethnie*. *Ethnie* is defined as "the named human population which is associated with a particular territory, and which shares myths of ancestry and historical memories, as well as elements of a common culture" (Smith, 2001:85). Smith asserts that nations are "specialised developments of looser ethnic groups and that the ethnic community has historically served as a model and basis of many nations" (Smith, 2001: 85-86).

The logo of the University of the Western Cape, featuring a classical building facade with columns and a pediment, is centered in the background of the page.

2.2 The Relationship between State and Nation

In the modern era, most scholars of nationalism are modernists or ethno-symbolists, and thus most understand the nation as a social construct as suggested in the concept of nation-building. Therefore, the process of nation-building should not be confused with state-building.

There are important differences between a nation and a state even though they are terms that are sometimes used interchangeably. The mainstream understanding of the state is that it is a sovereign and legal entity which stands above all other associations and groups in society and its authority rests on all aspects of life, while a nation is a community of people unified by a sense of purpose whether cultural, identity-based, historical, political or some combination of these. (Heywood, 2002; Barrington, 1997).

This suggests that the process of building a state and nation also differs. State-building entails defining state boundaries which can be accepted by all major political players and creating new political institutions which can inspire the loyalty of the people (Etzioni, 2004). More specifically, state-building refers to a technical process of "restoration and rebuilding of the

institutions and apparatus of the state” which includes creating and strengthening government institutions such as armies and police forces, among others (Lun, 2009; de Larey, 2001; Etzioni, 2004). In contrast, a nation exists when a group of people accepts a set of beliefs regarding their past, present and future. Thus, nation-building is a drawn-out process which aims to integrate and harmonise the regional, social, political and institutional divisions of peoples within one community (Kuzio, 2002). This entailed defining ‘who are we, the people’ and fostering the people’s national identity and their sense of belonging to one distinct community.

The relationship between state and nation dates to the 19th century even though it varies. Hobsbawm (1990) identifies three eras of nationalism in the world: 1830-1880, which dominated the idea of popular sovereignty, 1880-1945 where there is a turn towards a more conservative ethnic nationalism, and post-World War II as the era of multicultural anti-colonial nationalism. In each era, the relationship between the state and the nation is differently conceived. In the first, the idea is that the authority of the state resides in the nation, in the second it is that each ethnically defined nation should have their state, and in the third, it is that the multicultural peoples of formerly colonised states are entitled to govern themselves.

Furthermore, the relationship between state and nation is informed by the theory of what the nation is. For primordialists, the nation precedes the state historically, in social reality and durability, and thus is the appropriate and legitimate basis of the state. For modernists, the relationship is reversed, the state or modernity makes nations, and thus the nation is something that can be and is made to fit modern conditions. For ethno-symbolists, the legacy of past cultural constructions and social identities placed huge limits on how much the nation can be invented – indeed it is better seen as reinterpreted from past forms rather than invented from nothing.

Notwithstanding the difference between state and nation, there is a consensus in the literature that there should be a strong relationship between state-building and nation-building, that state-building needs to be embedded within a strong nation. This is because of the recognition that states work best when there is a ‘community of solidarity’ or nation that underwrites it. The members of this ‘community of solidarity’ have a desire to continue life in common which extends to a desire to live within a common territory hence the quest for statehood (Smith, 1998; Gellner, 1964; Kohn, 1955; Weber, 1948).

Conversely, Groves (2008) asserts that stable states require some form of a nation to underpin them. This suggests that the legitimacy of the state revolves in part around the construction of

nationality (Bauman, 1992). States are critical in giving definitions to national societies and cultures. A nation depends on the state, as a legal entity, to decide on who can belong to a nation (Axford, et al, 1997). The relationship between the modern state and its citizens is at best negotiable and uncertain; even when the state has achieved a high degree of surveillance and ‘reflexive monitoring’ (Giddens, 1986). It needs to constantly address the unpredictable responses and demands of its citizens (Hill and Fee, 1995). One such element in the forging of political consciousness is a mechanism referred to as the ‘Return to Sender’ process, which is a process in which the definition of a citizen vis-à-vis the state has to be repeatedly renegotiated (Hill and Fee, 1995).

In respect of the relationship between the state and the nation, the literature suggests that it has been entirely circumstantial which one has come first in a particular country. In some countries, nation-building preceded state-building as in the case of Europe, whereas in Third World countries, state-building preceded nation-building (Kim, 2007).

2.3 How to go about Nation-Building?

The theory of nation-building as advanced by Hutchinson (1994) suggests there are two ways to pursue nation-building namely, through cultural or political nationalism. Cultural nationalism refers to the building of the nation culturally, usually by cultural elites, teachers, and linguists. Influenced by Herder’s obsession with a nation’s unique cultural character, it is concerned about how the state ought to exercise its powers and authority to ensure that the state preserves and promotes some national culture that is contained within those boundaries (Hutchinson, 1994). In doing so, cultural nationalists aim to establish a common culture by drawing from myths and symbols that may extend to religious myths and symbols (Hutchinson, 1994).

On the other hand, political nationalism is primarily concerned about how politically meaningful boundaries ought to be drawn. Influenced by political nationalism, as marked by Rousseau’s idea that political communities are actively willed into being, it is best described as the doctrine that nations should be self-governing to have a degree of autonomy (Hutchinson, 1994) – thus the focus on a common political history or objectives, and state boundaries.

More significantly, according to Hutchinson (1994) in his account of how nations merge, multicultural nationalism of the new world is primarily political nationalism. This means that

multiracial and multicultural post-colonial countries are not ethnic nations. The primordialist and ethno-symbolist insistence on the pre-modern origins of successful nations does not seem to fit Africa. These nations are built through a process of political nationalism which is driven by political imperatives, and involves a central role for the state and political actors. Hutchison's argument, therefore, suggests a shift from ethnic nationalism implied by ethno-symbolism to civic nationalism.

Civic nationalism is a form of political nationalism which takes a form of national identity based on common human values, rejection of oppression such as colonisation, and affirmation of democracy (Stilz, 2009). The work of Western scholars such as Gellner, Hobsbawm and Anderson, whose work began to appear in Russia in the late 1980s, made Russian intellectuals think for the first time about the civic definition of a nation, which can be formed through their conscious efforts.

More significantly, the emergence of nationalism in the last third of the 19th century posed a potential threat to states (Hobsbawm, 1990). The state was forced to confront nationalism as a political force separate from it. The rhetoric of nationhood became an essential political strategy of the modern state as it sought to neutralise competing appeals from ethnic and non-ethnic groups (Hill and Fee, 1995). For instance, states which were formed as a consequence of decolonisation were not the products of popular uprisings in the sense that revolutionary-democratic states could be seen to be, they were independent states created out of territories under colonial administration. Their boundaries were drawn, as Hobsbawm (1990:171) portrays it, “without any reference to, and sometimes without the knowledge of, their inhabitants except, perhaps, for their colonial-educated and Westernised native elites”. Having inherited the state, such elites were subsequently faced with the problem of creating nationality. Literature suggests that this entailed reconciling civic identities based on inclusive citizenship and exclusive ethnic identities based on such common characteristics as culture, religion, language and a common ancestor of a dominant nationality, on the other hand, and of ethnic minorities, on the other (Tolz, 1998).

South Africa, a multiracial and multicultural post-colonial country, is an example of a civic nation, not an ethnic nation. It is built through a process of what Hutchinson terms political nationalism and involves a central role for the state and political actors. The question that this thesis seeks to respond to is how do the state and other political actors go about building the nation in a deeply divided context like South Africa? This problem is not unique to South

Africa, especially in post World War II, where nations were built against the backdrop of conflict and fragmentation (Etzioni, 2004).

2.4 Indicators of Nation-Building

The primary aim of the nation-building process is to reconcile historically divided societies and unite them under the same cause and value system, thereby creating a sense of national identity which is key for the formation of the state itself (Lian, 2012; Prah, 2010; Lun, 2009; Federico, 2003; De la Rey, 2001). According to Von Bogdandy, Häußler, Hanschmann and Utz (2005: 586),

It is an indigenous process that often draws on existing traditions, institutions, and customs, redefining them as national characteristics in order to support the nation's claim to sovereignty and uniqueness.

Ultimately, this is intended to create an overarching national identity that should replace and/or subsume sub-national identities and cultures (Bauman, 1998). Literature suggests that considering that nations are built against the backdrop of conflict and fragmentation, there are additional processes that are required in the process of nation-building to achieve its primary objective, namely to create national identity, reconciliation and redress.

However, there is a challenge in identifying the indicators of nation-building and how to measure the success of nation-building. For instance, Neuman (1976) argues that nation-building gives no clear indication of what the end product would look like and how one would recognise an integrated polity. He asks,

how much cohesion and which commonly accepted norms denote an integrated political or social unit? How would an observer identify integration or is it dependent on some other manifestations (such as conflict) to demonstrate a lack of integration? And what institutional form will an integrated unit take? (Neuman, 1976:1).

Nevertheless, there are at least three indicators of nation-building: to create a national identity; to heal divisions of the past to achieve reconciliation; and to redress the past and its legacy (Deutsch and William, 1966; Kuzio, 2002).

2.4.1 Creation of National Identity

The major object of nation-building is to weld the disparate elements of the populace into a congruent whole by forging new identities at the national level at the expense of localism and particularistic identities (Etzioni, 2004). This means the formation of national unity in which national identity is more important for the citizens than belonging to any smaller group, thereby overcoming fragmentation. This is particularly important as nation-building occurs in historically divided societies that are often characterised by the presence of politically fragmented markers of political identity and mobilisation such as origins, language, culture, territory and religion which pose a threat to the idea of a nation (Guelke, 2012; Lian, 2012). As illustrated by Onwozurike (1987) at the beginning of the 1960s, there were over 3 000 ethnic groups or tribes in the world, about 1 000 represented in Africa, with approximately 445 of those found in Nigeria alone.

The success of nation-building is seen in the creation of a consciousness that binds together the population (Kuzio, 2002). Deutsch and William (1966: 2) offer an account in which nation-building is defined as “the attainment, within a territory, of a sense of community and of institutions and practices strong enough and widespread enough to assure, for a long-time, dependable expectations of peaceful community”. According to Deutsch in Vesa (2009: 18),

A sense of community is a belief on the part of individuals in a group that they have come to agreement on at least one point, that common social problems must and can be resolved by processes of peaceful change. Peaceful change in this context means the resolution of social problems without resort to large scale physical force.

Nevertheless, Kuzio (2002) argues that a cohesive society cannot be constructed without a minimum body of common values which equally cannot be wholly morally neutral as they inevitably endorse one type of behaviour and set of values. Thus, Parekh (1995) argues that these operative public values serve as the primary moral structure of the society with an objective to create a primary identity which is belonging to a particular nation (Pye, 1993; Norman, 2006).

Practically, the state has to employ symbolic gestures that would, internally, promote unity and signify commonness among the people and, externally, ensure sovereignty (Bello, 2013). Pye (1993) argues that individuals from minority communities should be invited to integrate into the cultural mainstream, perhaps by modifying or thinning out the majority identity in ways

that can make it possible for all citizens of the state to feel part of the national community. According to Pye (1993), cases in point are Argentina, Japan and Iceland, which each have a state school system that places a high priority on reinforcing a national identity through selective and mythologised understandings of history. Deutsch in Smith (1996) argues in the case of the West, cultural assimilation as measured by language absorption, was the process par excellence that ensured the building of national units. While social mobilisation uprooted peasants and artisans and propelled them into larger towns, it was the standardisation and inclusion of linguistic assimilation that turned this mobile but disunited mass into an educated public who in turn would be bound to one another by the very density and homogeneity of the messages they received (Smith, 2001).

2.4.2 To Heal Divisions of the Past to Achieve Reconciliation

Literature suggests that one of the steps in the nation-building process is to acknowledge the past in order to forge identities and social relations that will build the capacity to live together in unity (Lederach, 1995). In acknowledging the past, the aim is not only to unite fragmented political identities but also to unite the oppressor and the oppressed, which makes it crucial that victims and perpetrators are identified (Institute for Democracy and Electoral Assistance (IDEA), 2003). A common effort associated with acknowledging the past is reconciliation. The assumption behind this is that the involved parties value the need to develop a relationship (Lederach, 1995). Reconciliation has been characterised by IDEA (2003) as

a long and painful journey addressing the pain and suffering of the victims, understanding the motivation of the offenders, bringing together estranged communities, trying to find a path to justice and truth.

As part of the reconciliation process, a society has to undergo a reconciliatory process featuring truth-seeking, story-telling, acknowledgement of the wrongs of the past, and pardons to the perpetrators, among other aspects (McGrattan, 2012). This process should make provision for questions to clarify and understand until it is possible to see one another as equal human beings. To achieve this, Rothman (1998: 345) adds that it is critical that

parties hold a reflexive dialogue which allows disputing parties to articulate to each other by reframing their perceptions and analyses of each other and their own identities; learn to articulate respective voices and recognise each other as valid.

2.4.3 Redressing the Past and its Legacy

After the reconciliation process has been conducted, the nation-building process must create space for a society to integrate and rebuild. This does not follow organically, and it becomes necessary for the state to create space for policies, systems and structures to guide the process. The aim and nature of the policy and legislative framework are to safeguard initiatives that accompany nation-building. In most instances, these include restitution by compensating the previously oppressed, affirmative action type of policies in education, employment, and quotas in sports, among other initiatives (McGrattan, 2012; Amienyi, 2005; Macdonald, 2000). Additionally, these include policies and legislation that signal change in the social structures. However, careful attention needs to be paid in social restructuring as a lack of consensus on the goals of nation-building might be perceived as a ‘reversal of the past’.

Bowles and Gintis (1987:38) argue that

the development of citizenship as a key force in stabilising and legitimating the 19th century nation-state required the securing of a sense of national identity and this was achieved through ‘providing universal education, inventing public ceremonies, and mass-producing public monuments’.

Smith (1996) argues that this is a qualitative transition accomplished by analysing urbanisation and literacy rates, indices of linguistic assimilation, the impact of mass media, the rates of social mobility and patterns of transport, mass education and voting. This type of data is useful as they teach us about the manner and speed of the formation of national units.

2.5 Concluding Remarks

This chapter set out to establish a nation-building model for South Africa by interrogating central questions in the theory of nations, nationalism and nation-building while acknowledging the role of the state. In the context of states such as South Africa, the question becomes the relevance and necessity of nation-building while acknowledging that this phenomenon is not unique to South Africa nor to Africa.

It is concluded that there are at least three contending theories of a nation and that two of the three theories, modernism and ethno-symbolism, suggest a shift from a primordialist perception of a nation which advanced that nations are 'Godly Creations'. Simply put, nations are not organic but rather a construct which is either a by-product or agency of modernisation, as argued by Hobsbawm (1990) and Anderson (1983). Ethno-symbolists, however, as advanced by moderate modernists who emphasised the constructed nature of nations, argued that in the modern era nation-building is concerned about "reinterpretation of pre-existing cultural motifs and reconstruction of earlier ethnic ties and sentiments" (Smith 2001: 83).

Having identified the difference between the state and nation, and the historically contingent ways in which either nation precede states or vice versa, Hutchinson offers an account of nation-building that reflects the contingency that nations are built either culturally or politically. Culturally, they are built by teachers, artists, linguists and movements that focus on language, rituals, symbols and the like. Politically, nations are built by politicians, parties and state actors focusing on common political interests, histories and objectives. An argument was further made that while political nationalism refers to actors in nation-building, civic nationalism refers to the content of nationalism which serves as objectives and indicators of nation-building. The literature suggests that these include overcoming fragmentation through the attainment of a sense of community and creating a national identity, the creation of unity through reconciliation, and redressing the past and its legacy.

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Chapter 3 Analytical Framework for South African Nation Building

The objective of this chapter is to establish a framework in which South Africa's nation-building can be analysed. It aims to do this by drawing from the experiences of the efforts of post-colonial Africa to realise nation-building. This dissertation deems it appropriate to use the case of anti-colonial Africa mainly because, in addition to the obvious reason that South Africa is an African state, post-apartheid South Africa is faced with challenges similar to those of post-colonial Africa, namely legacies of segregation and discrimination. More specifically, the shift from colonialism necessitated some bold moves such as nation-building to build nations in the multi-ethnic countries of independent Africa.

Experiences of nation-building are many and can be found across the world, especially in the West but, as already argued, the experience that is most appropriate for the South African context is that of post-colonial Africa. The framework will be established by exploring the techniques used for nation-building in post-colonial Africa and dividing these according to banal and radical forms of nation-building. This framework will, thereafter, be applied to South Africa's nation-building. The intention of this dissertation, however, moves beyond a comparative analysis of policies adopted to evaluate to what extent these have made an impact on the objectives of nation-building in South Africa. In doing so, this dissertation advances that techniques of nation-building are classified into two categories, namely banal (Billig, 1995) and radical nation-building (Bandyopadhyay and Green, 2013). The main difference between banal and radical nationalism is that while the former consists of the embedment of national identity in everyday life, radical nationalism aims to change the structural injustices of the past.

3.1 Nation-Building in Post-Colonial Africa

The post-colonial African nation cannot be divorced from the modernist theory of a nation, mostly due to the period of emergence namely the 1950s and 1960s. Nation-building in Africa emerged in the 1950s and 1960s during the decolonisation era. The need for nation-building in the post World War II era coincided with the accelerated decolonisation in Africa in the 1960s. This particular paradigm of nationalism was influenced by the adoption of the Atlantic Charter (1941) and of the United Nations' Human Rights Charter in 1948. Among the principles that

shaped the Atlantic Charter were self-determination, the restoration of self-government, and the imperative that peoples and nations have a right to self-government.

It has been argued earlier that the modernist theory signified a shift from the belief that nations are organic to that of nations are built. However, this dissertation argues that the post-colonial African nations cannot be described as either modernist or ethno-symbolic. Instead, techniques employed in nation-building in post-colonial Africa are derived from one type of political nationalism, namely civic nationalism. The literature suggests that the source of nationalism in Africa is a shared history and political actors whose aim was to create a national identity. Shivji (2003:6) argues African nationalism is not so much “a nation in search of, or struggling for, identity, dignity, and independence, but rather a people imbued with a common experience of domination and exploitation asserting their ‘claim-in-struggle’”. It is thus intrinsically political rather than cultural.

On shared history, Lentz (2006) argues that in post-colonial Africa an appeal to the anti-colonial resistance historical past is important for the construction of identities and manipulating the citizens’ historical memory for the sake of achieving the formation of national unity. The symbols used, therefore, embrace the new culture while the memory can be used as a reminder not to repeat the sins of the past through, for instance, the use of museums. For political actors, the process of nation-building finds resonance to Fukuyama (2004) that ‘only locals can build a nation’. In Africa, nation-building was initiated by either the diaspora or the local elite after decolonisation by, mainly, appealing to past memories and symbolic gestures as well as the development of new constitutional opportunities that guarantee, and promote, peace, justice, equity and prosperity for all citizens (Bello, 2013).

3.1.1 Africa’s Founding Fathers

Upon African decolonisation in the 1950s and 1960s social scientists were concerned about the need for what was then called ‘national integration’ in societies with multiple ethnic, religious and racial cleavages (Binder, 1964; Coleman and Rosberg, 1966; Zolberg, 1967). One of the iconic events to signal the intentions of the African leaders was the two conferences that took place after independence in Africa – the All Africa Peoples’ Conference and the Conference of Independent African States, both held in 1958. Mboya (1963) argued that the Conference of Independent African States marked the birth of the African personality.

The nationalist upsurge in the post-colonial period in Africa was a great moment for a people who had been denied humanity by centuries of slavery and colonialism (Shivji, 2003). Thus, Shivji described nationalism in Africa as the struggle against imperialism. He argued that “it was an expression of a struggle against denial – denial of humanity, denial of respect and dignity, denial of the Africanness of the African” (Shivji, 2003: 3). The objective of African nationalism, therefore, became about the struggle for the “re-Africanisation of minds” or to “rebecome Africans,” (Cabral, 1980: xxii-xxv). Shivji (2013: 6) argues that, therefore, Africa’s nationalism can best be described as “Pan-Africanism, Independence or Freedom, and Equality, including racial equality”. Some of the key leaders in post-colonial Africa who championed nationalism include Kwame Nkrumah, who advocated for an ‘African Personality’, Julius Kambarage Nyerere, who advocated for *Ujamaa*, and Kenneth Kaunda, who advocated for humanism.

The first African statesman to achieve world recognition was Nkrumah (1909-1972), who became president of the new Republic of Ghana in 1960 (Birmingham, 1998). Nkrumah was a staunch anti-colonialist and Pan-Africanist (Fuller, 1998). In his independence speech on 6 March 1957, Nkrumah expressed that “we are going to create our own Africa personality and identity”. Nkrumah’s nationalistic aim was the revival and development of the African Personality.

According to Nkrumah (1973: 205), the African personality “finds expression in a re-awakening consciousness among Africans and people of African descent of the bonds which unite us – our historical past, our culture, our common experience, and our aspirations”. At a national level, after becoming Prime Minister of Ghana, one of Nkrumah’s major tasks was to achieve national unity and construct a singular national identity. Nkrumah did so by

constructing a national narrative that centred on having a glorious historical past and rich traditions, as well as having Founding Father(s), national heroes, a currency, postage stamps, a flag, an anthem, a coat of arms, museums, and monuments (Fuller, 2015: 35).

At a continental level, Nkrumah advocated for Pan-Africanism which expressed the identity or the Africanness of the people, both on the continent and in the diaspora (Shivji, 2003). Nkrumah is well known for his attempts to establish the United States of Africa. His efforts in promoting a common African socio-political, economic, and cultural entity were evident in the visual record, especially postage stamps with Pan-Africanist themes (Fuller, 2015).

One of Nkrumah's iconic moves in his efforts was convening the Conference of Independent African States in Accra in 1958, whose objective was to, among others, strengthen the independent states and resistance to neo-colonialism. The conference stated that, among others, "[it] demands the immediate and unconditional accession to independence of all the African peoples, and the total evacuation of the foreign forces of aggression and oppression stationed in Africa" (Kinni, 2015: 530).

Nyerere belonged to the first generation of African nationalists and was known for his philosophy, *ujamaa*, which means 'familyhood' in Swahili (Shivji, 2011). The *ujamaa* philosophy was to become the basis of Tanganyika's, later called Tanzania, social and economic development policies after it gained independence from Britain in 1961 (Delehanty, 2020). Nyerere believed that tribal identities are inherently negative, and the newly independent countries had to weave together a nation out of tribes and ethnicity (Shivji, 2011).

Nyerere (1967:38) argued that one of the objectives of the Tanganyika African National Union (TANU), was "to build up a national consciousness among the African peoples in Tanganyika". It was evident in the Arusha Declaration and TANU's Policy on Socialism and Self Reliance (1967) that the *ujamaa* ideology was deeply rooted in the image of a self-reliant nation which justified the massive government spending used to enhance production (Huizer, 1973). Furthermore, *ujamaa* called for the nationalisation of banks and industry.

At a continental level, and similarly to Nkrumah, Nyerere admitted that Pan-Africanism essentially meant African unity. He expressed this idea as early as 1963 when he said, "African nationalism is meaningless, is anachronistic, and is dangerous if it is not at the same time Pan-Africanism." (Nyerere, 1967: 194). However, unlike Nkrumah, Nyerere arrived at continental Pan-Africanism through Tanganyikan nationalism while Nkrumah arrived at Ghanaian nationalism through Pan-Africanism (Shivji, 2011).

Kaunda called for the attainment of independence and, in the 1970s, his priority was to achieve national unity; that unity in diversity was the main menu for nation-building (Kanduza, 2011). Kaunda's nationalistic philosophy is best captured in his favourite song, Tiyende Pamodzi ndi Mtima Umo, whereby he calls on "young people and women in Zambia to rally together in promoting solidarity and struggles for national unity in Zambia" and "mobilisation of Pan-Africanist forces to cross the Zambezi and the Limpopo in order to complete the decolonisation of the continent" (Kanduza, 2011: 62).

At the age of 40, Kaunda was the founding president of the Republic of Zambia in 1964. He was known for his views referred to as the 'Philosophy of Humanism' (Fortman, 1969). His call for respect for human dignity and freedoms laid the foundations for struggles that improved social values and justice (Kanduza, 2011). This was to be made a national philosophy and ideology, named *Zambian humanism*, from 1967. At a national level in Zambia, Kaunda, in line with this philosophy and ideology, increased state control of the economy; indigenisation of the public and private sectors, accelerated development of the rural sector, and used a series of policy measures to curb domestic exploitation (Sekwat, 2000).

Secondly, Kaunda, was associated with being the 'Gandhi of Africa' for being a believer in non-violence. Kanduza (2011) attributes this to Kaunda's visit to India in 1957 and being a student of Nkrumah's positive non-violence. The outcome of this non-violence approach is the reason Zambia has remained relatively stable and peaceful (McLoughlin and Weerdesteijn, 2016). However, according to Sekwat (2000), nation-building reforms moved beyond humanism to entail economic reforms, though these were claimed to have not been in alignment with the humanism philosophy and ideology.

At a continental level, Kaunda was at the frontline of the Pan-Africanist movement dedicated to ending colonial rule in Southern Africa. Kaunda's belief in Pan-Africanism was reflected in his political and cultural consciousness that was linked to the struggles for the liberation of the African continent (Kanduza, 2011: 81). It is argued that his belief was influenced by the effects of Ghana's attainment of independence in March 1957 and Nkrumah's assertion that his country's decolonisation was not completed until the rest of Africa was liberated from colonial rule (Kanduza, 2011). In addition to attending the conference organised by Nkrumah in 1957, Kaunda participated directly in the Pan-Africanist movement from the time he was Secretary-General of the Pan-African Freedom Movement for Eastern, Central and Southern Africa (PAFMECSA) in 1958 (Kanduza, 2011).

3.1.2 Objectives of Nation-Building in Africa

Nation-building in the post-colonial era was meant to bolster the sovereignty of newly independent states both internally and externally. Akaule (2011) claims that most African nations grappled to define their essence and identity. Therefore, nation-building can be seen as a form of self-determination; a means of new states to chart their development. The state

employed symbolic gestures that would, internally, promote unity and signify commonness among the peoples and, externally, ensure sovereignty.

In the modern political discourse, Axford et al (1997) argue that the word ‘sovereign’ is usually used to denote the combination of political power, territorial space and people. The significance of sovereignty in the post-colonial Africa was supported by regional alliances such as Pan-Africanism, the Non-Aligned Movement (NAM) and the African Union (AU), formerly known as the Organisation of African Unity (OAU), who advocated that independence from colonialism in Africa meant an eternal struggle towards nation-building that is designed to ensure its sovereignty through the development of democracy, based on popular sovereignty, as the popular expression of nationhood and polity (Bello, 2013).

According to Akaule (2011:2), the objective of post-colonial nation-building for African states was to affirm and determine their unique existence in the contemporary world. Key here was the desire to get rid of the extensive indoctrination and infiltration of ideas and its values as well as norms during colonialism imposed after the 1885 Berlin Conference. Africa existed before the 1885 Berlin Conference. African nations were built when people were operating as autonomous groups. Therefore, it can be reasonably argued that nation-building in the post-colonial Africa has an element of the restoration of values, beliefs, ideas and norms as these were independent people (Akaule, 2011).

However, there is a view that post-colonial African nation-building was externally influenced, particularly from the West. Cusack (2000: 17) argues that, in the context of national cuisines, “nation-building is a product of the Westernised elite”. Cusack claims that this influence dates back to the ‘Scramble for Africa’ in the 19th century during Western construction. This view is supported by Akaule (2011) who claims that the involvement of the West is considered “the second scramble for and partition of Africa” by Europe and Asia. This is evident in Lybia, Egypt and Cote d’Ivoire. Thus, global governance presents an opportunity to undermine efforts to rebuild African nations as it plays in the sovereignty space.

Nevertheless, nations in post-independent Africa are built from a fragmented base moving towards a more unified and/or common goal. Fragmentation and structural injustice have forced Africa’s liberation nationalist movements to try and unite people around their common experiences under white European rule and the potential for a common future as one nation (Groves, 2008). This informs the nature and the rise of African nationalism.

More specifically, the post-colonial African context was one characterised by the absence of a cultural nation and the existence of fragmented multi-ethnic groups. The process of colonisation in Africa capitalised on the existing diversity to entrench colonial rule through the creation of artificial arbitrary boundaries, the encouragement of separate/uneven development and the creation of hierarchies amongst different ethnic groups to sow divisions (Mukwedeya, 2016; Kagame, 2010). Therefore, the primary objective of nation-building was to unify diverse and fragmented ethnic groups within a state (Etzioni, 2004). According to Mukwedeya (2016), this was driven by the desire to unify the newly independent states and engender development to uplift the black African population that had been oppressed under colonialism. Furthermore, Bandyopadyyay and Green (2013) argue that nation-building was motivated by national integration in the 1950s and 1960s. This move was particularly to ensure state-building.

Secondly, the post-colonial African states were responding to structural injustices caused by centuries of colonial rule. According to Young (2003:7), “structural injustice are harms that come to people as a result of structural processes in which many people participate”. De la Rey (2001) argues that structural injustice has come to be a form of contemporary social conflicts, such as inequality and poverty, evident in systemic exclusion. Thirdly, Mamdani described the nation-building process as a struggle for identity recognition particularly relevant to the Third World natives’ struggles to be recognised “as a trans-ethnic identity, as a race – to gain admission to the world of rights, to civil society, which was a short form for civilised society” (Mamdani, 2005: 6).

3.2 Types of Nation Building Techniques

As indicated earlier on, the objective of this chapter is to establish a framework in which the South African nation-building can be analysed. Therefore, it poses a question that, if nation-building refers to a process of integration in historically divided societies and a process, which aims to overcome and heal divisions as well as to effect redress, what are the integral techniques used in the process? The successful development of this framework will enable the author to evaluate the extent and nature of the South African nation-building, as well as its strengths and weaknesses.

The literature suggests that nation-building techniques can be classified into two types, namely banal and radical techniques of nation-building. According to Bandyopadyyay and Green

(2013), both types of nation-building policies are evident in post-colonial Africa. In so doing, this dissertation argues that there is not a single model of nation-building in post-colonial Africa. For instance, there has been inconsistency or a lack of a common approach in the implementation of nation-building policies. As suggested by the study conducted by Bandyopadhyaya and Green (2008), the difference is both with the number of policies implemented as well as the type of policies aimed at ensuring nation-building. For instance, some states have only implemented one nation-building policy since independence such as Rwanda, Togo and Guinea-Bissau, while other states like Nigeria and Uganda have implemented no less than nine versions of the same policies since their independence. For example, Liberia has not implemented a nation-building policy and Ethiopia has implemented seven since 1940.

Banal techniques of nation-building, as defined by Billig (1995), refer to the everyday representations of the nation that build a shared sense of national belonging within a nation; it consists of national symbols. According to Cusack (2000:14), “Symbols are perhaps the forward-looking, modernising aspect of the Janus-face of nationalism.” Billig (1995) argues that banal nationalism consists of ‘ideological habits’ which enable the established nations of the West to be reproduced. These habits are not removed from everyday life, as some observers have supposed. Daily, the nation is indicated or flagged in the lives of the citizenry. National identity in established nations is remembered because it is embedded in the routines of life, which constantly remind, or ‘flag’, nationhood (Billig, 1995). Examples of banal policies include changing names of states, national flags, capital city’s names and locations, sporting events, national songs and national currency (Billig, 1995; Bandyopadhyaya and Green, 2013; Young, 2004). Furthermore, Hippler (2005) adds that nation-building includes the creation of national paraphernalia such as flags, anthems, national days, national stadiums, national airlines, national languages, and national myths. Therefore, banal policies focus on the quotidian symbolic realm.

On the other hand, radical nation-building policies are described by Mukwedeya (2016) to be those elements that are anchored on institutions of power. Radical techniques intend to redress or address the past and its legacy. They are policies that seek to have a long-lasting economic, political and social impact on the lives of the citizenry. Mylonas (2010) argues that, at a deeper level, national identity needed to be deliberately constructed by moulding different ethnic groups into one nation, especially since in many newly established states colonial practices of divide and rule had resulted in ethnically heterogeneous populations. Examples of radical

policies include the declaration of one-party states, nationalisation of land, religious and linguistic homogenisation and non-ethnic censuses as well as the introduction of obligatory military conscription or national service.

State efforts at nation-building in post-colonial Africa combine banal and radical techniques. This dissertation sources examples of these techniques from the study conducted by Bandyopadhyay and Green (2008, 2013). These studies are the most relevant and comprehensive on the techniques used for nation-building in Africa. However, these studies were not exclusively conducted for this purpose but rather they aimed to explore the links between nation-building policies and conflict in various African countries. This they do by investigating any correlation with the onset of civil war under the assumption of a negative and significant relationship between nation-building and political instability. In doing so, they delve into various policies adopted to achieve nation-building with an assumption that these policies could have contributed to eliminating civil wars in the post-colonial African nations.

Not surprisingly, the policies listed by Bandyopadhyay and Green (2013) are not exhaustive. For instance, Young (2004:12) argues that “innumerable rituals of state drum the national idea into the public conscious”. These rituals include national holidays, anthems and daily flags flying at administrative headquarters. Furthermore, there are scholars such as Cusack (2000) who start exploring not-so-obvious techniques such as national cuisines as one of the techniques used to create a national identity. Where possible, similar techniques have been included in the framework, drawing on these and other sources in the literature. However, to start with Bandyopadhyay and Green (2013), the policies and techniques that they identify for post-independence African states are illustrated in table 3.1 below.

Banal Nationalism Techniques	Radical Techniques
Changing names of states	One-party states
National flags	Land reforms
National anthems	Language reforms
Capital city’s names and locations	Introduction of obligatory military conscription or national service.
National currency	

National cuisines	
Transitional justice	

Table 3.1: Banal and radical techniques of nation-building used in post-colonial Africa (Source: Bandyopadhyay and Green, 2013)

In what follows, this thesis will build on this list, drawing from other sources in the literature to offer a more thorough and representative account of the key banal and radical techniques of nation-building used in post-colonial Africa.

3.3 Banal Nation Building Techniques in Africa

Dr Nkwame Nkrumah, in his first independent speech on 6 March 1957, stated that

... I made a point that we are going to create our own African personality and identity. It is the only way we can show the world that we are ready for our own battles.

One of the immediate tasks that the new leaders of independent Africa set about was building nations from the multi-ethnic peoples that they inherited from the colonial powers and they used whatever material was at hand to construct a national identity. This was a mammoth task as, in addition to nation-specific discourses, nations generally have a set of symbols and practices that are part of the universal ideology of nationalism. This is basically, what Billig (1995) terms, banal nationalism. The key techniques identified include national cuisines, name changes, the national currency, the national flag, national anthems, and transitional justice.

3.3.1 National Cuisines

Cusack (2000) argues that there are dishes that get to be characterised as national dishes and thereby become part of national identity. The approaches to building national cuisines differ; in some states national cuisines are not a local thing while in others there are evidently some cuisines that are only made locally. For instance, Cusack (2000:13) argues that states such as Equatorial Guinea assembled different ethnic groups' favourite foods and packaged them as 'Equitoguinean'. There is, however, evidence that show that construction of national cuisines is not necessarily a local doing. Some are influences from their former colonisers. For instance,

Cusack (2000) makes an example of Equatorial Guinea where building a national cuisine was a collaborative effort between the Spanish government, Spanish religious orders and the Equitoguinean ruling elite.

National cuisines are not necessarily a popular technique of nation-building. For instance, Cusack (2000) claims that in sub-Saharan Franchophone Africa, there have been fewer attempts at building national cuisines. He attributes this to the possibility of the strength of the ideas of French cuisine and the assimilation of the African elite into the French culture. Consequently, this has stifled any desire to build independent national cuisines. Furthermore, there are evident efforts of the former colonisers to preserve their existence, even if symbolically, in their former colonies. Cusack (2000: 17) argues that states such as Spain and Portugal are rather enthusiastic in nurturing national cuisines in their former colonies, while Britain and France left their own imprint on emerging African cuisines.

On the question of who appreciates African cuisine, Cusack argues that African Americans generate a major interest in African cuisine. There is, however, a difference in how these cuisines are appreciated. According to Cusack, locals are likely to pass down recipes through generations of women but do not record them in writing. On the other hand, foreigners are likely to compile recipe books. Demonstrations of such culinary dishes are shown on international online magazines such as in a CNN Travel advert on 12 July 2017. The article mentions “15 of Africa’s favorite dishes” which range from Mozambique’s piri piri chicken to Nigeria’s jollof rice and egusi soup, from Angola’s Muamba de Galinha to Zimbabwe’s kapenta with sadza and Zanzibar’s Zanzibari biryani and pilau to mention but a few. This obviously contributes to the external understanding of what makes up the identity of these nations. However, it remains unclear whether the people of the nation have the same appreciation of these dishes as part of their own national identity.

3.3.2 Changing of states name

Bandyopadhyaya and Green (2008) argue that the change in the name of states signified a move to nation-building. The main aim for this in the newly created states was to provide the state political and historical legitimacy amongst its citizenries. According to Moll (2009), the

objective was to remove traces of colonialism, heal the suppressed Africans by giving them possession of the names of their countries. One of the ways post-colonial African states did this was by changing the names of states. However, not all states changed their names. There are 23 states which changed their names in post-independent Africa; four of these changed their names after independence (Moll, 2009) – see table 3.2. The latest example was the change of the name Swaziland to the Kingdom of eSwatini (BBC News, 19 April 2018).

No.	Old name	New name	Year
1.	Gold Coast	Ghana	1957
2.	Urundi	Burundi	1962
3.	Ruanda	Rwanda	1962
4.	French Somaliland	French Territory of Afar and Issas Djibouti	1967-1977 1977
5.	British Somaliland and Italian Somaliland	United Republic of Somalia	1960
6.	French Guinea	Republic of Guinea	1958
7.	Portuguese Guinea	Guinea-Bissau	1974
8.	Nyasaland	Malawi	1964
9.	Basutoland	Kingdom of Lesotho	1966
10	Southern Rhodesia	Zimbabwe	1980
11	Northern Rhodesia	Zambia	1964
12	South West Africa	Namibia	1990
13	Rio Muni and Fernando Po	Equatorial Guinea	1968
14	Portuguese Angola or Portuguese West Africa	Angola	1975
15	Portuguese East Africa	Mozambique	1975
16	French Congo or 'Moyen Congo'	Republic of Congo	1960
17	Bechuanaland	Botswana	1966
18	Belgian Congo	Democratic Republic of Congo	1960
19	French Sudan	Mali	1960

20	Dahomey	Republic of Benin	1975
21	French Upper Volta	Republic of Upper Volta Burkina Faso	1960 1984
22	Tanganyika	Tanzania	1964
23	Swaziland	Kingdom of eSwatini	2018

Table 3.2: List of African states whose names changed since independence (Source: Moll, 2009; BBC, 19 April 2018)

Bandyopadhyaya and Green (2008) argue that the change in the name of the states signified a move to nation-building. The renaming of states in post-colonial Africa took at least two approaches, either using names from extant indigenous ethnic groups or using indigenous African state names which could appeal to the pre-colonial past. The main aim of this was to provide the state with greater political and historical legitimacy amongst its citizens. Some countries whose colonial name derived from extant indigenous ethnic groups were renamed to be more inclusive. Examples include Dahomey, which was renamed Benin, and the Kingdom of Kongo, which became part of Angola and the Democratic Republic of Congo.

On the other hand, some countries were renamed using indigenous African state names which could appeal to the pre-colonial past, but which did not have contemporary ethnic relevance as was the case of Ghana, Zimbabwe, Malawi and Burkina Faso. These two approaches are centred around the restoration of historical meanings, with the one example suggesting the desire to forget and move on by using names which had no links with any of the ethnic groups. Notably, while the number of states that changed their names is significantly high, more than half of the states did not change their names.

3.3.3 Changing of Cities Names

Since the wave of political independence surged across Africa during the 1950s and 1960s, the number, role and importance of capital cities in the continent have increased enormously (Clarke, 1971; Hamdan, 1964). The increase in number is attributed to the creation of capitals in previously city-less states, while their significance, as argued by Clarke (1971), is mainly

linked to the centralisation of modern economic functions and transport networks whereby some African capitals aspired to be far bigger than their nearest rivals and achieve hegemony. More significantly, post-independence capitals were used by nationalists to “originate fresh, fully nationalist capitals free from the memories of the past and affording genuine symbols of national pride” (Hamdan, 1964: 244). Potts (1985) further states that capital cities are centres of administration and urban symbols of power and nationalism.

According to Hamdan (1964), post-independence capitals are in general the inherited colonial capitals, only with some modifications related to the abrupt changes on the political map in the liberation period: African life and the “most solid palimpsest of colonial Africa” (Hamdan, 1964:239). Hamdan (1964) categorises capitals in African into four types, namely ancient capitals as is the case of Cairo in Egypt; medieval or ancient capitals such as Dakar in Senegal; colonial capitals such as Cape Town in South Africa; and post-colonial capitals that were new creations after independence such as Gaborone in the former Bechuanaland, now Botswana, and Mauritius (became capital in 1700s and named after a French king, Louis) (Hamdan, 1964).

There are at least three significant moves after independence in Africa, namely the creation, relocation and renaming of cities. Firstly, new capitals such as Gaborone were created. Gaborone was established in the mid-1960s when Botswana gained its independence (Hamdan, 1964). Secondly, as early as the 1960s scholars such as Hamdan (1964) have argued that Africa has a long and complex history of capital relocation. Clarke (1971) argues that the great majority of African capitals are coastal and peripheral, in a location which resulted in concerns that they are, in some respects, regarded as more European than African. Potts (1985) and Bandyopadhyay and Green (2013) state that numerous governments have changed the location of their capital city from coastal cities to inland sites more centrally located in order to make their governments more accessible to and representative of its entire citizenry. For instance, in Malawi, the capital was moved from the southern city of Zomba to the centrally-located Lilongwe in 1965; the capital of Tanzania was moved from the coastal city of Dar es Salaam to more centrally-located Dodoma in 1973; and in Nigeria the capital moved from coastal Lagos to the planned and centrally-located city of Abuja in 1976 (Bandyopadhyay and Green, 2013).

Thirdly, other governments did not move their capital cities but renamed them instead, especially in cases where their former names were associated with colonial history (Bandyopadhyay and Green, 2013). For instance, in 1973 President François N’Garta

Tombalbaye of Chad renamed the capital city from Fort-Lamy, named after a French army officer, to N'Djamena; the Mozambican government renamed its capital city from Lourenco Marques, named after a 16th century Portuguese explorer, to Maputo, while in the Democratic Republic of Congo President Mobutu Sese Seko Kuku Ngbendu Wa Za Banga changed the capital name from Leopoldville to Kinshasa.

3.3.4 National Currency

The change in the national currency proved to be a nation-building technique adopted by some African countries. Helleiner (1998) has argued that national currencies can contribute to nation-building in a variety of ways, including through the imagery present on notes and coins, among others. Independent Africa states inherited colonial names for their currencies, including the Franc, Pound and Escudo in Francophone, Anglophone and Lusophone Africa, respectively. These currencies were introduced by the colonial power in the states they invaded.

As African countries achieved independence during the 20th century, some renamed their currencies as a symbolic gesture, though some retained the currencies that had been introduced. Many African states change their currency's appearance when a new government takes power. Often, the new head of state will appear on banknotes, though the notional value remains the same (Bandyopadhyaya and Green, 2008).

Examples of states that changed their currencies upon assuming independence include Ghana, Malawi and Zambia. Nkrumah's government replaced the Ghanaian Pound with the Cedi in 1965, named after a local Akan word for a cowry shell. In both Malawi (1968) and Zambia (1971) the Pound was replaced by the Kwacha, which means "dawn" in both the Bemba and Njanja languages. Similarly, in Sierra Leone the new currency became the Leone, after the name of the country, while in Angola the Escudo was replaced by the Kwanza, the name of a local river. In Francophone Africa, a majority of former French colonies continued to use the CFA Franc after independence, though redesignated post-independence into the African Financial Community Franc and the Central African Financial Cooperation Franc. Those who are for retaining of the CFA Franc denounced the neo-colonialism argument and focused on the monetary cooperation; that the CFA Franc is characterised as credible and stable and has allowed inflation to be pegged at a rate considerably lower than the African average (LSE Blog,

2017). In 2015, at the 55th celebration of the independence of Chad, President Idriss Deby referred to the CFA Franc as the “a cord preventing development in Africa” (LSE Blog Editor, 12 July 2017).

3.3.5 National flags

According to Raymond Firth, the national flag is imbued with “the sacred character of the nation; it is revered by loyal citizens and ritually defiled by those who wish to make a protest” (Billig 1995: 39). A flag has at least two purposes, to maintain external and internal sovereignty. Externally, a flag is a symbol through which people can differentiate themselves from other nations. Internally, a flag binds people of a nation together; it is a symbol of the nation’s unity. A national flag is designed with specific meanings for its colours and symbols. In post-independent Africa, all states have unique flags; each with its meaning rooted in the history of the state and its people.

For instance, the flag of Ghana was designed and adopted in 1957 and was flown until 1962. It was then reinstated in 1966. It consists of the Pan-African colours of red, gold, and green, in horizontal stripes, with a black five-pointed star in the centre of the gold stripe. The red represents the blood of those who died in the country’s struggle for independence from Great Britain, the gold represents the mineral wealth of the country, the green symbolises the country’s rich forests and natural wealth, and the black star is the symbol of African emancipation (Flex Newspaper, 2017).

The national flag of Botswana (Setswana: folaga ya Botswana) consists of a light blue field cut horizontally in the centre by a black stripe with a thin white frame. The colours of the flag carry cultural, political, and regional meanings. The light blue represents water — specifically, in its form of rain. The black band with the white frame has two meanings. Firstly, they symbolise the harmony and cooperation between the people of different races who live in Botswana, as well as the racial diversity of the country (Behnke, 2009). Furthermore, they represent the stripes of the zebra, the national animal of Botswana.

The flag of Kenya is a tricolour of black, red, and green with two white edges superimposed with a red, white and black Maasai shield and two crossed spears. The Kenyan flag includes symbols of unity, peace and defence of the country, according to the Kenyan High Commission website. The colour black represents the people of the Republic of Kenya, red for the bloodshed

during the fight for independence, and green for the country's landscape and natural wealth. The white fimbriation was added later to symbolise peace and honesty. The black, red, and white traditional Maasai shield and two spears symbolise the defence of all the things mentioned above.

3.3.6 National Anthems

National anthems will matter for as long as nation-states themselves do. In its origination, national anthems as hymns which became “soundtracks to state-building” (Independent, 15 January 2016). A national anthem is defined as a ‘hymn or song expressing patriotic sentiment. Sentiments of the text vary, from prayers for the monarch to allusions of nationally important battles or uprisings (Maake, 1996). National anthems are often closely associated with the flag and nearly a third of African anthems refer to the national flag or banner. The flag is often mentioned in the text and it is clear that the ‘sacred nature of the nation’ is also associated with the anthem. According to Mutemererwa, Chamisa and Chambwera (2013), every nation has its own identity that is mirrored through, among others, the national anthem.

There is no consensus on which national anthem is considered the oldest. For instance, Maake (1996) argues that the oldest national anthem in the world, ‘God Save the Queen’, was adopted and sung from 1825 in all parts of the British Empire. However, Cusack (2005) argues that the oldest anthem is thought to be that of the Netherlands with the words written in 1568 and the music taken from a popular French tune of the time. As the winds of change began to blow in Africa, new anthems were adopted and sung in the place of the song of Empire.

In post-colonial Africa, there are 53 African countries at present and of these 51 anthems have words and two, Somalia and Mauritania, do not. While many anthems emerged in the early 1960s, reflecting the concerns of the time there have been occasional changes and updating. For example, Cape Verde has recently abandoned an anthem shared with Guinea-Bissau since independence in 1975 and now uses a new anthem. Swaziland also has a new and simplified version of the previous anthem and Mozambique has a new anthem entitled, ‘Beloved Land’ (Kendall 2004).

The intention of national anthems in Africa includes the basic nationalist purpose of attempting to brand the flock (Cusack, 2005). Any national anthem has the clear purpose of propagating a particular nationalism and of assisting in the building of a sense of national identity (Cusack, 2005). In his analysis of themes and ideologies associated with African national anthems, Cusack (2005) argues that anthems often reflect the ‘Janus face of nationalism’ and they proclaim a number of dominant themes. Such themes include calls to awake, arise or work for the future progress of the nation, and praise for the already established, beloved land, its particularities, traditions and culture and thanks to God for having blessed the nation (Cusack, 2005). These new names and flags were to be understood as symbols which expressed new aspirations, and the overthrowing of the ancien regime (Maake, 1996).

For instance, Mutemererwa, Chamisa and Chambwera (2013: 55) argue that the Zimbabwean national anthem has attributes that make it uniquely “Zimbabwean”. They argue that

having shifted from an anthem for Africa as a continent, ‘Ishe Komborera Africa’, the current Zimbabwe national anthem, eulogizes some sense of patriotism, Zimbabwean hegemony and pride among the Zimbabwean populace.

Mutemererwa et al (2013) conclude that themes and ideologies associated with the Zimbabwean national anthem reflect aspects of nationalism, but in terms of musical compositional techniques, some concepts such as rhythm, dynamics, and performance directions are inherited from foreign cultures.

Theme	States
Arise! Awake! Up! Stand up! To work!	Fr Congo Rep., Djibouti, Senegal, Tunisia, Benin+, CAR+, Chad+, DR Congo+, Gabon+, Togo+, Mali=, Morocco=, Niger=, Rwanda= Br South Africa/English, Nigeria=, Zambia=, Botswana
Blessed by God, God save	Fr Morocco=, Chad-, Madagascar Br Gambia, Kenya, Liberia, Seychelles, South Africa/Sotho, Sudan (‘Army of God’), Botswana+, Ghana+, Lesotho+, Malawi+, Mauritius=, Nigeria=, Swaziland=, Tanzania=, Zambia=, Zimbabwe=

	It Libya+
Beloved land (non-specific)	Fr Burundi, Ivory Coast, Madagascar+, Cameroon=, Rwanda= Br Sierra Leone, Uganda, Mauritius=, Lesotho-, Malawi Ib Mozambique/new, Guinea-Bissau= It Ethiopia
Beloved land (specific quality)	Fr Comoros (islands), Niger- (Niger river), CAR- (cradle of the Bantu) Br Egypt (Nile), South Africa/Afrikaans (seas, crags), Zimbabwe= (mountains, Zambezi etc.) Ib Cape Verde (sea) It Eritrea (tenacity of people)
Ancestors, forefathers	Fr Cameroon=, Benin-, DR Congo-, Gabon-, Togo Africa Fr Guinea, Mali= Br South Africa/Xhosa-Zulu, Tanzania=, Ghana
Heroes of the battle for freedom	Fr Algeria Br Namibia, Zimbabwe= Ib Angola
Anti-colonial	Fr Burkina Faso Ib Equatorial Guinea, Mozambique/old, SAo Tome and Principe, Guinea-Bissau= It Libya
King	Fr Morocco= Br Swaziland

Table 3.3: Themes for national anthems in the post-independent Africa (Source: Mutemererwa et al, 2013)

3.3.7 Transitional Justice in the Post-Independent Africa: Truth and Reconciliation Commissions

Half of the 55 countries in Africa have created truth commissions, with the majority of these having been set up in the 1990s. The ACCORD (African Centre for the Constructive Resolution

of Disputes) 2013 report states that, since 1991, there have been 25 truth commissions that have been established in Africa as one of the mechanisms used to attain transitional justice. The literature suggests that one of the motivations for truth commissions is, in addition to truth-seeking, to achieve reconciliation, hence other tools used include the granting of amnesty to perpetrators and reparation to victims. Lederach (1995) argues that by acknowledging the past, the process can help forge common identities and new social relations that will build the capacity to live together in unity. The main objectives include creating trust and understanding between former enemies; examining the painful past, acknowledging it and understanding it, and above all, transcending it together; and addressing the legacy of past conflicts and rebuilding the broken relationships they have caused.

In acknowledging the past, the aim is not only to unite fragmented political identities but also to unite the oppressor and the oppressed, which makes it crucial that victims and perpetrators are identified (IDEA, 2003). A case in point is the traditional community-based processes used to foster reconciliation where, in Rwanda, the government implemented the Gacaca court system to address the problem of trying more than 120 000 people accused of genocide.

According to ACCORD (2013), transitional justice has several overlapping goals in which one of them is to lay the foundation for long-term reconciliation and political transformation, and prevent the recurrence of past abuses in the future. Therefore, transitional justice systems have been used to investigate past human rights violations, uncover the repressive machinery of authoritarian regimes, and identify systemic socio-economic injustices.

What is significant to note, however, is that the truth commissions in post-independence Africa did not focus on the colonial era but rather on the atrocities caused by the post-independence governments. For instance, the first truth commission in Africa was established in Uganda in 1971 by the former President Idi Amin; almost a decade after independence. The truth commission aimed to investigate the disappearances of people in Uganda from 25 January 1971. The work of the commission expired in June 1974 and the report was published in 1975.

The second commission was established in 1986 by President Yoweri Museveni to investigate human rights violations under past regimes and to establish a path towards national healing (International Center for Transitional Justice (ICTJ), 2012). However, neither commission made any significant impact as most of the perpetrators remained at large and have never been held accountable for their alleged crimes, and many victims have never been recognised nor received justice (ICTJ, 2012). The second case is that of the National Reconciliation

Commission in Ghana that was established in 2002. The Commission aimed at establishing a record of violations and abuses of human rights inflicted on persons by public institutions and holders of public office during periods of unconstitutional government between 1957 and 1993 (Hayner, 2011).

The third example is that of Nigeria, whose Oputa Panel's mandate was to establish the causes, nature, and extent of human rights violations, in particular, the assassinations and attempted killings between 15 January 1966 and 28 May 1999 (Fombad, 2017). Morocco's King Mohammed VI established the Equity and Reconciliation Commission in 2004 whose mandate was to decide on reparation packages for victims and survivors following human rights abuses from 1956 to 1999. At the conclusion of the hearings 9 779 requests for reparations were recommended for financial, medical and psychological assistance (Fombad, 2017).

As part of the process of reconciliation and truth-seeking, there are governments who, through their commissions, opted to grant amnesty to perpetrators and reparation to victims. Some have opted for blanket amnesties, such as Algeria and Zimbabwe. For instance, in Zimbabwe in 1988, President Robert Mugabe granted a general amnesty to members of the security forces and members of the ruling party imprisoned for human rights abuses in Matabeleland, while in Algeria a decree was enacted allowing for a blanket amnesty to security forces (Fombad, 2017).

On the other hand, countries such as Nigeria and Uganda opted for targeted amnesty. In Nigeria, the second commission, the Rivers State Truth and Reconciliation Commission of 2007, was, among others, tasked with facilitating the provision of amnesty to those individuals who fully disclosed the truth of the violations they committed and the whereabouts of their victims between June 2000 to May 2004 (Fombad, 2017). Uganda, through the Amnesty Act, established the Uganda amnesty commission for actions dating to 26 January 1986 in which, ultimately, more than 15 300 combatants and abductees received amnesty.

Furthermore, some countries opted for reparation for victims. For instance, Algeria's Charter of Peace and National Reconciliation of 2005 entailed proposals for possible compensation for the families of the disappeared (Bustos, 2006). In Ghana, the truth commission recommended that, among others, a reparation programme be developed and, specifically, monetary reparation for approximately 3 000 victims of human rights violations during Jerry Rawlings' rule (ACCORD, 2013). In Kenya, a commission was empowered to recommend policies about reparations for victims, among others (Fombad, 2017). Furthermore, countries such as

Morocco, and Malawi went further to create dedicated institutions for reparations (ACCORD, 2013).

3.4 Radical Nation-Building Techniques

Having reviewed the main techniques of banal nationalism used in post-independence Africa, the chapter now moves on to outline the main forms of radical nation-building techniques. The key elements evident in the literature include language, one-party states, land redistribution and military service.

3.4.1 Language

Language in post-colonial Africa is undeniably a powerful political tool. In Africa, the politics of language is complicated not only by the presence of dominant exoglossic languages such as English, French and Portuguese, but also by the multiplicity of African languages, which are mainly underdeveloped and restricted to localised roles and low-level domains (Ndhlovu, 2009). Therefore, the language policy in Africa was intended to undertake a new approach that facilitates communication between different socio-linguistic nationalities and races.

Several governments tried to create a national language that would create a homogeneous citizenry. Kaschula and Kretzer (2019) argue that the region's colonial history also influences the language policies of the independent African states. For instance, in Senegal minor reforms have occurred on linguistic assimilation policy. Although Senegal is home to around 39 distinct languages, French remains the sole official language. Rwanda is rather unique as the former francophone nation now uses English as an exoglossic language, a type of hybrid language policy. Another example is Botswana which is an example of an anglophone country that follows a language policy that is dominated by a very close connection to the notion of nation-building through its concentration on a single language, Setswana, alongside English.

Tanzania is one of the very few post-colonial states which replaced the language of the colonisers, English, with Swahili as the country's official language in the mid-1960s (Miguel, 2004). Nyerere's regime quickly pushed for total Swahilisation of government administration after independence and established a National Swahili Council to promote its use in all spheres of public life. Tanzania is an anglophone African country whose policy focuses on Kiswahili,

which is one of the very few indigenous and endoglossic languages. Kiswahili is broadly used in Tanzanian educational institutions until tertiary level, but its use as a medium of instruction focuses on the primary level.

In Zimbabwe, policymakers have opted for a hegemonic nation-building project characterised by a quest for linguistic uniformity organised around a binary chiShona and isiNdebele identity matrix. Ndhlovu (2009) argues that there are two endoglossic languages in Zimbabwe, namely chiShona and isiNdebele. Ndhlovu argues that the dominance of these two languages translates, especially chiShona, into the social exclusion of approximately 15 minority languages. More specifically, Ndhlovu (2009) argues that the dominance of these two languages is a threat to nation-building.

3.4.2 One Party States

After gaining independence, most African countries transformed into a single-party system, seen as the ideal way to bring people together. African protagonists of the single-party state such as Ibrahim Boubacar Keita 1963, Nkrumah 1961 and Nyerere 1967 maintained that a multiparty system eventually leads to a weakening of the central governing authority and threatens the very existence and integrity of the young state (Kirk-Greene,1995). Former Tanzanian President Nyerere's move to adopt a single-party system was a move meant to solve the tension existing between tribes as a result of social divisions. President Nkrumah established a one-party system rule adopting socialist ideologies (Quigley, 1992).

In Tanganyika, now Tanzania, Nyerere argued that if there is a single party, and if that party is identified with the nation as a whole, the foundations of democracy are firmer than they can ever be where you have two or more parties, each representing only a section of the community. This was based on the view that post-colonial African states were particularly vulnerable due to the absence of a common unifying enemy such as the colonial power (Neuberger, 1974). It was therefore argued that a single-party state had better chances of preventing traditional tribal animosities and violence recurring, remedying the technical weaknesses inherent in the administrative framework, and would help build on the rudimentary existence of a national identity acceptable to a majority of the population. Some states created one-party states in order to eliminate the politicisation of ethnicity, which in many francophone countries like Guinea,

Mali, Niger and Upper Volta (Burkina Faso) happened upon independence, or a bit later in cases like Ghana and Zambia.

In francophone Africa, as in nearly all other African countries, the single party was the rule during the first 30 years after independence. Gradually, the former (first represented by the Sudanese Union of the RDA (African Democratic Rally) in Mali and the Democratic Party in Guinea) disappeared and a new type of party took over (Kirk-Greene, 1995). Ghana, on the other hand, was the first to adopt the one-party system in anglophonic Africa due to its proximity with francophone colonies like Guinea, Senegal, Mali and the Ivory Coast, which had already established single-party systems of government.

However, scholars such as Neuberger indicated as early as the early 1970s that the system was not the solution for African countries because a party's long-term stay in power does not necessarily amount to success. His main claim was that the one-party system has failed miserably in increasing national unity and preventing clashes, such as civil wars and genocides, and corruption has been rampant since pre-colonial times (Neuberger, 1974). In the 1990s, there is an evident rise of the multiparty system, which signifies a vote of no confidence on the one-party system. During this period, there was a growing public demand for an end to one-party rule in various parts of Africa. One by one, governments made concessions. For instance, Togo, Ivory Coast, Mozambique, Congo, Zimbabwe and Zambia all conceded. In Kenya, however, President Daniel Arap Moi spoke out strongly in support of one-party rule (Neuberger, 1974).

3.4.3 Land reforms

Land reform, especially land redistribution, was one of the most prominent issues that post-colonial African leaders were confronted with. In part, this was because it was a question of redress and restoration as much as economic productivity. According to Gumede (2018), the first crime of colonialism was the removal of Africans from the land. Of even more importance is that in most pre-colonial African cultures the sense of self and communal belonging were interwoven with land ownership. Therefore, land dispossession resulted in growing inequality between Africans and colonial settlers in terms of both ownership and control of resources (Gumede, 2018).

More specific on the land reforms in Africa, the debate is characterised by two schools of thought (Obeng-Odoom, 2012). On the one hand, some argue that land policies should be rooted in the African traditional land tenure system while on the other hand there is a view that individualised tenure systems are more effective and desirable. One of the choices that confronted leaders at independence was which land reform policies will ensure that this sense of belonging is reinstated, and dignity restored. The literature suggests that there are at least three countries which opted for left-populist approaches, namely Algeria, Tanzania and Zimbabwe (Gumede, 2012). This they did by, among others, pursuing a populist land reform without compensation.

Ghana enshrined in her constitution that land could be classified as public or private. Effectively, public land constitutes 20 per cent of all ownership, private land constitutes 78 per cent of all land ownership, and 2 per cent of the land is jointly owned by private entities and the state (Kasanga, 2003). However, the tenure system is not one that is perfect as early as the 2000s there were approximately 60 000 contestations in court (Kasanga, 2003). It can be argued that the reforms have not addressed the problem of unequal distribution of land rights between men and women, among other issues (Obeng-Odoom, 2012).

After independence in Uganda, there was a return to 'traditional' land tenure with the enactment of the Public Land Act, which gave greater recognition to customary law (Mugambwa, 2007). When Amin came into power, however, all forms of communal ownership were abolished and vested land in the state; customary holders had to apply to the state for leases (Obeng-Odoom, 2012). From the mid-1980s, land reforms were once again put on the government agenda – either individual or communal land tenure. The 1995 constitution recognised both.

In Egypt in 1952, there was a social revolution to correct general inequalities in society. It did this by correcting three elements of social stratification, namely wealth, family name and power (Nelson, 1968). According to Obeng-Odoom (2012), the state redistributed land by setting ceilings on how much land could be owned and leased to individuals. Landholdings that were more than approximately 10 per cent ceilings were redistributed to peasants. However, from 1970 the values of the social revolution were abandoned due to the influence of market liberalisation, which started in 1970 and accelerated in the 1990s when structural adjustment policies were implemented.

3.4.4 Introduction of obligatory military conscription or national service.

States such as Côte d'Ivoire, Ethiopia, Zambia, Nigeria, Sudan, Eritrea and Malawi are among states who promoted obligatory military conscription and/or national service for secondary school or university students as a way to integrate their citizens. In Côte d'Ivoire, for instance, all Ivoirian male citizens over the age of 21 have been required to serve six months in the military since 1961; more recently in Sudan, the National Service Act of 1992 mandated two years of national service from all citizens, but with a reduced load of 18 months and 12 months for high school and university graduates, respectively. Similarly, Eritrea introduced conscription after its independence in 1994, whereby all citizens of both sexes must perform 18 months of military service due to the government's claimed need to "foster national unity among our people by eliminating sub-national feelings" (Kibreab, 2009: 44).

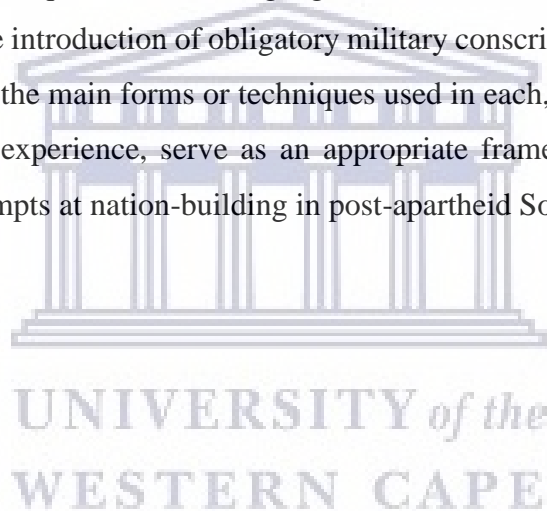
Military service was not the only mechanism adopted by states in achieving this objective. Other governments, as argued by Bandyopadhyaya and Green (2008), have instead promoted alternative forms of national service. For instance, during Hailie Selassie's term of office, the government created the Ethiopian University Service in 1964. This programme made it mandatory for students to take a year's break from schooling between their third and fourth year to serve in a rural area for one year. In Guinea, the government started a political education course in 1961 for secondary school students. The Zambian National Service, which previously only drew primary school graduates, was redesigned in 1975 to enrol all university students for 20 months, with teachers and party leaders called up for shorter periods. Finally, in Nigeria from 1973, all university students were required to join the National Youth Service Corps, which was designed to promote national unity by posting students for one year to a state other than their own.

3.5 Concluding Remarks

This chapter aimed to establish a framework in which South Africa's nation-building can be analysed. Beginning with an argument about why African cases are the most appropriate for South Africa, this chapter reflected on what nation-building meant and what it aimed to achieve in the post-colonial African context. Nation-building in Africa came with the decolonisation process. It coincided with the developmental theory of modernisation and the modernist theory of the nation, but it can be best characterised as political nationalism and, more specifically, its

type called civic nationalism. This is due to the fact that the source of nationalism in Africa was based on a shared history and political actors whose main purpose was to create a national identity. The objectives of this civic nation-building are best characterised as a struggle for identity recognition both externally and internally to the state, including the restoration of values, beliefs, ideas and norms, and to unify diverse and fragmented ethnic groups and respond to structural injustices.

The chapter outlines two sets of techniques used in nation-building in post-colonial Africa, namely banal and radical types. Where banal nationalism refers to symbolic changes, radical nationalism refers to institutional or structural change. The main examples in the literature of banal nation-building techniques include the construction of national cuisines, the changing of states names, national flags and national anthems. On the other hand, the key examples of radical nation-building techniques included language reforms, declaration of one-party states, land reforms, as well as the introduction of obligatory military conscription or national service. These two categories, and the main forms or techniques used in each, informed as they are by the post-colonial African experience, serve as an appropriate framework through which to analyse and periodise attempts at nation-building in post-apartheid South Africa.



Chapter 4 Banal Nation-Building in South Africa

This chapter seeks to demonstrate that nation-building does not only occur through the creation of formal institutions but also through symbolic constructions. Similar to African states post-independence, the process of building a nation in South Africa was made up of both banal and radical techniques of nation-building and this chapter focuses on the banal techniques of nation-building. As was the case in the post-independent African states where leaders were set to build nations from the multi-ethnic peoples they inherited from the colonial powers and used whatever material was at hand to construct a national identity, post-apartheid South Africa was set to build a nation from a segregated and fragmented history of apartheid using symbols to create a national identity and in turn overcome social divisions inherited from apartheid (Abrahams, 2016).

Benedict Anderson (1991: 6) in his proposition of an ‘imagined community’ argues that “in a nation of any size, while most members will not know each other, they are brought together by the image of their community”. Post-apartheid South Africa began the reinvention of its image through the creation of symbols to define national identity to both South Africans and the world. This banal nation-building was pursued through symbols such as the new national flag, holidays, place names, museums, heritage sites, the arts, sports, the anthem, the coat of arms, national orders, the national flower, animal, bird, fish, and the national tree and currency (Mattes, 2011; Malan, 1998; Baines, 1998; Crampton, 2003; Bornman, 2005). This chapter will both illustrate the nature of banal nationalism and reflect on the degree of its success.

The nature of banal nationalism was a multicultural civic nationalism termed ‘rainbow nationalism’. Literature suggests that the aspiration was, even before the transition from apartheid, to create a non-racial national South Africa. Indeed, one of the founding provisions of the Constitution (1996) commits to “(1) (b) non-racialism”. The notion of non-racialism, “purports to render race of no consequence in the allocation of rights ... rights are accorded irrespective of race ...” (Suttner, 2012: 24). Adam (1994: 17) sums up the context in which to understand non-racialism in South Africa:

the ideology of non-racialism rejects an ethnic nation in favour of a civic nation, based on equal individual rights, regardless of origin, and equal recognition of all cultural traditions in the public sphere.

Stilz (2009: 257) argues that “civic nationhood is meant to describe a political identity built around shared citizenship”. In South Africa, civic nationalism is enshrined in the Constitution

(1996). The Constitution (1996) aimed to build a new overarching national identity through common citizenship and equal rights. One of the founding provisions of the Constitution (1996) states that South Africa “(1) is [a] sovereign, democratic state founded on ... a. Human dignity, the achievement of equality and the advancement of human rights and freedoms”. Section (3) goes on to state that “*there is a common South African citizenship*”. On the other hand, recognition of multicultural reality is evident in the promotion of new national symbols that embrace diversity. Scholars such as Mattes (2011) and Bornman (2005) argue that the promotion of national symbols aimed to create a national identity and achieve national unity.

The Preamble to the Constitution (1996), among others, states that “we, the people of South Africa ... believe that South Africa belongs to all who live in it, united in our diversity”. Van Zyl Slabbert (1992) refers to this type of nationalism as ‘syncretistic nationalism’ which is inclusive in nature and can simply be defined as “unity in diversity”. In line with the notion of inclusive citizenship, South Africa adopted the motto Unity in Diversity (*!ke e:/xarra//ke*) in 2000 (Department of Arts and Culture, 2015). An ideology implying national homogeneity in South Africa would be counter-productive, thus there is a consensual acknowledgement of the pursuit of cultural diversity and an accommodation of group identities such as cultural or ethnic minorities within a shared national identity (Baines, 1998).

A South African national identity was promoted by the messages communicated through national broadcasts in the early years of the first term of the democratic government, with an emphasis for a shared national identity. According to Baines (1998), the new South African national identity was constructed discursively through the media and other forms of public discourse. As the public broadcaster, the South African Broadcasting Corporation (SABC) has assumed some responsibility for communicating the message of national unity such as “Simunye – We are one” (Baines, 1998: 3). The content of certain radio and television programmes and even some private sector funded advertisements convey the message of nation-building. For instance, South African Breweries who are the chief sponsors of the national soccer team (Bafana Bafana) have promoted Castle Lager with the slogan “One Beer, One Nation”.

This thesis argues that the overall objective in post-apartheid South Africa was to create a national identity based on a multicultural civic nationalism. At the core of South Africa’s nation-building is the figure of the Father of the Nation, Mandela, the chief promoter of

rainbow nationalism and a key symbol of South African national identity (Wesemüller, 2015); the concept of the Rainbow Nation, which is a unique feature of the national identity which embraces multiculturalism; and the Constitution as a symbol of unity. Additionally, as indicated earlier, the national identity was created through the deployment of various symbols. Significant to these symbols is that the construction of each reflected diversity. This thesis will only examine the anthem, flag and sports to demonstrate that the construction of national identity was, at best, a compromise aimed at reflecting the diverse nature of South Africa's people.

Rainbow nationalism was reasonably successful in the aspects of Mandela, the flag, and, to some extent, the national anthem, but began to run into trouble with racial politics – as evident in recent calls by the Economic Freedom Fighters (EFF) to change the national anthem and the Constitution, but more especially in respect of implementing the quota system in national teams.

4.1 Nelson Mandela, the Father of the Nation

Mandela is one of the leaders who championed the new identity of rainbow nationalism. Post-apartheid, nation-building was adopted through the metaphor of the 'Rainbow Nation', which became associated with Mandela, whose own mythology became intertwined with that of the 'new' nation (Evans, 2010: 309). Mandela's role during apartheid and transition from apartheid has earned him a significant position in the history of South Africa, a role as the 'father of the nation', as was seen with the likes of Nyerere, Kaunda and Nkrumah in post-independent Africa (Radithlalo, 1999). Mandela's coming into power as the first democratic president of South Africa was a culmination of a decades-long struggle against apartheid. One of the significant moments in the history of South Africa was the peaceful transition from apartheid to a democratic regime under the leadership of Mandela (Waldmeir, 1997). Yadav (2007: 52) sums his role when he stated that "the name of Nelson Rolihlahla Mandela is synonymous with the liberation struggle and process of reconciliation in South Africa" and Arsnal and Turhan (2016: 34) argue that "without Mandela, South African history would have taken a completely different turn".

Mandela's centrality in the struggle against apartheid can be traced back to the 1940s when he joined the ANC in 1943 as a 25-year-old and co-founded the ANCYL in the following year, four years before the establishment of apartheid. Mandela's prominence, especially in his influence on what is now a democratic South Africa, was not evident until the early 1960s when the ANCYL started questioning the reformist stance of the mother-body, the ANC, and adopted a policy of non-cooperation with the then NP government (Mothlapi, 1987). This led to his arrest and life sentence. On the day of his sentencing in the famous Rivonia Trial in 1964, Mandela revealed his values and his beliefs about the future of South Africa when he said,

... I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities. It is an ideal which I hope to live for and to achieve. But if needs be, it is an ideal for which I am prepared to die (Nelson Mandela, 20 April 1964).

Thirty years later, Mandela reiterated these ideals and values for a non-racial South Africa ahead of his inauguration, when he said: "The South Africa we have struggled for, in which all our people, be they African, coloured, Indian or white, regard themselves as citizens of one nation is at hand" (Mandela, 9 May 1994).

Mandela played a conciliatory role during and after the negotiations. His approach was characterised by a preparedness to let 'bygones be bygones' to help whites overcome themselves as whites; it generally offered whites an implicit deal that if they turn their backs on racism and embrace the values of the democratic constitution they will be accepted as full members of society (Chipkin, 2008; Dickow and Moller, 2002). Malam (2008) describes Mandela as a living symbol of how a cruel and unfair system could be overturned. Mandela initiated negotiations with the apartheid government, albeit without the permission of the ANC leadership initially. Radithlalo (1999) argues that the process began with him contacting the then Minister of Justice, Kobie Coetsee, to end the impasse between the NP government and the then banned ANC. Ultimately, the negotiation process culminated in a peaceful transition whereby the former oppressor and the oppressed found each other in the pursuit of creating a South Africa for all those who live in it and attempted to reinvent the idea of home in a post-apartheid South Africa (Mcgregor, 2001; Peberdy, 2001; Macdonald, 2000).

Mandela's role in the creation of the Rainbow Nation depended largely on how he made diverse people feel included in the new nation (Munro, 2001). Mandela was elected the first democratic

president of the Republic of South Africa after the ANC won the elections for the term of office 1994 to 1999. His term of office was confronted with racial imbalances left by the apartheid regime and his overriding presidential priorities became the promotion of nation-building and reconciliation (Daniel, 2006). To achieve this, Arnsal and Turhan (2016: 37) argue that the Mandela-led government introduced “new symbols” which were harmonised to illustrate “a new national identity linked to reconciliation, non-racialism, rebirth, and unity”. Additionally, Wilie Pietersen in his article, “What Nelson Mandela taught the World about Leadership”, explored some of the policies and strategies employed by Mandela during his term of office. Mandela’s policy choices included the Government of National Unity (GNU); the Promotion of National Unity and Reconciliation Act, which led to the establishment of the Truth and Reconciliation Commission (TRC); the adoption of the final Constitution; and sports as a symbol of unity among others. Ultimately, it can be argued that Pietersen’s (2015: 61) contention that “Mandela led a peaceful transition from a discordant, racially segregated country to a democracy...” was correct. It is worth noting that peace was sustained as he decided to retire at the end of his first term. A study conducted by Southall, Simutanyi and Daniel (2006:2) indicates he was one of nine out of 62 presidents in sub-Saharan Africa whose reason to leave office was “retired voluntarily” between 1990 and 1999.

Mandela passed on in the year 2003 but remains one of the most enduring and celebrated symbols of the Rainbow Nation, and globally. For instance, Mandela’s image has been used on the national currency since 2012. In 2012, the then President Jacob Zuma announced that the country would be issuing a new set of banknotes bearing Mandela’s image (BBC, 11 February 2012). On 18 July 2018, a special commemorative seventh series of banknotes was released in commemoration of the 100th anniversary of Mandela’s birth. The notes depict the standard face of Mandela on the obverse and a younger Mandela with different iconic scenes relating to his legacy on the reverse. In a news article titled ‘Striking the right note for all of us: new banknotes reflect national pride’, City Press (2 October 2012) reported that

... for many, it is their first encounter with our national brand. It is, therefore, both appropriate and highly relevant that the SA Reserve Bank is issuing a new series of banknotes that personify South Africa’s pride as a nation and, at the same time, pays tribute to a much-loved global icon and the country’s first democratically elected president, Nelson Rolihlahla Mandela.

Additionally, Mandela statues are erected in places such as, locally, the Union Buildings, and Nelson Mandela Square, while internationally, Mandela's statue has been erected in countries such as the United Kingdom and Palestine. Mandela's name is used to name public infrastructure and places such as the Johannesburg's Nelson Mandela Bridge and Nelson Mandela Square, Cape Town's Nelson Mandela Boulevard, Port Elizabeth's Nelson Mandela University and Nelson Mandela Bay Municipality, and Qunu's Nelson Mandela Museum, among other examples. Furthermore, in 2009, the Nelson Mandela Foundation launched the Nelson Mandela International Day to be celebrated each year on 18 July. On 27 April 2009, the 46664 Concerts (46664 was Mandela's prison number on Robben Island) and the Nelson Mandela Foundation invited the global community to join them in support of an official Mandela Day. The United Nations later launched it on 1 December 2009 (United Nations' General Assembly, 1 December 2009).

However, scholars such as Kaufmann (2012) have argued that Mandela's commitment to peace was equivocal at best. He argued that the main objective of the ANC and Mandela throughout the transition process was not to achieve peace but ANC political domination, which they considered identical to democracy. Secondly, scholars such as Nelan (2005) argue that there were other significant leaders during the transition such as De Klerk, the then president of the Republic, and NP. According to Nelan (2005), the changes in South Africa can be attributed to De Klerk's effective leadership as compared to his predecessor, P.W. Botha. De Klerk's rhetoric entailed references to reconciliation, social justice, and an end to discrimination. For instance, in his first parliamentary speech as party leader after Botha's resignation, De Klerk pledged to strive for a country "free of negative discrimination on the basis of race" and to provide for a "just and equitable dispensation" for all South Africans irrespective race. In the same speech, he called for an indaba, a national conference, to negotiate its terms (De Klerk, 2 February 1990).

To conclude, Mandela did not only champion the Rainbow Nation through his ideals and values, but he also became a symbol of the Rainbow Nation. Mandela's actions and symbolic gestures illustrated a civic multicultural nationalism, starting with his reconciliatory role aimed at achieving a non-racial society where diverse people can feel a sense of belonging in the new South Africa. As the first democratic president, his government introduced various symbols such as the constitution, flag and anthem, as well as strategies such as the Government of National Unity (GNU), the TRC and sports to create a Rainbow Nation that is at peace with its

past. Mandela is one of the successful aspects of the Rainbow Nation and he remains celebrated two decades since he stepped down from office.

4.2 The Constitution

The Constitution (1996) in the post-apartheid era signifies a radical shift from apartheid constitutions and serves as a symbol of unity and reconciliation. The use of a constitution as a symbol is common in societies emerging from conflict and fragmentation. Wilson (2001) argues that proponents of constitutionalism prefer it mostly in societies without an ethnic core. In such societies, it has proved difficult to aim for an overarching moral unity through cultural symbols. Instead, the state creates a culture of rights based on an inclusive and democratic notion of citizenship (Wilson, 2001). In this way, the constitution aims to appeal to the nation as a whole and to consolidate the democratic rule, as was the case in South Africa (McDonald, 2000). In the words of Ismael Mohamed in Melber (2010: 35), a constitution is a “mirror reflecting the national soul, the identification of the ideals and aspirations of a nation, the articulation of the values bonding its people ...”.

As indicated earlier, Mandela used the Constitution as a symbol of national unity and reconciliation when he went to sign the new Constitution into law in Sharpeville on 10 December 1996. In the diagnosis of nation-building, the National Planning Commission (NPC) (2011:2) stated that “the aim was to use the Constitution as a foundation for the building of a new identity through common citizenship and equal rights”. One of the outcomes of the negotiations was the drafting of a democratically inclusive Constitution. During the transition, an Interim Constitution (1993) was approved while the final Constitution (1996) was being finalised. Additionally, both constitutions had specific consideration for reconciliation, such as dealing with human rights violations of the past and promoting equality.

According to Bornman (2005), the final Constitution (1996) is inclusive both in its construction and in its provisions. It is as a result of negotiations in the constitutional assembly and integrated ideas from ordinary citizens, civil society, and political parties in what was considered to be the “largest public participation programme ever carried out in [South Africa]” (Bornman, 2005:385). On the other hand, one of the founding provisions of the Constitution (1996) emphasises the unity of the South African state; human dignity; the equality of all

people; and the advancement of human rights and freedoms. Chapter 1 Section 3 of the Constitution (1996) further stipulates that “(1) there is a common South African citizenship. (2) All citizens are (a) equally entitled to the rights, privileges, and benefits of citizenship”. Chapter 2 of the Constitution (1996), the Bill of Rights, further promotes inclusivity and diversity by guaranteeing freedom of association and the right to use a language of and participate in a cultural life of choice. Individuals belonging to ethnic, racial, or linguistic communities also have the right to enjoy their culture, practice their religion, or use their language and to join associations and/or civil society organisations related to these interests (Bornman, 2005).

One of the findings of a survey conducted by Human Science Research Council (HSRC) in 1998 indicated that the Constitution was the national symbol that is the most popular across all racial groups, scoring 4 and above on a scale of 5 for all racial groups, except for Afrikaans speakers, who rated it a 3 (Bornman, 2005). Bornman (2005) argued that the Constitution is one of the symbols that has played a significant and decisive role in the transition to the post-apartheid dispensation. He argues that “[its] apparent popularity gives the impression that they have indeed been successful in creating reconciliation, unity and new forms of nationalism” (Bornman, 2005:385). To date, the Constitution has had 17 amendments. These have largely been operational and procedural in nature. For instance, how they affect the operations of various state organs and structures.

However, recent calls have been for the 18th amendment to amend Section 25(1) of the Constitution (1996) which provides that “no one may be deprived of property except in terms of the law of general application, and no law may permit arbitrary deprivation of property”. The draft Constitution 18th Amendment Bill (“the Bill”), which has been published by the ad hoc committee dealing with the amendment of Section 25 of the Constitution to give effect to expropriation without compensation. The EFF led the call to give effect to one of its cardinal pillars of the party’s manifesto namely “expropriation of land for equal redistribution, without compensation” (Mbetse, 2015: 39). This call was echoed by the ANC at its 54th conference in Johannesburg in December 2017, where a resolution to allow expropriation of land without compensation, subject to certain conditions, was adopted. Subsequently, parliament appointed a Joint Constitutional Review Committee to recommend whether Section 25 of the Constitution (1996) should be amended to allow for expropriation without compensation, and if so, how this should be done.

The notion of expropriation without compensation has not been welcomed by all. Afriforum termed expropriation without compensation “a disaster in waiting” in their 2019 memorandum. Their main argument is that “the great risk in pursuing land justice in South Africa is that it is done by weakening property rights and with a ‘final solution’ mindset rather than a trade-off mindset” (Afriforum, 2019: 4). The arguments of the groups such as the DA, the Institute of Race Relations (IRR) and rights organisation DearSouthAfrica are opposing the amendment, arguing that the Constitution in its current form does not hinder land reform and redistribution. In fact, the blame is laid on the government’s inability to ensure successful reform.

To conclude, the Constitution is one of the banal symbols that contributed to the construction of the civic multicultural nationalism in the post-apartheid era. In addition to being a symbol of unity and reconciliation, it is inclusive in nature. The Constitution’s role in the creation of the Rainbow Nation lies particularly in its promotion of civic rights which, in turn, promotes and embraces diversity. Its apparent popularity among all racial groups suggests a successful contribution in uniting the previously diverse peoples of South Africa. To date, there have been 17 amendments since 1996, which were administratively and operation. However, calls for the 18th amendment threatens the symbolic role of the constitution. At the heart of the call for the 18th amendment is the failure of land reforms which have contributed to growing socio-economic inequalities.

4.3 The Rainbow Nation

In post-apartheid South Africa, a rainbow was accepted as a political symbol of unity among the diverse people of South Africa (Dickow and Moller, 2002); it became a depiction of a collective national identity in a South Africa that is home to all those who live in it (Peberdy, 2001; Macdonald, 2000; Bornman, 2005; Kaufmann, 2012). The Rainbow Nation metaphor strove to change the conception of nationhood from exclusionary apartheid citizenship to one that accommodated a variety of cultures, races, and languages (Evans, 2010). This differed from the apartheid ideology that propagated a vision of multiracial society and justified separate development policies along racial lines (Baines, 1998). Literature suggests that the term ‘Rainbow Nation’ was coined in 1991 by Archbishop Desmond Tutu, who went on to become the chair of the TRC, to describe the post-apartheid South Africa (Buqa, 2015). One

of his famous views was that “they tried to make us one colour: purple. We say we are the rainbow people! We are the new people of the new South Africa!” (Tutu and Allen, 1994: 187-188). According to Møller, Dickow and Harris (1999), although the rainbow symbol was used previously, it became popular after Mandela referred to it in his inaugural speech on 10 May 1994, cementing the idea of South Africa as the Rainbow Nation in hearts and minds. In his speech, Mandela (Inaugural Speech, 10 May 1994) said

We enter into a covenant that we shall build the society in which all South Africans, both black and white, will be able to walk tall, without any fear in their hearts, assured of their inalienable right to human dignity – a rainbow nation at peace with itself and the world.

The association of a rainbow with post-apartheid South Africa had at least two significances, namely as a gesture of hope (Webster, 1987) and in the recognition of diverse people (Baines, 2008). On the former, the rainbow metaphor recognises the move from pain and an exclusionary past and therefore the rainbow recalls biblical references to Noah and the flood, in which the rainbow served as a sign of God’s oath never to wreak vengeance on humanity again (Chipkin, 2007). On the latter, the focus of this thesis, Bornman (2005) argues that the rainbow metaphor projects the image of different racial, ethnic, and cultural groups being united and living in harmony. The rainbow, with its spectrum of colours, symbolises the diversity of South Africa’s cultural and ethnic groups (Baines, 1998).

Literature suggests that the notion of a Rainbow Nation suggests multiculturalism. Kallen (1982) defined multiculturalism as, among others, a description of the state of cultural diversity in a society, and as a public policy designed to create national unity in ethnic diversity. Modood (2020) argues that multiculturalism reneges the centrality of minority groups but rather creates a national identity whose completeness depends on all people having a sense of belonging. Cooper and Stern (1997) argue that the cultural difference evident in the rainbow nation metaphor is a material fact of post-apartheid South Africa. In this context, multiculturalism seeks to promote national reconciliation through mutual respect of differences (Cooper and Stern, 1997). Multiculturalism is enshrined in the Constitution (1996). The Bill of Rights, Chapter 2, advances, among others, protection of the cultural, linguistic, and religious rights of individuals.

The multiculturalism approach to nation-building in South Africa has been criticised for fostering recognition of sub-national identities (Baines, 1998). Humphrey (1997: 8) described

this as “an expression of the lack of confidence in a non-racial future”. Critiques of multiculturalism in South Africa argue that it suggests a deviation from the vision of non-racialism, which aimed at creating a single or common national identity. However, Ramsamy (2007) admitted that there was indeed a shift from the concept of non-racialism to a Rainbow Nation in favour of multi-ethnic groups especially in the ANC’s approach. Non-racialism was one of the pillars for which the anti-apartheid movements such as the ANC fought. However, it became a difficulty for the ANC to translate “the principle of non-racialism into a pragmatic framework” resulting into the notion of a Rainbow Nation which accommodates diverse minority groups (Ramsamy, 2007: 472).

Møller, Dickow and Harris (1999) argue that the appeal of the rainbow as a political symbol was inclusive of all groups in society and that feeling national pride and support for the rainbow ideal were positively associated with subjective well-being. Their study also revealed that the majority of South Africans were proud of their country and could name a national achievement that inspired pride. However, better-off South Africans tended to be happier and more satisfied with life but less proud, while the poor were less happy but fiercely proud of their country.

In recent years, however, there is an evident attack on the Rainbow Nation as discerned by, for example, by Tutu. In response to xenophobic attacks that occurred in a few towns across the country in 2015, Tutu said: “Our Rainbow Nation that so filled the world with hope is being reduced to a grubby shadow of itself. The fabric of the nation is splitting at the seams” (Moneyweb, 17 April 2015). One of the challenges facing the Rainbow Nation is persisting racism, which according to Mofu (2010), poses a threat to social cohesion. In recent years South Africa has seen a rising number of reported cases of racism which suggest an unresolved ‘race question’ in post-apartheid South Africa. This has been evident with public figures such as Malema, for citing the song ‘Kill the Boer’ in 2011 (Mail & Guardian, 12 September 2011), and DA MP Kohler-Barnard sharing a Facebook comment praising apartheid president Botha in 2015 (News24, 2 October 2015). Additionally, there have been more civil cases such as those of the humiliation of black staff by white students at the Free State University in 2008 (News24, 26 February 2008), the Pretoria Girls’ High discrimination case against African hair in 2016 (Mail & Guardian, 29 August 2016), Penny Sparrow’s calling black people monkeys in 2016 (Mail & Guardian, 4 January 2016) and Vicky Momberg’s racist rant at a black police officer in 2016 for which she was effectively sentenced to two years in prison (Mail & Guardian, 14 July 2016), to mention the ones which became public.

In addition to persisting racism, there is also evidence that growing socio-economic inequalities are a threat to the Rainbow Nation. A survey conducted by the CSVr in 2007 revealed that growing socio-economic inequality is also a cause of conflict in South Africa. The study concluded that one of the contributing factors to violent crime was the “high degree of inequality which creates a high degree of ‘relational distance’ between people in South Africa that reinforces perceptions partly derived from the apartheid period ...”. This intolerance has also spilled over to other segments of the population as evident with xenophobic attacks that emerged strongly in 2008. These attacks involved the use of violence to drive foreign nationals out of poor settlements in South Africa, thereby reducing competition for jobs and other scarce resources (Carter, 2010). Afrobarometer conducted a study after the 2008 xenophobic attacks in which 45 per cent of respondents blamed foreigners in their country for limited job opportunities (Chingwete, 2016). To a great extent, the challenges facing the Rainbow Nation support the view advanced by a study conducted by Surmon, Juan, and Reddy (2016) that class may be taking over from racial discrimination. This supported the assertion made by President Mbeki at the opening of the debate on “Reconciliation and Nation Building” in the National Assembly almost two decades earlier. Mbeki (29 May 1998) stated that

A major component part of the issue of reconciliation and nation building is defined by and derives from the material conditions in our society which have divided our country into two nations ...

We therefore make bold to say that South Africa is a country of two nations ... And neither are we becoming one nation. Consequently, also, the objective of national reconciliation is not being realised.

In conclusion, the acceptance of a Rainbow Nation played a significant role of the construction of a civic multicultural nationalism post apartheid. The Rainbow Nation signified a move to promote multiculturalism by embracing diversity and served as a symbol of unity among diverse people. However, the Rainbow Nation is under attack by persisting levels of racisms and growing levels of socio-economic inequalities resulting in ‘two nations’ – of *haves* and *have-nots*. The significant efforts to spread the discourse of rainbow nationalism are undermined by enduring and new forms of racial and class exclusion.

4.4 Flag

In post-apartheid South Africa symbols such as the new national flag have been hailed worldwide as representative of optimism that the new political dispensation would bring reconciliation and unity in the diverse South African society (Bornman, 2005). The designer of the new South African flag, Frederick G. Brownell, concluded in his dissertation that the flag was considered a symbol of reconciliation (Brownell, 2015). Malam (1995) argues that similar to rainbow nationalism, South Africa's multiculturalism is reflected in the multi-coloured flag.

National flags provide "the strongest, clearest statement of national identity" Cerulo (1993: 244). Flags as a national symbol "carry a message" which is "purposively, meticulously constructed, with leaders of national governments consciously picking and choosing its elements" (Cerulo, 1993: 245). One of the objectives of flags is that in the history of nations, leaders adopted flags, among others, to create bonds (Crampton, 1990; Smith, 1975). The latter point depends on having a population that values the need for nation-building (Lederach, 1995). This according to Lederach (1995) refers to the possession of a sense of unity that requires, among others, allegiance towards the same symbols; people regarding themselves as members of the same nation.

The process undertaken in South Africa in adopting a national flag as part of the transition from apartheid is no different from the principles outlined in the literature. First, the South African flag was an outcome of a negotiation process. The task to design the national flag was initially given to the Commission on National Symbols that was set up by the multiparty Negotiating Council on 10 August 1993. According to Eloff (2015), during the negotiations, there was a level of transparency that allowed individuals to submit proposals to any of the technical committees including the Commission on National Symbols. The commission requested proposals for public submission on the new national symbols, making the process inclusive. However, none of the submissions was appealing to the National Council and the task was ultimately given to Brownell. In his Ph.D. dissertation (2015), Brownell recalls that he was tasked to design the flag a week before the first democratic elections. The initial sketch of the flag was part of his Ph.D. dissertation, "Convergence and Unification: The National Flag of South Africa (1994) in Historical Perspective". The objectives of the flag were revealed in the

guidelines provided to the Commission on National Symbols. These included that the flag should promote national unity (Bronwell, 2015).

In post-apartheid South Africa, the make-up of symbols suggests a strong sense of accommodation which is seen in the concept of rainbow nationalism discussed earlier and the national flag was no exception. As explained by Bronwell (2015: 122), the key to the composition of a national symbol such as the flag in post-apartheid South Africa was that it should: ...

reflect both Western and African traditions. In the interest of forging unity ... no group should feel that symbols they held dear were being ignored during negotiations, or that their symbols would be threatened by a new political dispensation.

The national flag is described in Schedule 1 of the Constitution (1996). Among others, it is made up of five colours, namely black, gold, green, white, chilli red and blue – see image 4.1.

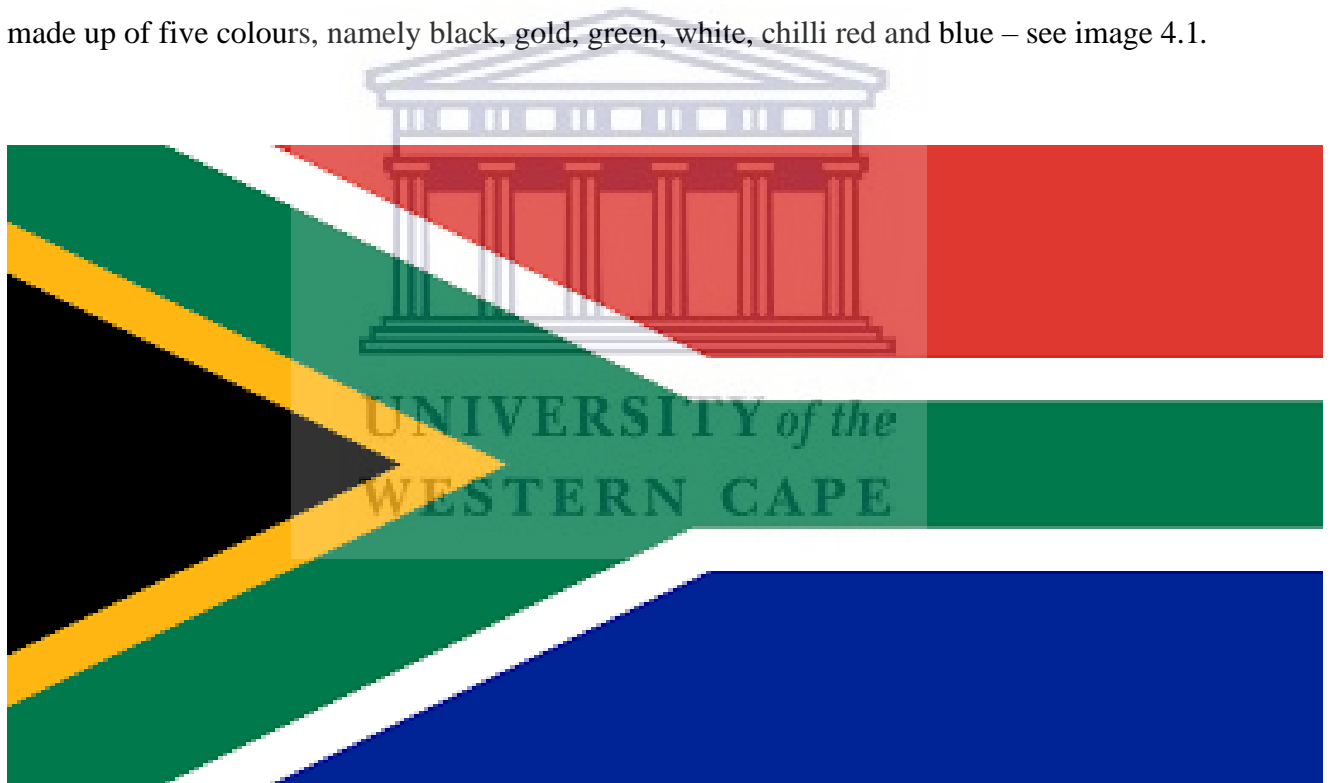


Image 4.1: South Africa's post-apartheid flag (Source: <https://www.gov.za/about-sa/national-flag-0>)

Malam (1995:12) interpreted the national flag as referring to “Africa’s geographical features, its people, other concrete meanings, abstract meanings such as values, and heraldic meanings with each colour having a loaded meaning”.

It must be noted that, in its introduction, the flag was not welcomed by all. For instance, *The Argus* (17 March 1994), in Bronwell (2015: 204), reported in its article titled “Flag’s a drag, say disgusted callers” that 378 out of 461 callers gave the flag “a thumbs down” for being “disgusting, loud, ugly, and just plain yukkie”. On the other hand, callers who liked the flag cited that “the colours of the flag were representative of the parties of past and present” (Bronwell, 2015: 204). There were neutral views of the flag, those who believed that the flag would grow on people. For instance, Danny Jordaan of the then National Sports Congress was quoted saying “we need some victories under the new flag for people to invest emotion in it as a symbol of unity and reconciliation in South Africa” (Bronwell, 2015: 206). The 1995 Rugby World Cup fulfilled this aspiration.

Jordaan’s view was not far from that of Cyril Ramaphosa, one of the ANC’s chief negotiators, who was illustrated saying to Roelf Meyer, NP government chief negotiator, “they will get used to it, Roelf” – see image 4.2.



Image 4.2: Cartoon of Cyril Ramaphosa and Roelf Meyer carrying the new South African flag (Source: *The Sowetan*, 17 March 1994)

The flag was first hoisted on 27 April 1994, the day of the first democratic elections. In the initial assessment in the first year of the flag’s adoption an HSRC report revealed that “[it] has become very popular with most South Africans” (Malam, 1995:8). This is evident in the flag being painted on faces at sports events and printed and displayed on all kinds of consumer

items (Bornman, 2005). Of great significance, however, is that the national flag is hailed for its accommodation of multiple and diverse colours. The flag, according to Brownell (2015: iv), “has become one of the primary graphic symbols of identification for the new South Africa and its people”.

However, the use of the apartheid flag during a Black Monday march against farm murders and violence against farmers on 30 October 2017 symbolised the lingering racism among some in the white community. The Nelson Mandela Foundation sought “an order declaring that any display of the Old Flag that does not serve any genuine journalistic, academic or artistic purpose in the public interest” constitutes hate speech, unfair discrimination, and harassment of black people under the Equality Act. The application was supported by the South African Human Rights Commission and opposed by Afriforum and the Federasie van Afrikaanse Kultuurvereniginge in its entirety (Politicsweb, 22 August 2019). They argued that displaying the Old Flag is constitutionally protected expression under section 16(1) of the Constitution which states that “everyone has the right to freedom of expression”. The Equality Court ruled that having considered that the “Old Flag was a vivid symbol of white supremacy and black disenfranchisement and suppression ... any display of the Old Flag constitutes hate speech, unfair discrimination on the basis of race, and harassment”, among others (Politicsweb, 22 August 2019).

In conclusion, the flag is hailed as one of symbols of reconciliation and unity in the post-apartheid. It significantly contributed to the promotion of the Rainbow Nation through its accommodation of multiple and diverse colours. Though the flag was not welcomed by all initially with some suggesting work had to be done for people to invest emotion in it as a national symbol, it eventually became popular among South Africans and a primary graphic symbol of identification. However, the use of the ‘Old Flag’ in 2017 by a group among protesting white Afrikaners suggested lingering, small pockets of resistance being expressed more recently as race relations worsen.

4.5 Anthem

Eyck (1995) referred to national anthems as the “collective voice” of a nation. Daughtry (2003: 42) defines national anthems as “polysemous text through which national identity is constantly being negotiated”. Anthems get changed when, Daughtry (2003: 42) argues, there is a gap

between the nation's "collective self-image" and its anthem's "immanent range of meanings". The composition of the final anthem in post-apartheid South Africa is testimony to Daughtry's proposition. The national anthem became one of the three national symbols that had to be constructed before the first democratic elections.

During the multiparty negotiations in 1993, the Commission of National Symbols was set up to make recommendations to the National Council. Particularly for the national anthem, representatives from bodies such as the Foundation for Creative Art Centres in South Africa and the National Arts Initiative assisted the commission in deliberating on the desired musical qualities of a national anthem. Of great importance is that the process was, like with the national flag, opened to the public whereby 119 entries were received, from which a shortlist of six entries, including "Nkosi Sikelel' iAfrika" (see table 4.1) and "Die Stem" (see Annexure 4A), was compiled for the final section (Grossberg, 1995).

Nkosi Sikelel' iAfrika was composed in 1897 by Enoch Sontonga, a Methodist mission schoolteacher. The words of the first stanza were originally written in Xhosa as a hymn. Seven additional stanzas in Xhosa were later added by the poet Samuel Mqhayi. A Sesotho version was published by Moses Mphahlele in 1942. Nkosi Sikelel' iAfrika was popularised at concerts held in Johannesburg by Reverend JL Dube's Ohlange Zulu Choir. It became a popular church hymn that was later adopted as an anthem at political meetings. For instance, it was played at the SANNC meeting in 1912 and subsequently sung as an act of defiance during the apartheid years. On the other hand, the apartheid anthem "Die Stem van Suid-Afrika" was composed in 1921, based on a 1918 poem by C.J. Langenhoven. It was first sung publicly on 31 May 1928 at the official hoisting of the national flag in Cape Town. The English version of the "Die Stem" was officially accepted in 1952. It was not until 2 May 1957 that the government made the announcement that Die Stem had been accepted as the official national anthem of South Africa. In the same year the government also acquired the copyright, and this was confirmed by an Act of Parliament in 1959.

Initially, a proclamation issued by the president on 20 April 1994 in terms of the provisions of Section 248 (1) together with Section 2 of the Constitution of the Republic of South Africa, 1993 (Act 200 of 1993), stated that the Republic of South Africa would have two national anthems namely 'Nkosi Sikelel' iAfrika' and 'The Call of South Africa'. According to Grossberg (1995:15), a decision to adopt the two anthems on 27 April 1994 was a symbolic

gesture of reconciliation in itself and “brought together officially two long traditions of essentially ‘Western’ and ‘African’ anthems that had for some time been sung concurrently in the same country”. This, according to Grossberg (1995), was a way in which the government decided to accommodate all sections of the population. Whilst both anthems evoked strong feelings, Mandela insisted that both anthems should enjoy equal status during the term of the GNU; that these anthems should not be allowed to become divisive (Sunday Tribune, 9 October 1994).

The final national anthem was later adopted in 1997, three years after the first democratic elections. The national anthem adopted in 1997 was composed by a committee of 12 members chaired by Mzilikazi Khumalo, a renowned South African composer and professor emeritus of African languages at the University of the Witwatersrand. The national anthem is a fusion of new English lyrics with extracts of the 19th century hymn “Nkosi Sikelel’ iAfrika” which translates into “God bless Africa”, and the national anthem of the apartheid government, “Die Stem van Suid-Afrika” which translates into “The Call of South Africa” (Malam, 1995). The national anthem was proclaimed in Government Gazette No. 18341 issued on 10 October 1997 in accordance with Section 4 of the Constitution of South Africa (1996), which provides that “the national anthem of the Republic is determined by the president by proclamation”. The national anthem is made up of five languages namely IsiXhosa, IsiZulu, Sesotho, English, and Afrikaans – see table 4.1.

<p>Nkosi Sikelel’ iAfrika <i>(God Bless Africa)</i></p> <p>Maluphakanyisw’ uphondo lwayo, <i>(Raise high Her glory)</i></p> <p>Yizwa imithandazo yethu, <i>(Hear our Prayers)</i></p> <p>Nkosi sikelela, thina lusapho lwayo <i>(God bless us, we her children)</i></p>	<p>isiXhosa and isiZulu</p>
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<p>Morena boloka setjhaba sa heso, <i>(God protect our nation)</i></p> <p>O fedise dintwa le matshwenyeho, <i>(End all wars and tribulations)</i></p> <p>O se boloke, O se boloke setjhaba sa heso, <i>(Protect us, protect our nation)</i></p> <p>Setjhaba sa South Afrika - South Afrika. <i>(Our nation South Africa - South Africa)</i></p>	Sesotho
<p>Uit die blou van onse hemel, <i>(Ringing out from our blue heavens)</i></p> <p>Uit die diepte van ons see, <i>(From the depth of our seas)</i></p> <p>Oor ons ewige gebergtes, <i>(Over our everlasting mountains)</i></p> <p>Waar die kranse antwoord gee, <i>(Where the echoing crags resound)</i></p>	Afrikaans
<p>Sounds the call to come together,</p> <p>And united we shall stand,</p> <p>Let us live and strive for freedom,</p> <p>In South Africa our land.</p>	English

Table 4.4: South African national anthem since 1997 (Source: <https://www.gov.za/about-sa/national-symbols/national-anthem>)

However, there has been a call from the EFF since 2015 to remove ‘Die Stem’ from the national anthem “for Heritage Day to become more meaningful in the country” (Mail & Guardian, 24 September 2015). The EFF reiterated this call after the Old Flag was declared constitutionally invalid (IOL, 21 August 2019). To date, the EFF refuses to stand up when reaching ‘Die Stem’ part of the anthem (Citizen, 22 May 2019).

In conclusion, the contribution of the national anthem to the Rainbow Nation lies in the five languages it is made up of. The national anthem is one of the symbols that demonstrated a compromise through the adoption of two distinct anthems, one from the apartheid regime and the other previously used by African political organisations during apartheid, and the later fusion of the two into one, shortened version. More significantly, the national anthem

accommodates languages of South Africans of different backgrounds, thereby reflecting and promoting diversity. However, lingering, small pockets of resistance are once again being revealed as there has been a recent call by the EFF to scrap the Die Stem component of the anthem, viewing it as a legacy of apartheid.

4.6 Sport

There is an acceptance in post-apartheid South Africa that sport is one of the mechanisms to unite the previously divided and diverse South Africans (Labuschagne, 2004). Among the most iconic moment to demonstrate the role played by sports in nation-building were the country's successes in the 1995 Rugby World Cup, followed by the 1996 African Cup of Nations and, later, the hosting of the 2010 Soccer World Cup. In the words of Labuschagne (2004: 120), these moments can best be described as "the wave of nationalism that swept through the country". Studies internationally have acknowledged the role of sports in nation-building in divided and fragmented societies such as cricket in India (Labuschagne, 2004; Jarvie 1994). Devan (2012: 1413) argues that "despite the widespread dispersal of Indians across the globe, there is one thing that ensures the continuation of the ethnic Indian identity – the game of cricket". Chandler (1999:138) further argues that,

since the formation of international sport federations, such as the International Olympic Committee, and the laying of the foundation of international sport, scholars have widely accepted that sport will be inseparable from nationalism.

Post-apartheid, the transformational role of sport capitalised on its ability to be a nation builder and aimed at unifying previously divided South Africans (Labuschagne, 2004). Farquharson and Marjoribanks (2003:27) argue that "sport has been at the centre of significant debate about how South Africa should re-invent itself as a non-racial nation". The Department of Sports and Recreation (2012: 24) stated that "sport is an important part of South African society and it has a responsibility to be an effective lead agent in the country's transformation efforts". This was particularly important as sport was, under apartheid, used to entrench racial segregation. According to Farquharson and Marjoribanks (2003), racial segregation created circumstances in which sports codes such as rugby were identified with different race groups, in terms of participation, administration and consumption. As a result, white South African sports teams competed during apartheid under the Springbok emblem, which came to be a symbol of white

supremacy in apartheid South Africa because they were only awarded to white sportspeople (Farquharson and Marjoribanks, 2003; Hommel, 2012). This notion of sport, rugby in particular, as a symbol of white supremacy, was further entrenched by the Afrikaner-dominated rugby administration which, according to Farquharson and Marjoribanks (2003), viewed the success of the Springbok rugby union team as a symbol of supposed Afrikaner superiority.

The victory of the 1995 Rugby World Cup and the symbolic gesture it represented remains ingrained in the hearts and minds of South Africans. The slogan of the Springboks of “One Team, One Country” reflected the epitomic moment of unity (Griffiths, 1996: 103). Maingard (1997) and Bornman (2014) advance that the triumph of the South African rugby team in the 1995 Rugby World Cup was more than a sports victory but also a victory for nation-building; it gave a heroic dimension to the event as a celebration of the nation’s unity. The then captain of the Springboks, Francois Pienaar, declared “that the team had not the support of the 60 000 people in the stadium; it had the support of 43 million South Africans across the country” (The Rugby Championship News, 25 June 2015). The then Minister of Sport, the late Steve Tshwete, exclaimed: “When we won the Rugby World Cup in 1995, never once in the history of our country, never for a single moment before, were the people so solidly united. Never!” (Mail & Guardian, 31 October 1997). Griffiths (1996: 145) cites one prisoner in Zonderwater Prison who referred to the emotion in prison as something that had never been witnessed before, even between inmates and wardens – “we were united”.

The 1995 Rugby World Cup further symbolised the birth of a new nation through Mandela’s symbolic gesture on the day. Bornman (2014) argues that the unexpected visit by the first democratic president, President Mandela, waving to the crowds, dressed in a Springbok rugby jersey (see image 4.3), further became a symbol of the birth of a “new” South African nation. It is, however, important to indicate that the support for the Springboks has been consistent with the various presidents since Mandela. President Mbeki and President Cyril Ramaphosa lifted the trophy in 2007 and 2019, respectively.



Image 4.3: Nelson Mandela walks towards Francois Pienaar before the 1995 Rugby World Cup final (Source: Bornman, 2014)

The story of Mandela and his role in uniting South African of all races to support the Springboks was adapted in the movie *Invictus* (2009), directed by Clint Eastwood. In the movie, Mandela is quoted saying,

... I believe we should restore the Springboks. Restore their name, their emblem and their colours, immediately ... Our enemy is no longer the Afrikaner. They are our fellow South Africans, our partners in democracy. And they treasure Springbok rugby. If we take that away, we lose them.

According to Labuschagne (2014), the strong feeling of togetherness and being a nation spilt over as a driving force to other sporting codes. For instance, Bafana Bafana won the African Cup of Nations in 1996 – see image 4.4. Once again, South Africans of diverse backgrounds came together to celebrate the making of a nation.



Image 4.4: FW de Klerk, Nelson Mandela and King Goodwill Zwelithini join Bafana Bafana for a victory picture in 1996 (Source: Tertius Pickard / Gallo Images)

Sporting events became a demonstration of bolstering patriotism and nation-building (Labuschagne, 2004; Farquharson and Marjoribanks, 2003). During these events, according to Labuschagne (2004), there were, among others, a display of new national symbols, of flags, and the anthem. Furthermore, the 2007 and 2019 Springboks victories resuscitated this symbol of unity and reconciliation. In 2007, President Mbeki handed over the trophy to the then captain, Frans Smit, as Mandela did with Francois Pienaar in 1995 on home soil (ENCA, 20 October 2015). The 2019 victory was, however, significantly different in that the captain was, for the first time, black. News24 (31 October 2019) reported that the cCaptain, Siya Kolisi, “carries the weight of the ‘Rainbow Nation’ on his shoulders as the first black captain of the South Africa rugby union team”.

It was through these triumphs, as stated in Established Africa (31 May 2019), that

the Rainbow Nation showed the world that a future where such a diverse people are united was not a mere dream but was very possible and the best kind of tomorrow a country could ever hope for.

However, beyond these memorable events and moments, there was a need for transformation that would be meaningful and contribute to nation-building and not, what Jarvie (1994:115)

termed “90-minute patriotism”. Farquharson and Marjoribanks (2003:28) conclude that “the conflicts associated with institutionalising non-racialism in elite rugby ultimately pose significant problems for the symbolic role of the Springboks in the nation-building process”. Farquharson and Marjoribanks (2003) warned that failure to transform the Springboks will eradicate their contribution to South African nation-building. To effect this transformation and rectify past injustices, a quota system was implemented (Labuschagne, 2004).

According to Labuschagne (2004), the quota system was the third phase of sport transformation in South Africa, and more radical than the first two. The first phase between 1990 and 1995 focused on integrating and uniting different sport codes in one regulatory administrative unit. In this phase, “sport codes enjoyed a high level of autonomy, but limited expectations were stipulated that teams must be more representative of the broader society” (Labuschagne, 2004: 125). The second phase between 1995 and 2003 was characterised by growing discontent with the slow transformation process, which led to the introduction of formal and informal sports quotas (Labuschagne, 2004). In October 1997, Tshwete was quoted as saying: “When the Springboks arrive [in Edinburgh Scotland] in November, I can tell you that there is going to be jubilation at home every time they lose, make no mistake about that. We have lost the moment. It is sad” (Mail & Guardian: 31 October 1997). This was the epitome of a growing discontentment.

This led to a quota system for domestic professional rugby and cricket teams being introduced in 1999 to encourage black participation. The 1998 White Paper on Sports and Recreation contained several references to transformation, most notably that in Priority 6:

Currently club, provincial and national teams do not reflect the racial demographics of South Africa. Clearly the concept of ‘sport for all’ is based on values of equity and access, which can only be realised through a concerted effort to develop previously disadvantaged sports people. South African sports will not be able to realise its true potential unless it reaches all its people – it is an imperative that will ensure ongoing and sustained success.

The quota system was scrapped in 2007, was re-introduced in 2011, and was adopted by sports governing bodies and the government per the 2012 Transformation Charter for South African Sport. In the charter, it was resolved that “the intended objectives of the quota system still have a place in the South African sporting environment” (Department of Sports and Recreation, 2012: 22). The objective of the quota system was to enable sport to be accessible to previously

excluded racial groups, particularly blacks and coloureds. Therefore, racial groups previously excluded under apartheid, namely blacks and coloureds, were given a reserved spot in the national teams. Practically, this meant that out of a 28-man rugby squad for the Springboks, at least nine players of the colour, of which five are black, must be included. This was a strategy to institutionalise legislation to coerce sports federations to make their teams more representative of the demographics of society.

However, the quota system, while it was advanced for noble transformative reasons, was not welcomed by all. Labuschagne (2004) argued that sports quotas are undermining the potential of sport as a nation-builder and are detrimental to the ability of teams to compete successfully at an international level. Louw (2016) argues that “the definition of transformation does not distinguish between amateur and professional sport”. Those who were against the quota system claimed that imposing quotas was no longer nation-building but rather ‘nationalising’. Labuschagne (2004:124) argued that

this [the quota system] very controversial and drastic step will seriously undermine the autonomy of sport and its ability as a nation-builder to bridge gaps between groups in society. The possibility exists that society will become more fragmented as a result of the effect of the bulldozing tactics of nationalisation.

Additionally, Labuschagne (2004) argued that, while the quota system gives preferential treatment to previously discriminated people of colour, it is now disadvantaging others because of their skin colour, basically reversing the apartheid system. In 2019, Solidarity Trade Union challenged the sports quotas in national sporting teams at the Labour Court (Sport24, 6 March 2019). The intention of Solidarity was to “remove specific provisions of the transformation charter ... which specifically relate to the adoption of quotas,” as they believed that the quota system was unconstitutional and against employment laws (Sport24, 6 March 2019).

In conclusion, sport, previously a symbol of white supremacy, was used to unify South Africans of diverse backgrounds in the post-apartheid era. The symbolic gestures associated with sport after 1994 were personified by Mandela’s support for the Springboks in the 1995 Rugby World Cup, and other sporting events. This spirit of togetherness bolstered patriotism where the national flag was flown high. These sporting events remain ingrained in the hearts and minds of South Africans, as evident in the national support that the Springboks enjoyed in their 2019 World Cup victory. However, sport is not doing as well in advancing the transformational agenda as initially envisioned. Mandela’s initial approach of little configurations to national

teams has led to discontentment. The introduction of the quota system aimed to curb the discontentment by ensuring that demographics are reflected in all national teams. However, resistance to the quota system is evident in the current national teams. The make-up of the Springboks, Proteas and Bafana Bafana are far from a reflection of the nation's demographics. Therefore, it can be argued that the initial idea of sport as building unity through one team has foundered or been compromised by racial tensions.

4.7 Concluding remarks

In conclusion, this thesis, therefore, argues that the predominant form of nation-building after 1994 was rainbow nationalism. If we look at the banal forms of nation-building used to construct rainbow nationalism, such as the national flag, sport, the Constitution, and the national anthem, there is an evident, consistent theme of compromise and mutual recognition that attempts to transcend racial divides and affirm a common civic and multicultural nationalism. This was how banal nation-building gave content to rainbow nationalism. The post-apartheid nation-building is the story of the ongoing and challenging attempt to build a nation against the divisions of racial nationalism that will inevitably recur until the economic and social exclusions from the colonial and apartheid past are overcome.



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Chapter 5 Reconciliation in Post-Apartheid South Africa

Nation-building in divided societies requires that contending groups can find enough common cause to transcend the past and to move forward together (IDEA, 2003; Lederach, 1995). This process starts with reconciliation. Key to the reconciliation process is the identification of victims and perpetrators and the holding of reflexive dialogues so both the victims and perpetrators can find their own space in the reconciliation process. Coupled with this process is ensuring transitional justice to ensure that the legacy of past conflicts is appropriately addressed by instituting a process of amnesty and reparation (Lederach, 1995). The impact of these interrelated processes is ensuring that all involved parties transcend the past together and find a common cause in moving forward. The success of these efforts and initiatives will be evident in, among others, trust levels in the polity.

For decades, South Africa was a society divided by racist oppression. In South Africa, nation-building depended on the healing of victims of ‘crimes against humanity’ that bedevilled the majority of the black population for decades (Naggy, 2006; The Apartheid Convention, 2008). Dowdall (1991: 51) argues that behind the bureaucracy of apartheid was “an efficient police and security police force and a sophisticated military which the state has not hesitated to use to quell the resistance”. The apartheid government used tactics such as imprisonment, banning, detention, assassination and banishment (Badat, 2012). These acts were provided for through legislation such as the Unlawful Organisations Act (1960); through the significant increase in police powers as provided for in the Sabotage General Laws Amendment Act (1962); through the subversion of the independence of the courts as provided for by the Internal Security Act (1972, amended in 1976); as well as the provisions for detention without trial, and the creation of conditions in which the use of torture during the interrogation became increasingly used under the Sabotage General Laws Amendment Act (1962) (Dowdall, 1991). It is as a result of these atrocities that, as part of the transition, victims needed to be healed. As argued by Hamber (1995:3), “the pervasive nature of the violence has undermined the moral, interpersonal and social fabric of the society”.

Reconciliation took the form of restorative justice, most evidently in the form of the TRC (Teeger, 2014). The Interim Constitution (1993) stated that there was “a need for understanding but not for vengeance, a need for reparation but not for retaliation, a need for ubuntu but not

for victimisation”. The final Constitution (1996) echoed the need to “heal the divisions of the past”, indeed the Preamble emphasised that peace requires reconciliation between the people of South Africa and the reconstruction of society. Thus, Tutu stated that “justice, restorative justice, is being served when efforts are being made to work for healing, forgiveness and reconciliation” (Allais, 2011: 332). The responsibility to execute restorative justice was given to the TRC and not to the traditional institutions of justice such as the courts. The establishment of TRC was provided for by the Promotion of National Unity and Reconciliation (1995) approved by the GNU. Second, the commission conducted public hearings that were broadcasted on national television. The importance of telling the truth and the accounting of the stories of the victims of human rights abuse were considered a critical process in the healing process. Scholars such as Minow (1998) argue that, besides the objectives of the TRC towards reconciliation and healing, the process will, through hearings the victims’ and perpetrators’ narratives, accomplish some key goals, mainly to provide a fuller account of the history of the regime.

This chapter argues that restorative justice was, thus, one of the techniques of banal nation-building in South Africa. The responsibility to execute restorative justice was given to the TRC and not the traditional institutions of law. Its contribution to rainbow nationalism was seen in efforts to integrate both victims and perpetrators in the transition into the new South Africa. Reconciliation between former victims and perpetrators reinforced the idea that healing can be achieved provided there is an acknowledgement of the past. Thus, two main factors were considered significant during the transition, namely healing and accounting for the atrocities committed during apartheid. The work of the commission was structured on three pillars that included public truth telling; granting amnesty to perpetrators; and providing reparations for victims. The commission made use of public hearings which were broadcasted for all South Africans to see. While there was a degree of success in truth discovery, the granting of amnesty and reparations were not successful.

5.1 Restorative Justice in Post-Apartheid South Africa

Restorative justice advances that justice should heal and promote forgiveness. Its proponents commend it for its ability to deal with inter-group conflicts of the past in building tolerant

societies in countries that have been torn apart by the violent struggle which often involved gross violations of human rights (Llewellyn and Howse, 1999). In these societies, it becomes especially important that the past is dealt with in a way that a nation can move towards a unified and harmonious future and avoid a relapse into conflict (Leod, 2015). Braithwaite (2016) argues that restorative justice restores victims, perpetrators and communities.

During the transition, it became critical to pursue justice to address apartheid's legacy marred with mass human rights abuses (Llewellyn and Howse, 1999). The choice of restorative justice over retributive justice was as a result of political compromise and the acknowledgement for a need for both healing and forgiveness. Kollapen in Liebenberg (1996:127) concurs and argues that "given the post-election scenario of nation-building and a government of national unity and national reconciliation, the focus of any pertinent and efficacious way forward should be on healing". Nonetheless, national reconciliation would be impossible without some accounting for the violent methods of apartheid; an admittance and diagnosis of what transpired and who was responsible (Bradshaw, 2011; Lund, 2003).

In addition to the need for healing and promoting forgiveness, the literature suggests that in countries that are undergoing peaceful transition or negotiated settlements, the primary objectives become about achieving unity, among others. Especially during negotiations, "previous leaders often play a pivotal role in guaranteeing a peaceful transition, in which case retributive justice may be waived to ensure future peace and stability" (Allan and Allan, 2000: 462). Secondly, according to Leebaw (2003: 27), "past conflicts and state policies" often come to be viewed as systematic injustices, which involve a "large proportion of the population". Thirdly, Allan and Allan (2000: 464) argue that during the transition, "perpetrators are often to be found on both sides of a conflict, and the extent of atrocities is often so wide and multileveled that it is frequently impossible to identify and remove all perpetrators from society without destabilising the country". These reasons were evident in the South African case.

First, despite initial political conditions for conflict, both the NP and ANC came to share a commitment to peaceful negotiation. CODESA 1 committed "to create a climate conducive to peaceful constitutional change by eliminating violence" (CODESA Declaration of Intent, 1991). The government's commitment was exhibited by the lifting of the State of Emergency, the unbanning of political organisations, and the release of political prisoners, among others. Additionally, the government, under De Klerk's leadership, started showing tolerance as

evident in the demonstrations and protests in September and October 1989, particularly the peaceful rally in Soweto following the release from prison of Sisulu and his colleagues (Weldmeir, 1997). On the other hand, the ANC's resolve for peaceful transition strengthened, particularly after the bloody Boipatong Massacre. The outcomes of the massacre revealed that it was going to be a challenge to defeat the apartheid government (Weldmeir, 1997).

Second, as argued by Bradshaw (2011:82), if there was to be any forgiveness to underpin the new democratic South Africa, then the victims had to know who they were forgiving and the reasons why they were forgiving them. Perpetrators were found on both sides of the conflict, and there were at least four role players identified to be perpetrators. The first role player and the most obvious was the NP government for its apartheid government. The apartheid government institutionalised violence to legally entrench the laws of the apartheid system, which was inflicted it on the blacks (Dowdall, 1991). The 1973 International Convention on the Suppression and Punishment of Apartheid (The Apartheid Convention), which came into effect in 1976 and was ratified in 2008, declared that apartheid is a "crime against humanity". The Apartheid Convention (2008) acknowledged the "inhuman acts resulting from the policies and practices of apartheid and similar policies and practices of racial segregation and discrimination". These atrocities were committed by South Africa's former state and its security and law enforcement agencies.

The second player was found to be the businesses that supported the apartheid regime. The businesses that operated in support of the apartheid system were also perpetrators. There are at least 22 companies, which include international corporations such as Ford and CitiGroup, that were considered to have aided the apartheid government in forced labour, torture and other crimes (The New York Times, 13 November 2002). The third actor was the liberation movements, though with a disclaimer that they had noble goals. For instance, violations committed by the ANC were revealed in the Skweyiya Commission of Enquiry (1992), the Amnesty International Report (1992) and the Motsuenyane Commission of Enquiry (1993). Lastly, according to the TRC, the IFP was identified as one of the perpetrators who was found to have committed a number of gross violations of human rights and was found to be accountable for 33 per cent of all violations reported to it and responsible for the highest non-state violations (Gibson, 2004).

Thirdly, there was an attempt to quantify the victims of apartheid, but the nature of apartheid was such that it was perceived to be systematic injustice that affected the mass population. For

instance, there were 8 000 volunteers who were convicted in a court of law for “breaking unjust laws” during the Defiance Campaign alone (Hirson, 1988: 70). A report by the Lawyers’ Committee for Civil Rights Under Law (1977) highlighted the plight of political detainees in South African jails and the circumstances surrounding the deaths of the 41 people who had died in detention at the time. One of the iconic figures in this history of South Africa, Steve Biko died as a result of torture and gross abuse while in security police custody (Dowdall, 1991). More than 20 000 people were detained in South Africa during the declaration of the State of Emergency. Furthermore, these repressive acts had a considerable impact on individuals (Onwuzuri, 1987). For instance, he argues that among common traits of apartheid victims are, among others, “feelings of isolation and not belonging” (Onwuzuri, 1987: 224). Therefore, Dawes, Tredoux and Feinstein (1989: 40) conclude that “the elimination of apartheid will not necessarily remove the poverty conditions ... however, [it] will bring to an end the major sources of political injustice and conflict”.

However, it remains that apartheid was a systemic injustice that affected the mass population. Onwuzurike (1987: 224) argues that the primary objective of the apartheid system was the “enhancement of the white economic well-being and political stabilisation through perpetual scapegoating of blacks and disorganisation of their aspiration toward economic, political, and psychological stability”. There were at least 57 apartheid laws passed between 1948 and the late 1980s, including amendments. These legislations regulated aspects such as the population registration and segregation, job reservation and economic apartheid, segregation in education, sexual apartheid, land tenure and geographic segregation, pass laws and influx control and political representation, to say the least. Additionally, repressive acts were not only directed at political activists but also to the media and intellectuals (Merrett, 1995; Hachten and Giffard, 1984). Hachten and Giffard (1984) argue that the government put in measures to control the mass media through coercion and manipulation.

To conclude, restorative justice was chosen over retributive justice to deal with the legacy of atrocities caused by apartheid. Its choice was motivated by its ability to facilitate healing and forgiveness. In addition to that, there were at least three grounds on which the decision for restorative justice could be justified. Firstly, there was a need to guarantee peace during the transition, which led to reaching some compromises on both sides. Secondly, perpetrators were found on both sides of the conflict, the NP government and the liberation movements committed their fair share of atrocities. Thirdly, the nature of apartheid was a systematic

injustice, and it affected the majority of South Africans. Thus, it is on these grounds that retributive justice would not have yielded the desired results to heal the divisions of the past.

In the next section, it is argued that TRC was regarded as, as exclaimed by scholars such as Adam and Adam (2000: 33), “a novel experiment of restorative justice and nation-building through reconciliation”.

5.2 The Truth and Reconciliation Commission

Scholars such as Wilson (2001) view truth commissions as potentially part of the machinery that ultimately legitimises a new political order, doing so by, among others, being a mechanism for transition (Teeger, 2014). As a mechanism of transition, South Africa’s TRC promoted reconciliation by focusing on restorative justice rather than retributive justice (Teeger, 2014; Llewellyn and Howse 1999). Overall, the TRC process was to provide an explanation of the antecedents, circumstances, factors and context of past violations, as well as reflect the perspectives of the victims and the motives and perspectives of the persons responsible for the violations (Hamber, 2002). Particularly with information from amnesty applicants, the benefit is that it provides a full picture of the past and a public record of atrocities. Due to the secretive nature of the vast majority of the abuses that have taken place, one of the advantages in uncovering the truth is that it would make it impossible for the perpetrators to continue denying the very existence of those atrocities (Bradshaw, 2011). The ultimate objective of the TRC was healing the victims, perpetrators and the nation. It did so by embarking on a fact-finding process which, among others, would grant conditional amnesties, but would have the added benefits of reconciliation and healing through truth-telling. Thus, the TRC structured its work according to three pillars, namely public truth-telling, granting amnesty to perpetrators, and recommending reparations for victims.

The GNU under the leadership of Mandela adopted the Promotion of National Unity and Reconciliation Act (1995). The Act provided for the establishment of the TRC. It mandated the TRC to “promote national unity and reconciliation by restoring the human and civil dignity of victims” in a spirit of understanding which transcends the conflicts and divisions of the past. The scope of the TRC was limited to investigating gross human rights that occurred between 1 March 1960 and 1994 within and outside the Republic of South Africa due to apartheid laws.

Gross human rights violations were defined in the Promotion of National Unity and Reconciliation Act (1995) as

the killing, abduction, torture or severe ill-treatment of any person; or any attempt, conspiracy, incitement, instigation, command or procurement to commit an act of killing, abduction, torture or severe ill-treatment of any person.

The TRC process professed a linear view of healing which suggested that there is a direct relationship between the public, truth-telling, healing and reconciliation (Asmal & Roberts, 1994; Boraine, Levy & Schafer, 1994). In doing so, it adopted a mixture of non-racial, inter-communal and religious understandings of reconciliation as evident in the slogans used in the TRC's banners and media such as that the truth was "The road to reconciliation" and "Revealing is Healing" (Hamber, 2002:66). This view was further articulated by Tutu, the TRC chairperson, when he said,

We will be engaging in what should be a corporate nationwide process of healing through contrition, confession and forgiveness. To be able to forgive one needs to know whom one is forgiving and why. That is why the truth is so central to this whole exercise.

Hamber (2002) argues that the objectives of the TRC were to undertake the TRC process as quickly as possible so that South Africa can let bygones be bygones and allow the nation to forgive. Those against this enthusiastic approach argued that "reconciliation – with the TRC as its champion – has become a euphemism for the so-called compromises made during the political negotiations" (Hamber, 2002: 1080). The declining level of interracial trust cast doubt in the ability of the TRC to facilitate reconciliation between races. For instance, a study conducted by IJR (2015) revealed a declining level of inter-racial trust is a concerning factor. Overall, figure 5.5 suggests a significant decline in the levels of interracial mistrust. In the 10 years 2003 and 2013, these figures changed from 47 per cent to 32.3 per cent, 23.9 per cent to 17.7 per cent, 20.1 per cent to 14.18 per cent and 18.8 per cent to 10 per cent for blacks, whites, Asians/Indians and coloureds respectively. Even with this decline, it is critical to note that blacks are the most mistrusting of other races, followed by whites with 32.3 per cent and 17.7 per cent in 2013. There is a significant gap of 14.6 per cent between the levels of trust between blacks and whites. However, the difference between whites, Asians/ Indians and coloureds is not that significant.

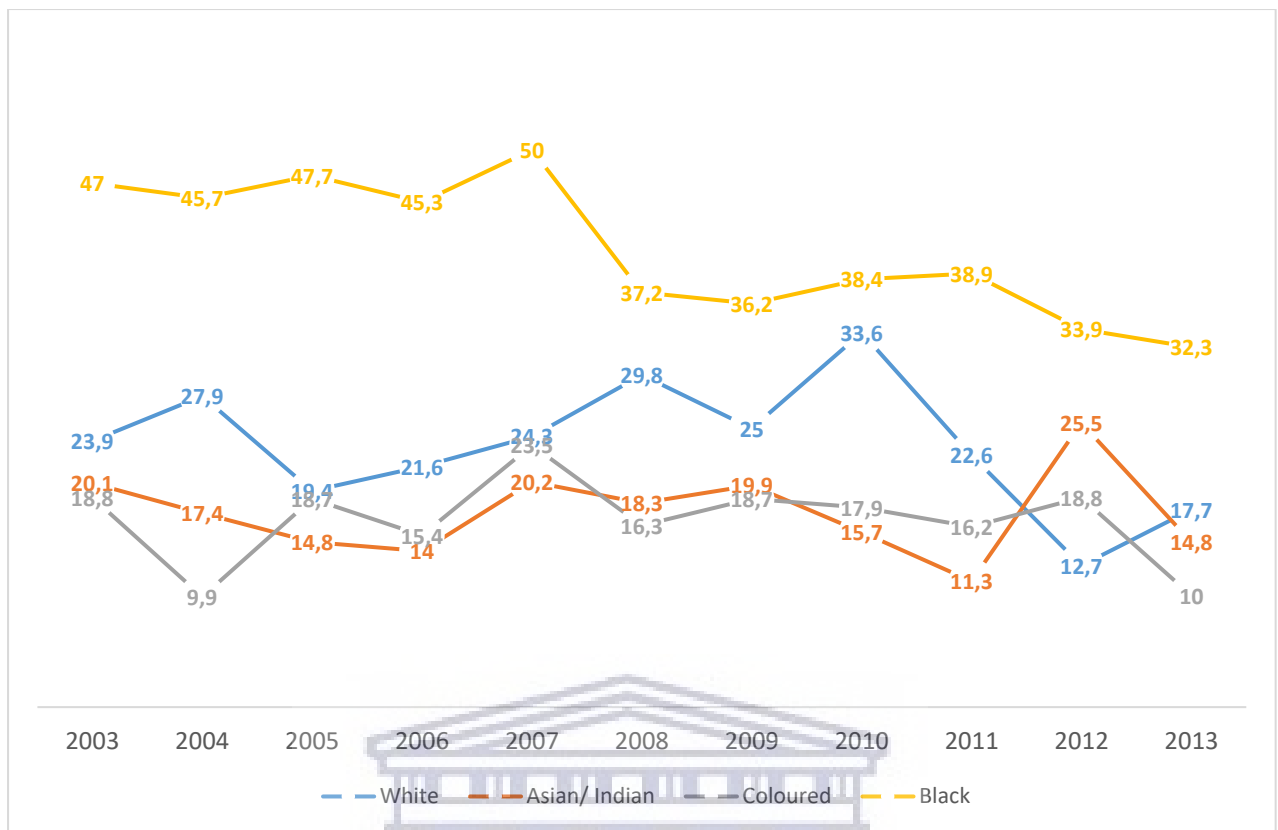


Figure 5.5: Racial trust by race (Source: IJR, 2015)

Additionally, it is argued that the objectives of TRC were not clear and made it difficult to measure its success. For instance, Hamber (2002) argues it is unclear whether reconciliation between perpetrator and the victim was the objective, or whether the healing the individual wounds of survivors was paramount, or whether the aim was solely to realise national unity, with individual cases acting as mere stepping-stones towards this objective. To this end, Hamber (2002) argues that similar to the Act which gave birth to the TRC, the commission itself seemed mired in its indecision about whether it existed to promote individual or national healing. Assuming that it was a multi-objective approach, some questioned the possibilities of healing both the victims and perpetrators simultaneously (Bradshaw, 2011:85).

Most significantly, the TRC process was criticised by scholars such as Statman (1995) and Mamdani (1996) for side-lining the racialised structural violence, which was the bedrock of the apartheid system, thereby producing a limited truth. The fundamental violations of apartheid led to the material dispossession and underdevelopment of black South Africans (Sharp 2012; De Waal 2013). According to Hamber (2002:69), Mamdani's primary criticism of the TRC is that it failed "to provide for a more racialised and structural economic analysis

in its hearings”. From this perspective, the TRC was unable to link the structural violations of apartheid and the direct human rights violations suffered by those who testified.

Nevertheless, the TRC focused on three main aspects: truth-telling, amnesty for perpetrators and reparation for victims.

5.2.1 Public Truth-Telling

The first tenet of the TRC was public truth-telling to disclose the truth about what happened to victims, and to inform families of victims what happened to their loved ones. One of the central debates in transitional justice is whether truth-telling is healing for victims, how much truth is required for reconciliation or whether it is enough to accept the truth (Clark, 2012). Hamber (2002) argues that truth recovery contributes to healing and reconciliation as it aids with understanding what happened and assists victims in coming to terms with the past (Hamber, 2002). Truth discovery is achieved by offering a platform in which victims “tell their stories to an official established commission” (Hamber, 2001: 134). On healing, the objective is for victims to “(re)gain dignity and to commence the recovery process” (Hamber, 2001: 134). On reconciliation, Hamber (2006:410) argues that truth has become a popular choice of those “seeking to move beyond the past to a more peaceful and democratic future”. Bradshaw (2011:89) further argues that:

... there needs to be a sense of truth and confession about the past before, or in order to, being able to continue with the issues of the present; before planning a future committed to unity and justice.

There is, however, evidence that there is resistance to opening up to painful truths at national levels. It is evident countries such as Mozambique and Cambodia, that have suffered extensively from extremely violent internal conflict, have, while seeking reconciliation, deliberately avoided the route of a truth commission, believing that to open the wounds of the past conflict would be counterproductive (Hayner 2001:185).

As explained by Kader Asmal, the mandate given to the TRC by the National Executive Committee of the ANC was simply “to get the truth” (Asmal, 1994). One of the founding principles of the Promotion of National Unity and Reconciliation Act (1995) is that

reconciliation depends on forgiveness, and that forgiveness can only materialise if there is an admittance of what happened. The Promotion of National Unity and Reconciliation Act (1995) stipulated that it was “deemed necessary to establish the truth in relation to past events as well as the motives for and circumstances in which gross violations of human rights have occurred”. This, according to the National Unity and Promotional Act (1995: 4), aimed at:

... establishing and making known the fate or whereabouts of victims and by restoring the human and civil dignity of such victims by granting them an opportunity to relate their own accounts of the violations of which they are the victims.

More significantly, there was a view that reconciliation was predetermined by the truth; that truth discovery can lead to forgiveness and consequently reconciliation. For instance, Mandela was one of the proponents of this approach. He asserted that “only the truth can put the past to rest” (Frost, 1998:140). Dirk Coetzee, responsible for the murder of the Cradock Four, stated that “you cannot forgive and forget the past if you do not know what is it that you are forgiving” (Frost, 1998:159). Furthermore, Dullar Omar argued, “if we sweep things under the carpet, reconciliation will be short-lived”. This view was supported by one of the findings in the TRC study (1998:429) conducted in the Greater Nigel area in Gauteng where victims’ feelings were described as

Victims are not ready to engage in a reconciliation process unless they know more about what happened. They often say they are willing to forgive, but they need to know who to forgive and what they are forgiving them for. A willingness to reconcile is dependent on the people’s ability to cope with and process their knowledge of what had happened.

The TRC created a legitimate social space for the victims to be heard (Hamber, 2002:65). This was done through two methods, namely storytelling and special institutional hearing. Storytelling provided the victims with an opportunity to relate their stories and experiences by documenting such testimonies to divulge how they or their loved ones suffered in the past. On the other hand, there were special institutional hearings held which focused on the role of various sectors, such as business, the health sector and the media, involved in colluding or opposing racism and the violent impact of apartheid. Additionally, there were event-specific hearings which dealt with critical events such as the 1976 Soweto Uprising (Hamber, 2002:63).

In the end, more than 20 000 people came forward and made statements to the TRC about their experience as victims of apartheid (TRC Report, 1998). The public interest in the proceedings of the TRC was undeniable. The TRC Special Report had between 1.1 and 1.3 million audiences per week in the first year and was rated one of the top 10 favourite television programmes in the country (Theinssen, 1999).

The other source of truth was from the perpetrators. Provisions in the Interim Constitution required that perpetrators of gross human rights abuses be granted amnesty in exchange for a full account of their involvement in activities that emanated from the violations of human rights by the state (Minow 1998). The Interim Constitution (1993) stipulated that:

... in order to advance such reconciliation and reconstruction amnesty shall be granted in respect of acts, omissions and offences associated with political objectives committed in the course of the conflicts of the past.

The TRC final report acknowledges the “healing potential of storytelling, of revealing the truth before a respectful audience and to an official body” (TRC, 1998: 351). This potential is best illustrated by the testimony of Lucas Baba Sikwepere whose case is documented in the TRC’s final report. Sikwepere described to the commission how he had been shot in the face and lost his sight. He also described the torture he received at the hands of the police. When asked how he felt after having testified, he stated, “I feel that what has been making me sick all the time is the fact that I couldn’t tell my story. But now it feels like I got my sight back by coming here and telling you the story” (TRC, 1998: 352).

Criticisms of the truth-telling process included that TRC let down a lot of victims by starting a process it was unable to complete. Even with a limited definition of victims of apartheid, the TRC lacked the capacity to handle the number of victims of apartheid crimes. For instance, the TRC had about 60 investigators to handle 35 000 violations reported by the approximately 22 000 victims who gave testimony to the commission alone – apart from the thousands of violations reported by perpetrators (Hamber, 2002). Additionally, in the process of truth recovery, as Wilson, drawing on Max Weber’s analysis, argues, it highlights how moral considerations can be replaced by technical ones whereby “a process characteristic of bureaucratic rationalisation that can impoverish the life”. This dilemma is captured in an interview with the TRC’s chief data processor, Themba Kubheka (Hamber, 2002:67) where he states that

... when we started it was a narrative. We let people tell their story. By the end of 1997, it was a short questionnaire to direct the interview instead of letting people talk about themselves. The questionnaire distorted the whole story altogether. It destroyed the meaning.

Furthermore, the assumption that truth-telling would lead to a reconciliation was flawed. Even if it was possible to link truth and reconciliation, this could not have been successful in South Africa, as Hamber (2000) argues, as only about 10 per cent of the truth was discovered. Additionally, the study conducted by Kayser (2001) revealed that TRC did a couple of disservices to nation-building and the expectation thereof. It did so by linking the truth to reconciliation when its slogan said ‘Truth, the road to reconciliation’, which is also a major flaw because it does not mean that if you are telling your story that you are reconciling. Barney Desai of the Pan-Africanist Congress (PAC) stated the following concerning the commission:

The cries of torture and abuse still ring in our ears. The Fallen are deeply etched in our memory. The millions who were forcibly removed from their homes remain bewildered and disorientated. The abused know their abusers and they are now the accusers. They seek justice, they seek retribution for the atrocities committed against them . . . [South Africans] would be living in a fool’s paradise if we believed that merely telling the truth will end human rights abuses (Boraine, Levy and Scheffer, 1994: xii-xiii).

The study conducted by Kaiser (2001) further explored some of what reconciliation has come to mean in people’s day-to-day practices. Asked about ‘reconciliation on the ground’, participants reported a sense of being confronted with complex human dynamics in which people experience post-apartheid realities in vastly differing ways. They also commented on what they found a paradox – the simultaneous sense of change and stagnation. Kayser (2001) found that the TRC created a space to speak about reconciliation even though ordinary South Africans still refer to each other as ‘these black people’ and ‘these white people’.

However, a study conducted by Gibson (2005) revealed that TRC did very well in letting families know what happened to their loved ones – see figure 5.6. The majority of proponents of this statement agreed that TRC did an excellent or a pretty good job, though only African respondents had a significant share of 55.5 per cent of those who agreed that TRC did an excellent job, while the majority of white, Indians and coloureds respondents agreed that TRC did a ‘pretty good job’ (Gibson, 2005).

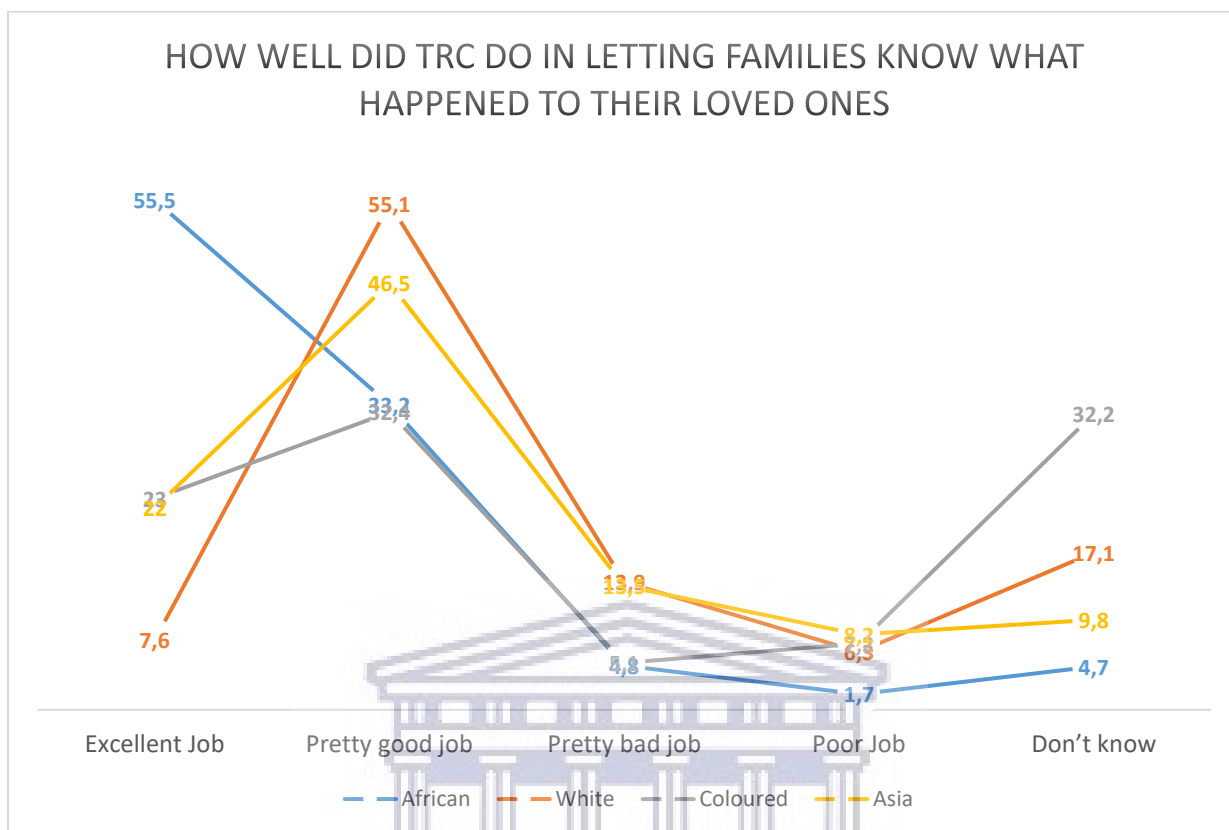


Figure 5.6: How well did the TRC do in letting families know what happened to their loved ones (Source: Gibson, 2005)

To conclude, there is a linkage between truth-telling and reconciliation. Public truth-telling was one of the tenets of the TRC, which aimed to facilitate disclosure of the truth about what happened to victims. Various platforms were provided to victims and families of victims to tell their stories, as well as the perpetrators of gross human rights atrocities who spoke in exchange for amnesty. The process of truth-telling was driven by a view that the truth determined reconciliation; that victims were likely to forgive if they knew what happened. There is evidence that there is a mixed view on whether public truth-telling achieved its objectives.

5.2.2 Granting Amnesty to Perpetrators

Amnesty was agreed upon during the 1990-4 negotiations and was legislated for in the postamble to the Interim Constitution (1993). Literature suggests that granting amnesty was a pragmatic choice to avoid a “bloodbath that virtually everyone predicted as the inevitable

ending for South Africa” and to ensure a smooth transition to democracy in April 1994 (TRC Report, 1998: 22; Hamber, 2002; Hamber and Kibble, 1999). Hamber (2002: 63) states that

Amnesty was the price that had to be paid for saving lives that would have been potentially lost had the security services not been placated with guarantees that extensive prosecution of those supporting the previous government would not take place after the elections.

Bradshaw (2011) further notes that amnesty was, therefore, a gesture that South Africa’s transition was based, not on the defeat of either side, but rather on a joint decision to end hostilities.

The TRC acknowledged that justice is a process rather than an event. In doing so, it created an avenue for institutional forgiveness, also known as amnesty. There was a view that forgiveness would only be achieved if victims knew who they were forgiving and what they forgave them for (Bradshaw, 2011). Granting amnesty to perpetrators was one of the outcomes of the negotiations and considered one of the mechanisms to achieve the constitutional settlement through discovering the truth in exchange for amnesty. The principle was that perpetrators of gross human rights abuses be granted amnesty in exchange for “a full account of their involvement in activities emanated from the violations of human rights by the state” (Minow 1998:320). The NP government was a strong proponent for the granting of amnesty. There was also a view that if perpetrators did not accept a settlement, they would have been in a position to destabilise any political processes. Thus, it was argued that it has to be seen in the light that the South African transition was based not on the defeat of either side, but rather by “a joint decision to end hostilities” (Bradshaw, 2011:91).

According to Hamber (2002), granting amnesty was unique in South Africa as the TRC had been the only commission empowered to grant amnesty to perpetrators of abuses under the Promotion of National Unity and Reconciliation Act (1995). In South Africa, granting amnesty was deemed necessary in order to advance “reconciliation and reconstruction” (Promotion of National Unity and Reconciliation Act, 1995). To execute the mandate to grant amnesty, the Amnesty Committee was established (Promotion of National Unity and Reconciliation Act, 1995). The primary objective of the committee was to consider applications for amnesty and to grant amnesty to individuals who fully disclosed all the relevant facts relating to politically motivated acts. Firstly, the process required perpetrators to appear in public at the insistence of

Judge Siraj Desai. Desai (1994: xiii) advocated that “the violators be named and put on trial. It is imperative that justice is seen to be done”. This reflected the sentiments of the family members of the victims of human rights abuses such as Dr Fumbatha Mxenge, whose brother Griffiths Mxenge, a civil rights lawyer, was one of the “Cradock Four” killed by hitmen under the command of Coetzee. The National Unity and Reconciliation Act (1995), therefore, compelled the commission to hear applicants in public if the Act in which amnesty was sought for was considered a gross violation (Hamber, 2002).

Secondly, the process of assessing applications was therefore agreed to be a criteria-driven amnesty, and each violation assessed on its merit. The criteria-driven amnesty was against the proposal by the NP to have blanket immunity. The Promotion of National Unity and Reconciliation Act (1995) dictated that all perpetrators of political offences who had acted in pursuit of a political objective could be considered for amnesty provided there was a full disclosure of past crimes. The Amnesty Committee had to assess each applicant based on the criteria of the TRC Act. It is worth mentioning that the TRC adopted an approach where amnesty was sought for each violation and not the person who seeks amnesty.

Approximately 20 per cent of the cases were heard publicly, while the rest were heard in chambers (Hamber, 2002). The hearings went beyond the stipulated timeframe and proceeded after the TRC had submitted its report. Hearings continued to the year 2002, and the reports on amnesty were submitted in March 2003. There was a total of 7 112 applicants from the state security forces, liberation movements, right-wing factions and other ex-combatants, in which approximately 75 per cent of the applicants came from people in prison. Nearly 11.8 per cent of these applicants obtained amnesty, 37 of them were ANC politicians, including Mbeki, while 88.2 per cent did not obtain amnesty. One of the reasons for the high rate of refusals were prisoners who tried to frame common crimes they had committed as political even though this was not the case (Hamber, 2002).

The process of granting amnesty was criticised, firstly, due to the limited definition of human rights abuses. Scholars such as Hamber (2002) argue that this definition limited victimhood to direct acts of political violence and excluded those who suffered under apartheid through “forced removals, pass laws, malnutrition or poor education” (Hamber, 2002:69). Secondly, scholars such as Bell and Ntsebenza (2003) stated that other people preferred retributive justice and, as a result, argued that many victims often rejected amnesty. Hamber (2002) argues that

while politicians may have been able to justify granting amnesty for peace, it was difficult for victims to watch perpetrators receiving amnesty, to them it meant trading justice for peace.

Secondly, proponents of retributive justice challenged expressly granting amnesty. Some of the victims or families who lost their loved ones sought justice for the perpetrators as evident in Chris Ribeiro’s statement that “justice is needed. By justice I mean prosecution” (Hamber, 2002). Additionally, there was a court case which challenged section 27 (10) of the National Unity and Reconciliation Act of 1995 brought about by the Azanian People’s Organisation (AZAPO) and the survivors’ families of high-profile murder cases such as Biko, Mxenge, and Fabian and Florence Ribeiro (Hamber, 2002). The families argued that the TRC’s ability to grant amnesty denied the victims’ right of access to the courts and as such, was inconsistent with the Constitution. This court case was, according to Hamber (2002: 1085), opposed by the ANC and TRC chairperson, who viewed the families “anti-reconciliation”, “unconsciously working against the national interest”. Nevertheless, AZAPO lost the case.

In the national survey conducted by Gibson (2005), a majority of respondents of all races stated that amnesty was not ‘unfair’ to victims – figure 5.7. White respondents had the most significant share, 74.6 per cent, of those who stated that ‘amnesty was unfair to victims. Asians followed this share, followed by Africans and coloureds with 68.2, 62.2 and 54.9 per cent, respectively. African respondents had the most significant share, with 34 per cent of those who agree that amnesty was fair to victims. 26.3 per cent of coloured respondents stated that they did not know.

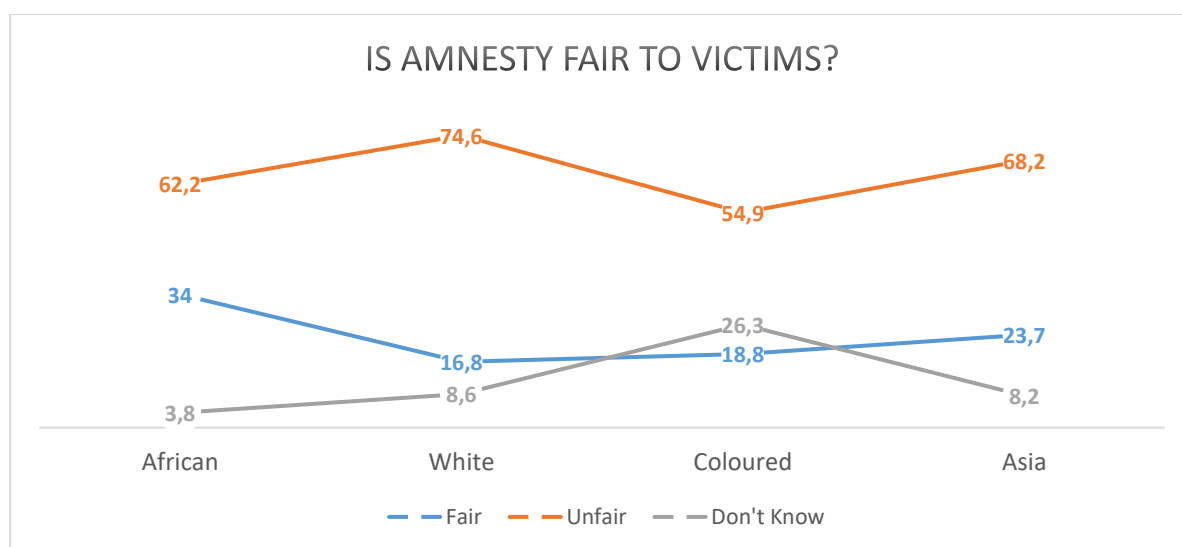


Figure 5.7: Is amnesty fair to victims? (Source: Gibson, 2005)

These views were consistent with whether amnesty was fair to those who died during the struggle against apartheid – figure 5.8. An overwhelming majority indicated that amnesty was ‘unfair’ to those who died during the struggle against apartheid (Gibson, 2005). Asians had the highest share of 86.5 per cent of those who felt that ‘amnesty was unfair to those who died during the struggle against apartheid’. This was followed by whites, Africans and coloureds with a share of 72.7, 72.1 and 66,3 per cent, respectively.

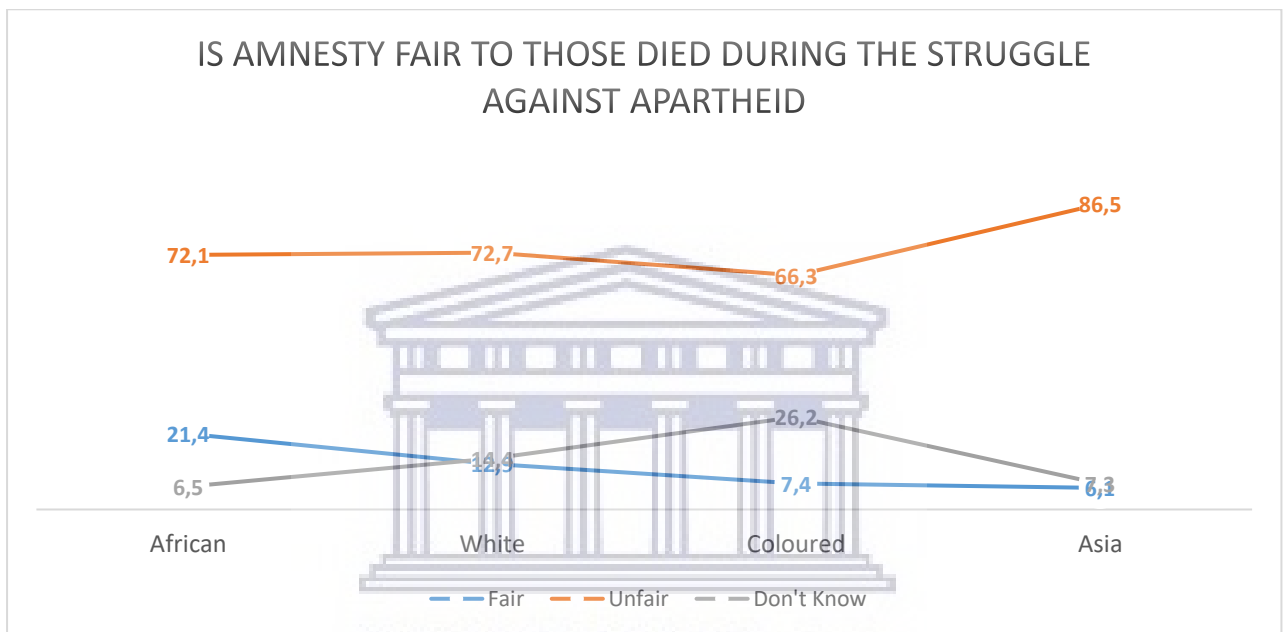


Figure 5.8: Is amnesty fair to those died during the struggle against apartheid? (Source: Gibson, 2005)

However, in the same study conducted by Gibson (2005). respondents believed that amnesty was fair to those seeking amnesty – figure 5.9. More than half of the Africans and whites felt that ‘amnesty was fair to those seeking amnesty’ at 63.3 and 56.4 per cent, respectively. Asian respondents were less optimistic, with only 48.6 per cent of the respondents agreeing that amnesty was fair to those seeking amnesty. In comparison, 39.6 per cent felt that amnesty was ‘unfair’ to those seeking amnesty, and 11.8 per cent indicated that they ‘do not know’. On the other hand, 34.8 and 34.4 per cent of coloured respondents felt that amnesty was ‘unfair’ and ‘fair’ respectively, while 30.8 per cent indicated that they ‘do not know’.

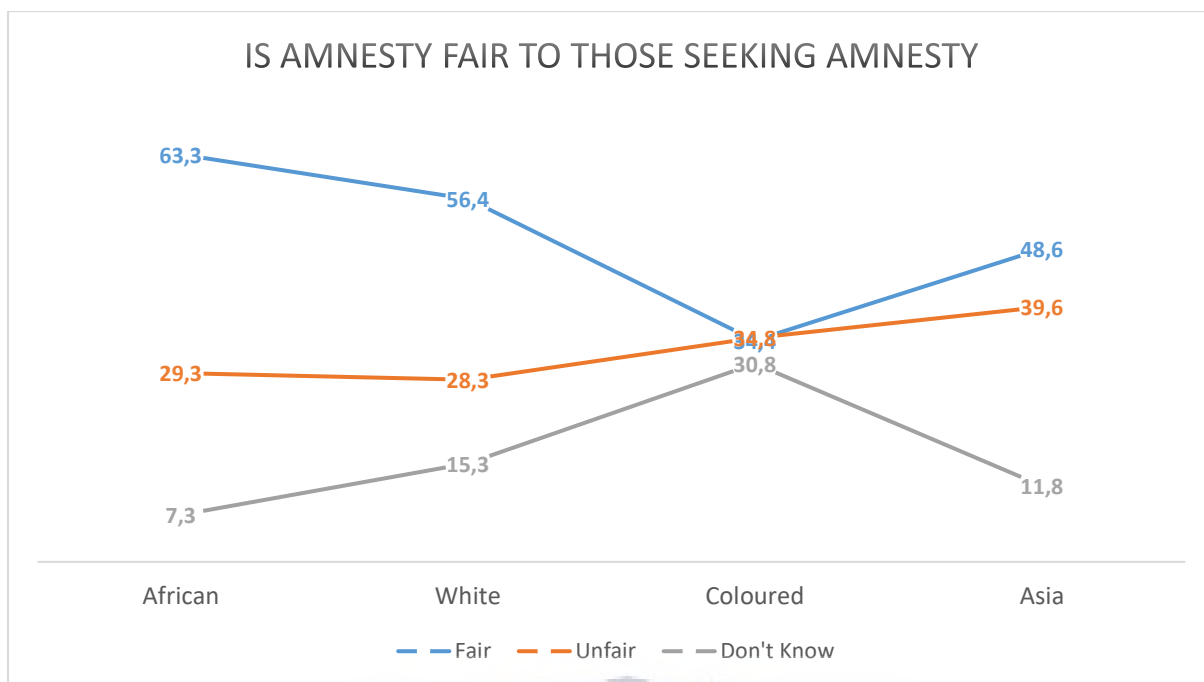


Figure 5.9: Is amnesty fair to those seeking amnesty? (Source: Gibson, 2005)

To conclude, in South Africa amnesty by admission of guilt was chosen over retribution. It was an outcome of negotiations and deemed necessary to prevent a bloodbath during the transition and a gesture of joint decision-making to end hostilities. The granting of amnesty was administered by the Amnesty Committee, whose responsibility was to consider applications from perpetrators. The process had two significant aspects, namely that hearings be public, and that decisions were criteria driven. The major criticisms of the process were that it operated with a definition that considers human rights abuse to relate to violent, repressive acts, excluding other forms of abuses such as structural injustices. Secondly, it became evident that, while amnesty was appealing to politicians, it was not the case with ordinary citizens, especially the victims and families of victims. Evidence shows that they would have preferred retributive justice. A national survey conducted by Gibson (2005) revealed that amnesty was perceived to be ‘unfair’ to victims and to those who died fighting against apartheid, while the study showed that amnesty was, to a certain extent, fair to those seeking amnesty. Hamber (2002:1085) concludes that “to put it bluntly, some of the rights of victims were thereby forfeited for the so-called greater good”.

5.2.3 Reparation for Victims

Granting reparation to victims was perceived to be a significant component of the recovery and healing of victims (Hamber, 2002). This was predicated on the Interim Constitution (1993), which stated that there is “a need for reparation but not for retaliation”. According to Correa, Guillerot and Magarrell (2009), reparations must respond to the real impact of violations in victims’ lives and at the same time be received as sincere efforts on the part of the larger society to acknowledge what happened and to provide some real measure of justice to those harmed.

In South Africa, it was believed that without providing some measure of reparation to the victims, healing and reconciliation would not take place (Fernandez, 2009). Thus, the Promotion of National Unity and Reconciliation Act (1995) identified reparation along with the other two objectives for victims, namely rehabilitation and restoration of human and civil dignity. The Promotion of National Unity and Reconciliation Act (1995: 1) provided that the Reparation and Rehabilitation Committee (RRC) was “to make recommendations on appropriate measures for reparation and rehabilitation of victims and on measures to be taken to restore the human and civil dignity of victims”. The committee was to submit their recommendations to the president, who would present them to parliament and make regulations for implementation (The Promotion of National Unity and Reconciliation, 1995).

The RRC submitted its report to President Mandela in 1998. More than 21 000 victims of apartheid crimes testified about their suffering before the TRC. The report had three significant components, namely interim reparations, long-term financial support and policy to address the plight of the victims. The TRC embarked on a consultation process in which consensus was that reparation to be in the form of financial grants to victims or relatives of victims (RRC, 1998). First, the RRC recommended that, for interim reparation, the government was to give a once-off payment of between R2 000 and R6 000, depending on circumstances (Hamber, 2000). Second, the RRC recommended a longer-term financial grant of between R17 000 and R24 000 for each of the 22 000 thousand victims per year for six years, totalling to R2 864 400 000 (Hamber, 2000). Third, the RRC recommended a policy that stressed five objectives, namely redress, restitution, rehabilitation, restoration of dignity, and reassurance of non-repetition (RRC, 1998).

It was not until 2003 that the government acted on the RRC’s recommendations due to the incomplete work of other TRC committees (Fernandez, 2009). In the main, the government

rejected the recommendations of the RCC. The then President Mbeki announced that the 19 000 apartheid victims identified by the TRC would be given a once-off amount of R30 000, which he argued would help acknowledge the suffering that those individuals experienced, and offer some relief (Mbeki, 2003). According to Hamber (2000), this amount was characterised by Graeme Simpson, the then executive director of the CSV, as “insulting”, while the leader of apartheid victims, Ntombi Mosikare, said Mbeki’s words “stung like salt in a wound” (The New York Times, April 16 2003). The other disappointment was due to the fact that there was hope that reparation would be extended to people who were unable to share their stories with the commission.

What was evident in Mbeki’s approach, however, was that the government opted for alternative, broader reforms (Mbeki, 2003). For instance, after the TRC, the government allocated a significant budget on the general social upliftment of the previously disadvantaged through projects such as ‘RDP (Reconstruction and Development Programme) houses’ and other free basic services as a way of paying reparations to the poor (Kaiser, 2001). These methods, while aiming to redress the plight of victims, were indirect but more inclusive in addressing the structural injustices.

The failure of the government to ensure adequate reparation led to groups such as the Khulumani Support Group (KSG) trying to find alternative methods. KSG, under the guidance of Judge Shira Scheindlin, assisted the victims of apartheid to sue multinational corporations outside South Africa with the aim of completing the task of the TRC (Hamber, 2000). Of 55 000 applications from South African companies, none were multinational corporations that operated in South Africa during apartheid. The KSG, on behalf of apartheid victims, sued the multinational companies who contributed to the apartheid system, including General Motors, Ford, Daimler, Rhenmetall and IBM (Hamber, 2000).

Tutu delivered the TRC’s final report and expressed concern that the government had let the victims down (Thomson, 2003). There was also a sense of great disappointment among the survivors. According to Hamber (2000), most survivors engaged in the process with the belief that it was going to be personally beneficial, meaning that they would be compensated in some way. Victims had expectations which ranged from getting jobs and homes to getting medical attention, a tombstone, exhumations, and further investigations (Hamber, 2000).

A national survey conducted by Gibson (2005) reveals that only African and Asian respondents believed that TRC did ‘an excellent job’ and a ‘pretty good job’ in awarding compensation to

victims with a share of 78, 5 and 56.7 per cent respectively – see figure 5.10. On the other hand, white and coloured respondents were less optimistic, with 33.7 per cent of coloured respondents believing that TRC did a ‘pretty good job’ and ‘poor job’ at awarding compensation to victims, 22.6 per cent believing that TRC did a ‘pretty bad job’ and ‘poor job’ and 43.6 per cent indicating that they ‘do not know’. Some 29.9 per cent of white respondents believed the same, while 42.3 per cent believed that the TRC did a ‘pretty bad job’ and ‘poor job’ at awarding compensation to victims.

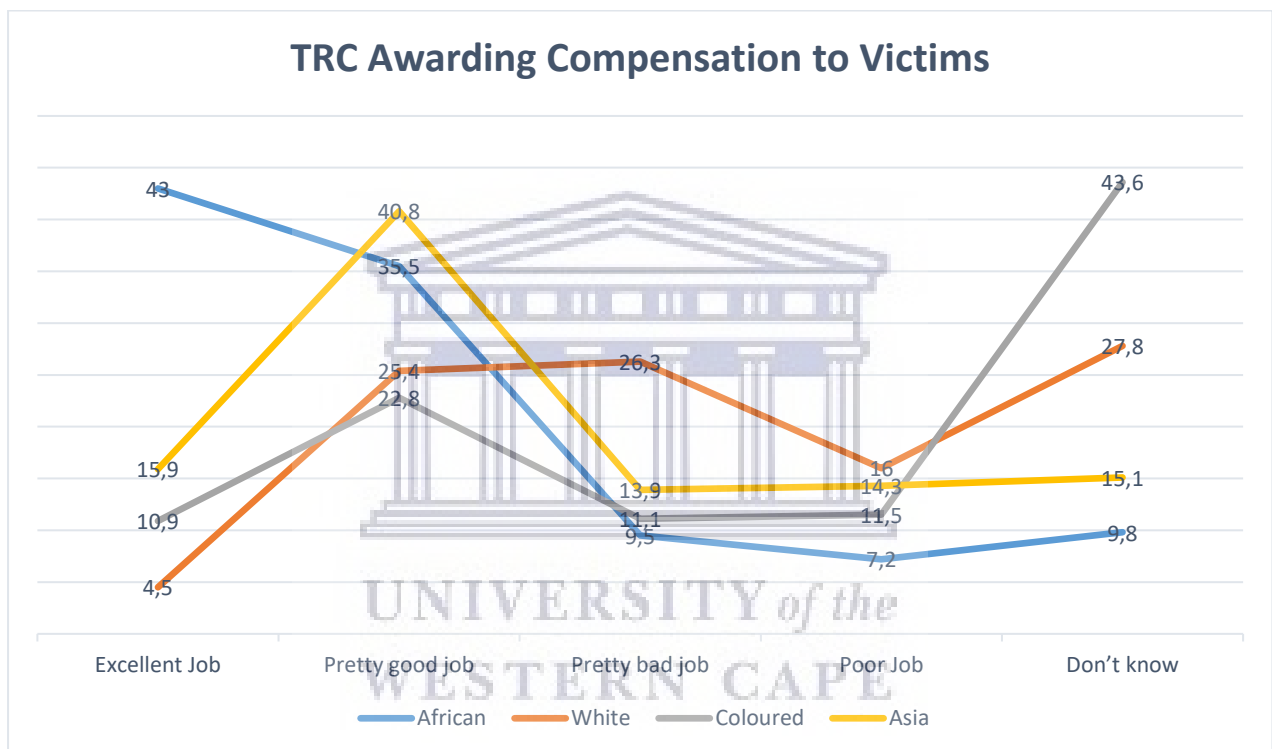


Figure 5.10: TRC awarding compensation to victims (Source: Gibson, 2005)

As argued by Hamber (2000), there is a gap between the collective successes of the TRC and its impact on an individual level. This was based on a survey conducted among the members of the KSG that represented some of the most active members of the ‘victim constituency’. Based on the responses, there is evident individual disappointment in the work of the TRC. The major weakness of the TRC is claimed to be the failure to adequately deliver compensation, among others (Hamber, 2000). In addition, Winslow (1997), whose argument is biased towards the experience of the victims who testified before the commission, argued that there was limited opportunity for those who testified to heal. He asserts that due to the number of people who

were exposed to the TRC hearings, the nation may have been a “nett beneficiary” of this process, but the actual victims would likely remain the losers (Winslow 1997:24). On whether victims received closure, one of the findings of studies conducted by Hamber (2000) and Kayser (2001) suggests that some of the victims would have liked to meet their perpetrators in order to understand their motives and actions while some of the victims were left with a feeling that the process was not completed and the answers they received were insufficient.

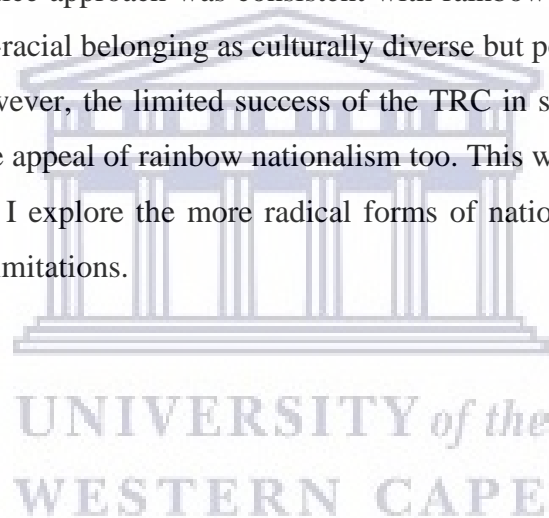
To conclude, the post-apartheid government aimed to grant reparations to victims of apartheid. Reparation was seen to be a significant component of recovery and healing. The RRC received testimony from over 21 000 victims. A report was submitted to the president with recommendations to offer interim reparation to victims, a longer-term financial grant for a period of six years, and a policy proposal. The government rejected the RRC recommendations in addition to the five-year delay in the implementation. Instead, a once-off payment to victims was made and the government opted for redress programmes that were not necessarily linked to the victims, such as the implementation of the RDP. Therefore, based on this assessment, it can be argued that while the mandate of the RRC aimed at ensuring recovery and the healing of victims, the government’s rejection of the committee’s recommendations left many victims wanting and, in the process, compromising the victims’ opportunity to reconcile. This was more so because some of the victims participated in the process with the hope of reparation. More significantly, reparations were not provided for in the final Constitution (1996).

5.3 Concluding Remarks

In conclusion, nation-building in post-apartheid South Africa depended more on reconciling contending groups than healing the victims of apartheid – both practically and symbolically. One of the political compromises during the negotiations was to embark on a healing and reconciliation journey that was institutionalised through the TRC. The choice of restorative justice was justified, although many preferred retributive justice. The TRC had three pillars, namely public truth-telling, granting amnesty to perpetrators, and reparation to victims. Public truth-telling experienced some degree of success in letting families know what happened to their loved ones. However, it can reasonably be argued that granting amnesty to perpetrators and reparations to victims was not successful, especially as the contribution to reconciliation was limited. In the end, it was seen to favour perpetrators and not the victims. Furthermore,

although the TRC recommended compensation in the form of financial grants, interim- and long-term, the government rejected that and, instead, opted for a once-off payment of a far smaller amount. These outcomes were widely acknowledged. For instance, whilst attending a discussion of the Argentinean Commission, Liebenberg noted that the TRC “succeeded commendably during the ‘truth phase’ in unearthing and exposing the past, but it fell short during the ‘justice phase’ in dealing with the perpetrators of human rights abuses and providing restitution for victims” (Liebenberg 1996:140).

This thesis, therefore, concludes that the TRC was only partially successful in delivering restorative justice, and thus made a small contribution to the compromise that enabled the transition from apartheid. Restorative justice was important to reducing conflict between the contending racial groups in the country, enough for the new order to become established. Hence, the restorative justice approach was consistent with rainbow nationalism in trying to affirm a new form of post-racial belonging as culturally diverse but politically equal members of a new democracy. However, the limited success of the TRC in securing even restorative justice has undermined the appeal of rainbow nationalism too. This will become clearer in the following chapters where I explore the more radical forms of nation-building implemented after apartheid, and their limitations.



Chapter 6 Political Reforms in Post-Apartheid South Africa

In post-apartheid South Africa, democracy was used as a political mechanism to build the Rainbow Nation. The struggle against apartheid was undoubtedly about the realisation of democracy and majority rule (Mattes, 1994). This meant the inclusion of the previously marginalised majority by dismantling the legacy of apartheid based on the exclusion and limited representation imposed on the majority of South Africans (Ferree, 2018; Southall, 2014). This was a move from a drastic elimination of the political rights of blacks in which, between 1910 and 1994, South Africa's electoral franchise remained almost exclusively the preserve of the white minority population (Booyesen and Masterson, 2009). Thus, democracy aimed to establish an alternative and legitimate political regime to that of apartheid.

During the transition, scholars such as Rantele and Giliomee (1992) claimed that the best way forward in terms of nation-building for South Africa would be a system of tolerant, democratic nationhood. The tolerant nationhood would be characterised by a collective democratic entity of citizens that freely co-exists as a reconciled community whatever their cultural backgrounds (Rantele and Giliomee, 1992). In their claim, they argued that if the transition from apartheid is guided by tolerant inclusiveness, there could be some place for nation-building. To a great extent, the transition from apartheid to democracy mirrored Rantele and Giliomee's prediction; South Africa attained a negotiated transition through universal elections and a unified constitution-making process.

One of the requirements of the Rainbow Nation is the promotion of all races or the realisation of what the Constitution (1996) stipulates, that "South Africa belongs to all those who live in it". Part of what the Constitution set up to do was to secure political justice amongst citizens, especially for the previously marginalised majority (Tambe, 2015). To realise this objective, there were no special political rights granted to the previously marginalised majority. Instead, post-apartheid South Africa is characterised by liberal democratic values of diversity, tolerance and various forms of freedom which are meant to cultivate the spirit of patriotism, common belonging and unity among South Africans (Ndlovu, 2013). Of great significance is that the Constitution emphasises healing the divisions of the past and establishing a society based on democratic values and fundamental human rights (Kotze, 2006).

To realise this, the Constitution introduced radical institutional reforms in political systems and institutions to ensure inclusion and representation of the previously marginalised majority.

Schlemmer (1994) argued that there was a need to reconstruct the formal machinery of the state in such a way as to accord all citizens equal rights and status. It was, therefore, concluded that these reforms could be considered as laying the structural basis of a nation (Schlemmer, 1994). Effectively, political reforms included the universalisation of individual political rights, an electoral system that results into Proportional Representation (PR), the establishment of the GNU in the first democratic term of office, and decentralisation policy, among others. Through these reforms, citizens of all races were members of the Rainbow Nation with equal rights.

This chapter argues that the success of the Rainbow Nation depends on the success of democracy, and that after a positive start, democratic governance is increasingly perceived as failing the previously marginalised majority. The objective to include the majority into the political system was done through establishing new democratic systems and institutions, starting with the re-conceptualisation of citizenship such that all citizens now have equal rights, including the political right to vote and choose their representatives. In addition, a temporary form of power-sharing, the GNU, was introduced, as were new forms of the decentralisation of government which were implemented to bring government 'closer to the people'. However, failures in democratic governance due to party dominance has led to slow service delivery, a lack of inclusive economic development, and growing unresponsiveness. This poor governance led to dropping real participation rates in elections, a decreasing faith in government actors, and in democracy in general. Consequently, there is an evident tension between democracy and nation-building as democracy does not result in the cultivation of a sense of belonging and shared national identity as envisaged.

6.1 Democratic Citizenship in Post-Apartheid South Africa

The inclusion of the previously marginalised majority had to be preceded by a re-conceptualisation of citizenship under the Rainbow Nation. Under apartheid, only a white minority had full citizenship while the majority of the population had less or no entitlement to crucial civil, political and socio-economic rights of citizenship. Nkambule (2012) argues that when the democratic government took over, it attempted to create a new citizenry whereby everyone would have equal access to rights thereby forging a new form of democratic citizenship (Runciman, 2016). One of the ingredients which Enslin (2011) argues that the post-apartheid citizenship draws on is the Constitution. The Constitution does this by providing a

framework for a transformed citizen who will strive to overcome the past. The Preamble of the Constitution (1996) acknowledges the suffering of those who struggled against the injustices of the past and one of the founding provisions declares the intention to “heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights”.

More significantly, the Constitution puts an emphasis on equal citizenship while it also recognises group rights such as rights to language, culture and religion. One of the founding provisions of the Constitution is common citizenship and equal rights. Rights of citizens are provided for in two primary texts in the South African Constitution of 1996, namely chapters 1 and 2, the founding provisions and the Bill of Rights respectively. Chapter 1, Section 3 provides for a “common South African citizenship, equality of privileges, benefits, and responsibilities” while Section 20 of Chapter 2 provides that “no citizen may be deprived of citizenship”. Chapter 2 of the Constitution, the Bill of Rights, further ensures freedom, equality, and the emancipation from all forms of racial discrimination by all South Africans. More specifically, there are rights that are exclusively reserved for citizens, such as political rights. Section 19 of Chapter 2 stipulates that “1. Every citizen is free to make political choices”. Subsections 2 and 3 provide that “every citizen has the right to free, fair and regular elections for any legislative body established in terms of the Constitution” and “every adult citizen has the right to vote in elections, and to do so in secret; and to stand for public office and, if elected, to hold office”. According to Fombad (2011), these rights are the bedrocks upon which the country’s constitutional democracy has been established.

To safeguard these constitutional values, public institutions were created. The Constitution provided for the creation of eight public institutions in terms of Chapter 9. In a divided society like South Africa, it is vital that representative institutions play the essential role of mitigating tensions that may exist among ordinary citizens. Therefore, the conduct of such institutions and the fairness with which they conduct themselves need to be beyond reproach, being characterised by accountability and transparency. Section 181 states that these institutions, which are the South African Human Rights Commission (SAHRC), the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (CRL Rights Commission), the Commission for Gender Equality (CGE), the Auditor-General, the Independent Electoral Commission (IEC), the Public Protector, the Independent Authority to Regulate Broadcasting, and the Independent Communications Authority of South Africa (ICASA), “(1) strengthen constitutional democracy in the republic”. Section 181 (2) further

states that “these institutions are independent and subject only to the Constitution and the law and they must be impartial and must exercise their powers and perform their functions without fear, favour or prejudice”.

According to Nkambule (2012), the rise to power of the majority government brought hope to the historically oppressed majority. Further, it gave a sense of entitlement to the fruits of citizenship in the new South Africa. In fact, surveys conducted since 1995 reflect a popular consensus on the existence of a political community (Mattes, 2002). More specifically, a study conducted by Afrobarometer in 2016 revealed that, overall, South Africans are committed to democratic rather than non-democratic systems (Lekalale, 2016). Over a period of 15 years (2000 – 2015) support for democracy has consistently been over 60 per cent. Between 2000 and 2008, democracy had support with the exception where it decreased from 60 per cent to 57 per cent between 2000 and 2002 respectively. Levels of support increased in 2004 to 63 per cent and increased to 65 per cent, 67 per cent and 72 per cent in 2006, 2008 and 2011 respectively. However, there was an increase to 72 per cent in 2011, which declined to 64 per cent in 2015 – see figure 6.11.

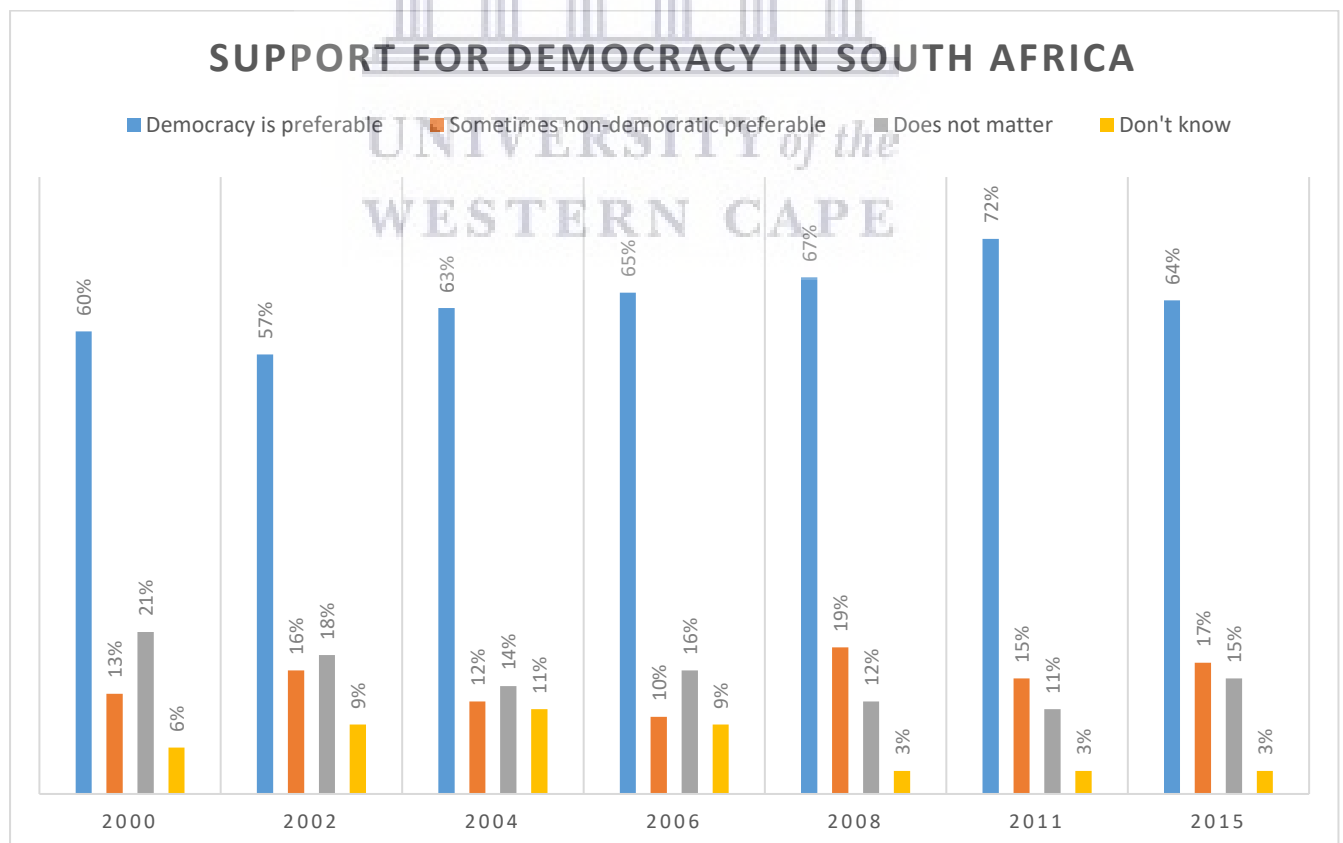


Figure 6. 11: Support for democracy in South Africa (Source: Lekalale, 2016).

While the levels of support were consistently high over a period of a decade, the decline in the support for democracy between 2011 and 2015 is a cause for concern. The Afrobarometer study of 2015 revealed that only 47 per cent of respondents say the country is a “full democracy” or “a democracy, but with minor problems” – see figure 6.12. The flip side of this is that 50 per cent of South Africans now believe that their country is “not a democracy” or “a democracy with major problems”. Similarly, satisfaction has decreased from a majority of 60 per cent in 2011 to a minority of 48 per cent who believe that they are “fairly satisfied” or “very satisfied” with the way democracy is working in South Africa.

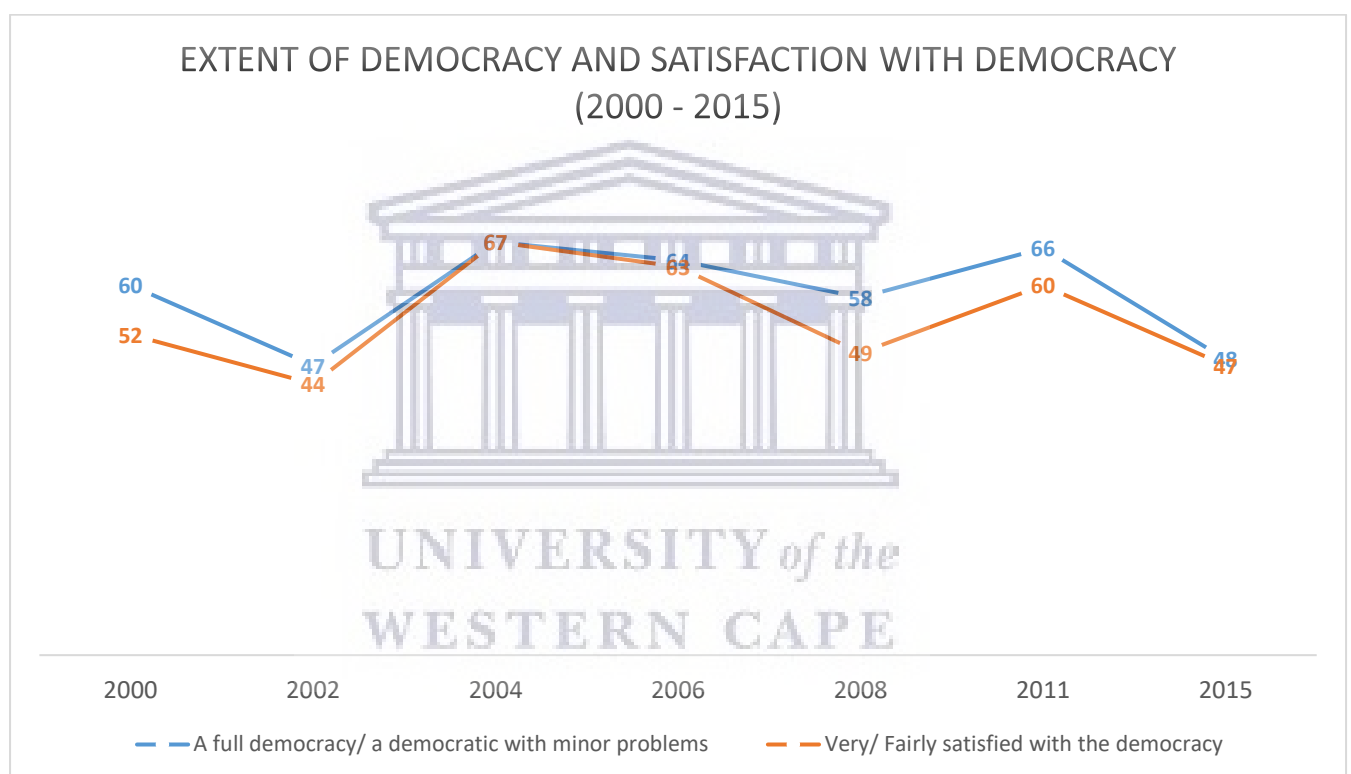


Figure 6. 12: Extent of democracy and satisfaction with democracy (2000 – 2015) (Source: Lekalale, 2016).

The literature suggests that these declining levels of support for democracy are due to expectations of the emerging, official concept of post-apartheid citizenship. Scholars such as Runciman (2016) attribute this to a view that citizens’ commitment to constitutional democracy was based on the hope for improved socio-economic conditions, especially for the black majority. Runciman (2016) argues that inequality has compromised the promise of democratic citizenship, especially for the previously marginalised majority. Marais (2011) and Nkambule (2012) argue that inequality was exacerbated by the neoliberal development path adopted by

the government with the GEAR programme.. According to Marais (2011), the adoption of GEAR meant a development path wherein the state expanded the role of the free market in such a way that economic rationalities seep into every area of social life (Harvey 2005; Von Schnitzler 2008). Therefore, Nkambule (2012) concludes that the neoliberal developmental path hindered public institutions from addressing the racial and social disparities of the past effectively.

To conclude, in post-apartheid South Africa, the inclusion of the previously marginalised majority had to be preceded by a re-conceptualisation of citizenship under the Rainbow Nation from contending racial groups of apartheid to equal political rights for all while recognising cultural differences. This was done through providing for equal rights to all citizens, safeguarded by independent institutions, all established in the Constitution. These democratic arrangements brought hope to the previously marginalised majority. This was evident in the high levels of support for democracy. However, this was not long-lived as there have been apparent levels of declining support for democracy and satisfaction thereto. The declining levels of support are arguably due to the promise that constitutional democracy will lead to improved socio-economic conditions. However, the adoption of a neoliberal macro-economic policy such as GEAR has not managed to address the racial and social disparities of the past.

Nevertheless, to give effect to democracy, there were institutional reforms that were implemented in political systems and institutions to integrate the highly divided and unequal society (Mattes and Southall, 2004). These political reforms in post-apartheid South Africa were predicated on principles of inclusion, representation and transparency, among others. These reforms include universalisation of political rights, a Proportional Representative electoral system, the GNU, and decentralisation.

6.2 Universal Adult Suffrage

Putnam (1993, 1995) emphasises the importance of political participation in ensuring that democracies become consolidated. Post-apartheid South Africa adopted universal suffrage on a non-racial basis. Universal franchise involves the extension of the right to vote to all citizens. According to Huntington (1993), a system is democratic to the extent that all the adult population is eligible to vote. In addition to this being a democratic prerequisite, it was one of the fundamental steps taken to include the previously marginalised majority. During apartheid,

voting rights were denied, based on race, to black South Africans until 1994. The Interim Constitution (1993) was the first to introduce universal suffrage on a non-racial basis; effectively extending the right to vote to all South Africans. Hence, universal suffrage was first applied on the country's first democratic elections held on 27 April 1994. On this day, South Africans of all races exercised, for the first time, an equal right to vote. Paul Hoffman in Daily Maverick (4 May 2018) described this as,

Those long and snaky queues of all South Africans, who formed them in splendid rainbow array on 27 April 1994 at the polling stations set up for the first universal suffrage national election ever held in SA, have become emblematic of the hopes and aspirations of the nation 'united in its diversity' and in its determination to make democracy work in the last formerly 'unfree' corner of Africa.

The adoption of a universal franchise on a non-racial basis was further adopted in the final Constitution (1996). Section 19 of Chapter 2 of the final Constitution (1996) states that "(3) Every adult citizen has the right (a) to vote in elections for any legislative body established in terms of the Constitutions, and to do so in secret". The only attempt to exclude citizens from voting was entailed in the Electoral Act (1998), wherein prisoners' right to vote was curtailed in national elections. A group of prisoners challenged the constitutionality of the exclusion of prisoners from voting in the lead to the 1999 national and provincial elections (De Vos, 2005). Ultimately, the Constitutional Court declared the exclusion of prisoners from voting invalid and unconstitutional (De Vos, 2005).

The Constitution (1996) underlined that, to achieve complete universal adult franchise, there needed to be a national common voters roll, among others. To give effect to these provisions, Section 2 of Chapter 2 of the amended Electoral Commission Act (2003) gives the responsibility to compile the national voters' roll to a Chief Electoral Officer. The Act also provides for election procedures including, but not limited to, registration, provisions for people outside their voting areas, and an election timetable. In the 1994 elections, the voters' roll increased by almost 200 per cent from approximately eight million citizens prior 1994 to 19.7 million in 1994 (IEC, 1994). This significant increase was due to the incorporation of the majority previously allocated to former homelands into the national common voters' roll (Mawson, 2010). The number of registered voters has since increased for national and provincial elections as stipulated in table 6.5.

Year	Registered population
1999	18 172 751
2004	20 674 923
2009	23 181 997
2014	25 338 082
2019	26 756 649

Table 6.5: Number of registered voters for national elections between 1994 and 2019 (Source: IEC, 1994)

While there is an evident increase in the national common voters' roll, the voter turnout of the Voting Age Population (VAP) is in a state of perpetual decline (Schulz-Herzenberg, 2019). Figure 6.13 illustrates a decrease of the VAP turnout by approximately 37 per cent between the 1994 and 2019 national elections.

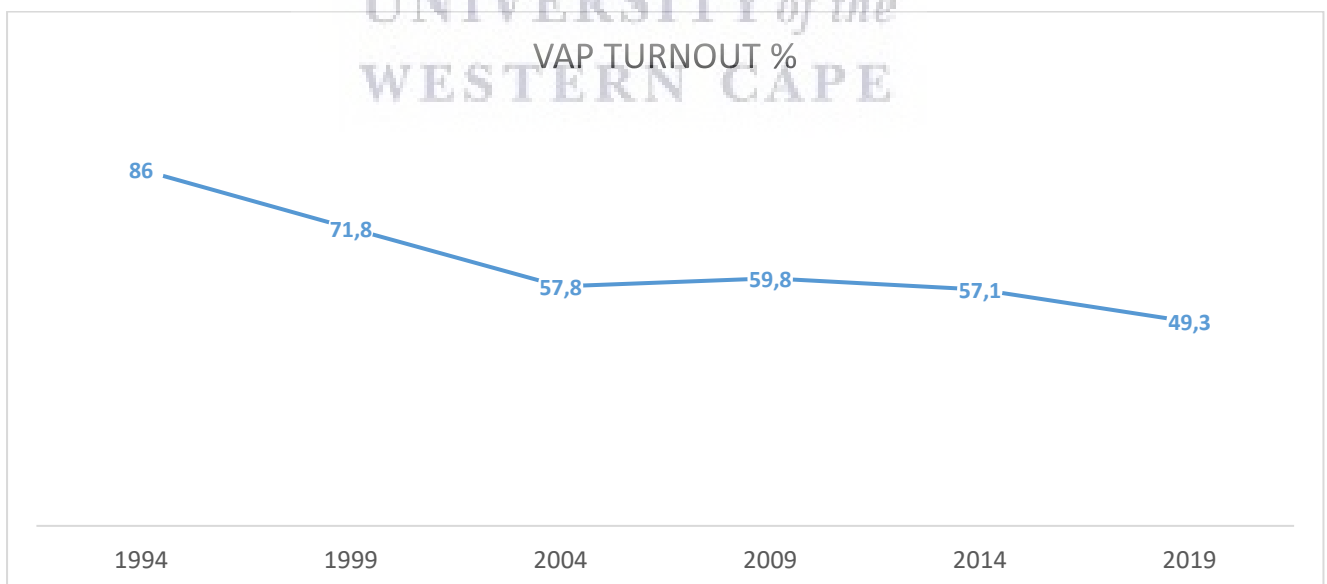


Figure 6.13: Voting Age Population (VAP) turnout for national elections (1994 – 2019) (Source: Schulz-Herzenberg, 2019).

This is particularly concerning as one of the objectives of universal suffrage is to ensure that eligible voters exercise their right to vote. Schulz-Herzenberg, (2019: 52) states that “high turnout is a sign of an enthusiastic and politically involved electorate, while low turnout is associated with voter apathy and even mistrust of the political process”. In the early years of democratic South Africa an HSRC study conducted in 2005 indicated that reasons for low voter-turnout included lack of interest, not having documentation, and not being registered (Fakir, Bhengu, and Larsen, 2009).

However, recent reports cite levels of increasing voter apathy, especially among young people. For instance, for the 2019 elections, only 16 per cent of the 18- and 19-year-olds eligible to vote registered, while only 54 per cent of eligible 20- to 29-year olds were registered (Roberts, 2019). This resulted in six million, out of the nine million unregistered young South Africans, not getting registered to vote in the elections in 2019 (AfricaNews, 15 May 2019). According to Roberts (2019), reasons advanced for apathy include that they are unable to engage political parties and leaders in a meaningful manner and feel that their needs are largely ignored. An Afrobarometer study revealed that 66.3 per cent of respondents indicated that they do not trust their elected representatives to act in their best interests and only 11.8 per cent were unequivocal in their opinion that political leaders actually are interested in what people like them think.

An exercise of the right to vote seems to be competing with a preference for alternative methods of political expression and engagement, which include participation in public protests (Roberts, 2019). A quarter of South Africans indicated that they have either used force or violence for political ends, or are willing to do so should the circumstances require it (IJR, 2015). A report by the Institute for Security Studies (ISS) argued that South Africans might be giving up on democracy but not on their right to voice their frustrations (Lancaster and Mulaudzi, 2020). According to this report, between 2013 and 2019, there has been an average of 2.26 protests per day with a recorded high of more than three protests in the years 2013 and 2014. While there was a decrease to one protest per day when Ramaphosa became president, this number has since increased back to 2.5 protests per day (Lancaster and Mulaudzi, 2020).

Secondly, evidence suggests a growing lack of trust in the right to vote being able to influence the conditions of government (Hofmeyer, 2016). A study conducted by IJR (2015) reveals that almost half of the South African population, 48 per cent, doubt the impact that their vote has on broader decision-making processes in the country. In contrast, nearly half of the respondents

indicated that voting in elections has little effect on the course that the country takes. For instance, only 40 per cent of respondents’ trust parliament to execute its mandate. In comparison, 54.4 per cent of respondents indicated that they do not have much confidence in the functionality of local government and their local authority (IJR, 2015). As a result, a study conducted by Afrobarometer (2016) reveals that the majority of respondents indicated that they are willing to give up on their right to elections in exchange for service delivery (Lekalale, 2016). The levels of willingness to give up on elections in return for the provision of basic services was consistently over 60 per cent even though it has seen a decline from 65 per cent in 2008 to 63 per cent and 61 per cent in 2011 and 2015 respectively – see figure 6.14.

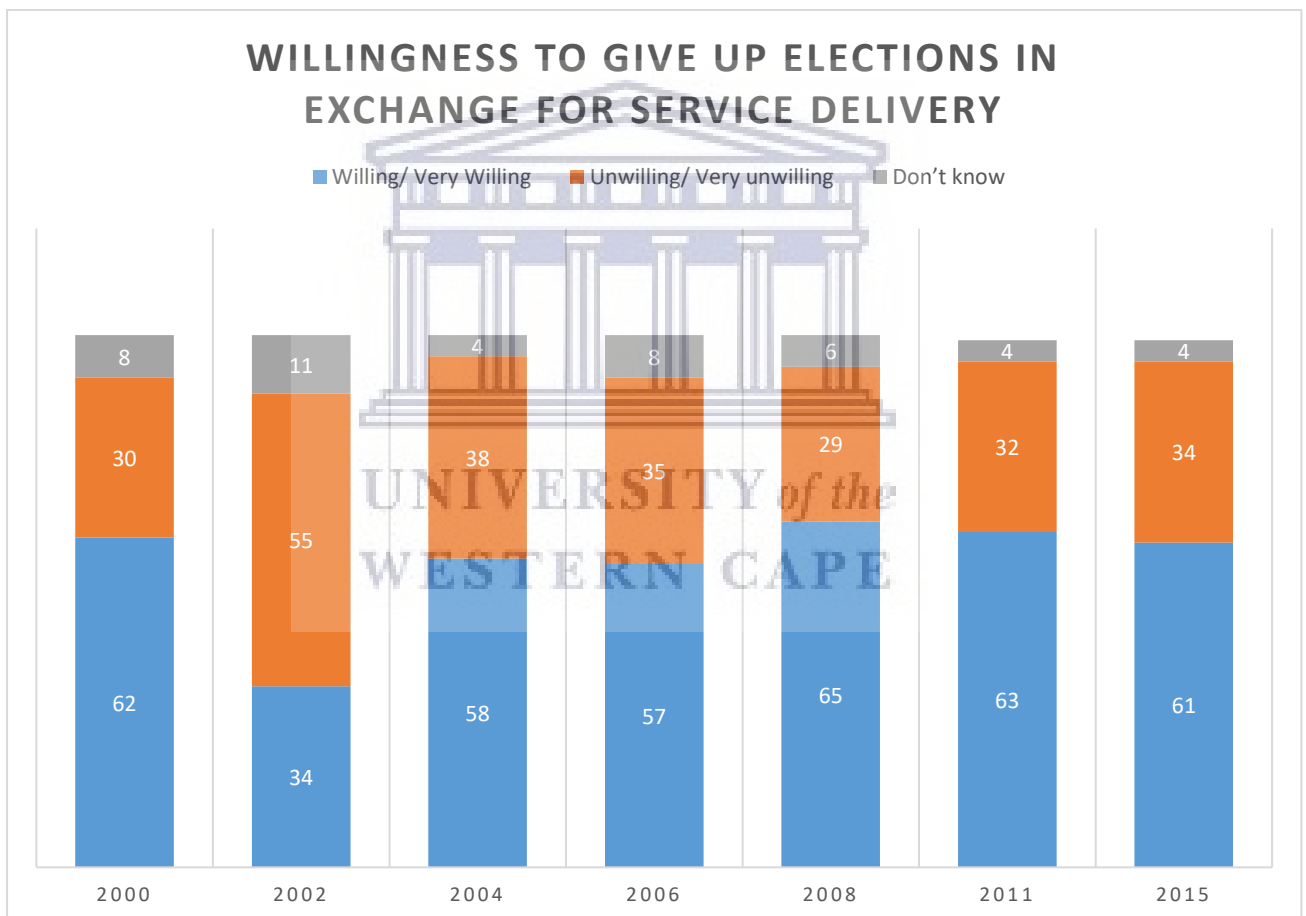


Figure 6.14: Willingness to give up elections in exchange for service delivery (Source: Lekalale, 2016).

To conclude, to ensure the inclusion of the previously marginalised majority of the population, post-apartheid South Africa adopted universal suffrage. This meant the extension of political rights, particularly the right to vote, to the previously excluded majority. The national common

voters' roll expanded from eight million to more than 27 million registered voters since 1994. However, the voter turnout is not increasing at the same pace; it is fast declining. Reasons attributed to the decline in the voter turnout include the inability to engage with political leaders and parties with citizens preferring alternative methods of political expression and engagement such as protests. Secondly, there is evidence that citizens feel that voting does not enable them to influence how they are governed, resulting in low levels of trust in public institutions such as parliament and local government. Consequently, there is an evident willingness to give up the right to vote for a non-democratic government that will guarantee service delivery. These factors contribute to citizens, especially the previously marginalised majority not exercising their hard-won right to vote.

6.3 Proportional Representative Electoral System

The inclusion of the majority of the previously marginalised majority was further entrenched through new forms of representation in the post-apartheid political system. In this regard, Section 46 (1) (d) of the Constitution (1996) stipulates that South Africa's electoral system results in Proportional Representation (PR). This means that voters are represented in parliament in proportion to their electoral support. Lijphart (2009) argues that PR is considered preferable in democracies with deep social divisions. According to Feree (2018), Southall (2014) and Louw (2014), the inclusive nature of the PR system meant that it was more likely to encourage reconciliation and cooperation between competing parties as well as forcing political parties to campaign beyond racial and ethnic and regional bases. Hence, the electoral system should help nation-building.

The electoral system is safeguarded by two independent institutions provided for in the Constitution (1996), namely the IEC and the Electoral Court (EC). The Independent Electoral Act (1993) provides for the conduct of free and fair elections for the National Assembly and any other legislature to be elected contemplated in the Constitution (1993). The IEC prides itself on "ensuring free and fair elections". More significantly, it provides for an establishment of an Electoral Commission. Chapter 2 of the Electoral Act (1993) whose aims include "(2) (a) to administer, organise, supervise and conduct, whether directly or indirectly, free and fair elections for the National Assembly and all other legislatures in terms of the Constitution and the Electoral Act". Establishment of an Electoral Commission was further provided for in

Chapter 9, Section 190 of the final Constitution (1996) which stipulates powers of the commission to include:

“(1) (a) manage elections of national, provincial and municipal legislative bodies in accordance with national legislation; (b) ensure that those elections are free and fair; and (c) declare the results of those elections within a period that must be prescribed by national legislation and that is as short as reasonably possible”.

To oversee the work of the Electoral Commission, Chapter 5 of the Electoral Commission Act 51 of 1996 established an Electoral Court “with the status of the Supreme Court” whose mandate is to that oversees the Electoral Commission and the conduct of elections. One of the powers of the Electoral Commission is to “review any decision of the Commission relating to an electoral matter” (Section 20 (1) (a)). Section 181 (2) states that institutions such as the Electoral Commission “are independent, and subject only to the Constitution and the law and they must be impartial and must exercise their powers and perform their functions without fear, favour or prejudice”.

There are two significant elements of the electoral system at a national level, namely that the country serves as a single constituency and that South Africa has a bicameral parliament consisting of a lower house, the National Assembly (NA), and an upper house, the National Council of Provinces (NCOP), which is made up of 490 – 400 in the NA and 90 in the NCOP (Ferree, 2018). Two hundred NA members are selected from lists submitted by provincial party organisations, 200 are drawn from the parties’ national lists. The NCOP represents 90 seats with each province contributing 10 members (Louw, 2014). Schedule 1A of the Electoral Act (1998) stipulates the process for seat allocation. It is determined based on the number of votes a party receives using the Droop quota system. The number of votes parties receive get translated into a proportion of the seats in the NA, first regionally and then nationally (Electoral Act, 1998).

The quota of the vote must be determined first in order to calculate the number of seats each party receives with each seat representing a quota of votes. For regional seats, the quota is determined for each region by the total number of votes in that region and the total number of seats in that region. For the national seats, the quota is determined by the total number of votes in the country and the total number of national seats. The number of seats allocated to a party depends on how many times the party meets a full quota (Electoral Act, 1998). This is

calculated by dividing each party's share of the vote regionally and then nationally by the quotas determined at those levels. After the allocation of seats, if there are unallocated seats, the remaining seats are allocated to the parties who have the largest remainder, so the 400 seats for the NA are filled (Electoral Act, 1998). It is only after the electoral outcomes are determined that the party with the majority votes can nominate a candidate to serve as the president for parliament's ratification.

At a provincial level, calculations for the provincial legislatures follow the same process as the regional calculations using the respective provincial legislature seats. This means that the quota is determined, for each province, by the total number of votes in the province and the total number of seats in that province (Electoral Act, 1998). It is critical to note that the number of representatives varies per province. As illustrated in table 6.6, the number of representatives per province varies between 30 and 80.

PROVINCE	NUMBER OF MEMBER OF PROVINCIAL LEGISLATURE
Eastern Cape	63
Free State	30
Gauteng	73
KwaZulu-Natal	80
Limpopo	49
Mpumalanga	30
North West	33
Northern Cape	30
Western Cape	42
Total	430

Table 6.6: Number of Members of the Provincial Legislature per province (Source: Electoral Act, 1998)

At a municipal level, however, a mixed-method electoral system is utilised (Ferree, 2018). At this level, citizens get to vote directly for a ward councillor and a party, which is provided with a mandate to determining the PR councillors. Half of the seats in Category A and B municipalities are elected on the first past-the-post system in single-member wards, and the other half of the seats are allocated according to the PR system. Where there are Category C

municipalities, councils are partly elected by proportional representation and partly appointed by the councils of the constituent local municipalities (Louw, 2014).

A decade after the first democratic elections, an Afrobarometer study revealed satisfaction with the way governments are elected – see figure 6.15 (Mattes and Southall, 2004). In the survey, however, the findings illustrate that blacks seem to be more satisfied with the way the government is elected with 81 per cent of the respondents indicating satisfaction compared to Indians, coloureds and whites at 64 per cent, 56 per cent and 51 per cent respectively.

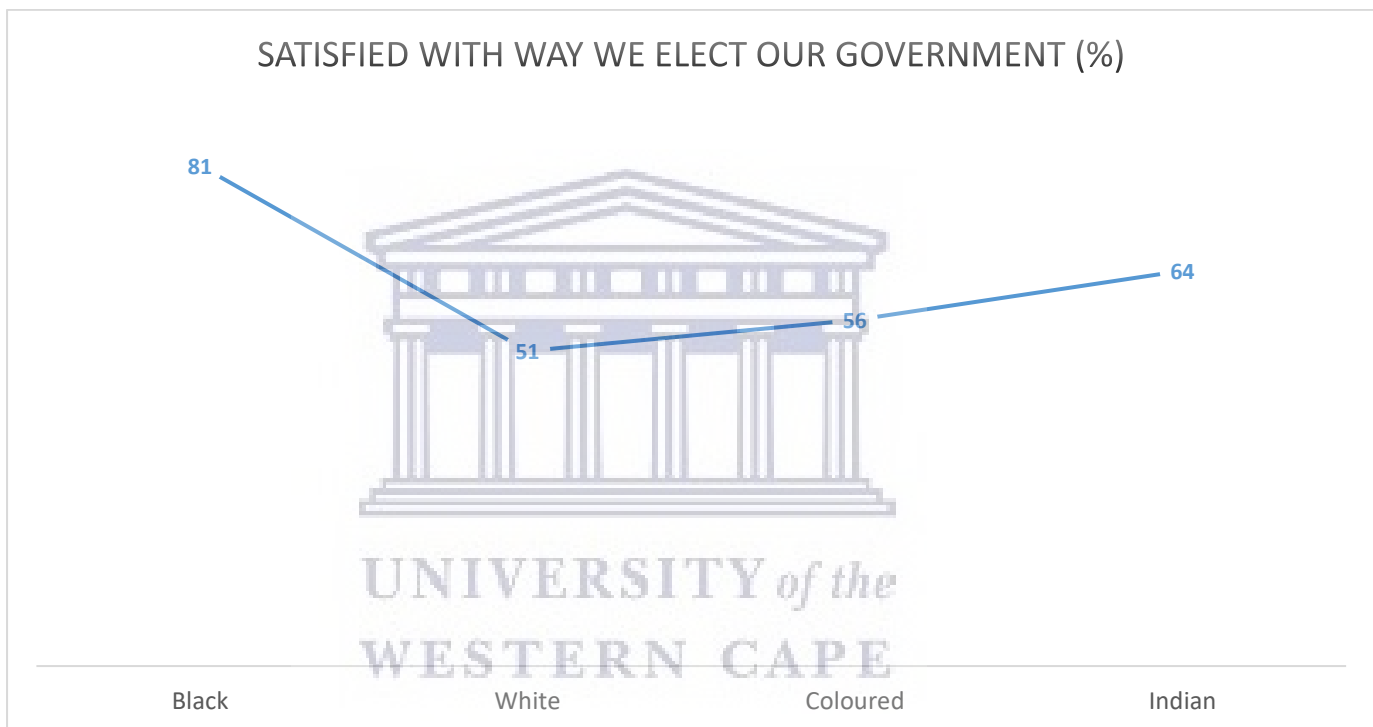


Figure 6. 15: Satisfied with how the government is elected (Source: Mattes and Southall, 2004).

More importantly, an Afrobarometer study conducted between the years 2000 and 2015 revealed that the majority of South Africans believe that elections are completely free and fair or free and fair, but with minor problems – see figure 6.16 (Lekalale, 2016). Except for the year 2004, at 83 per cent, the proportion of respondents in agreement with the statement was consistently around 70 per cent.

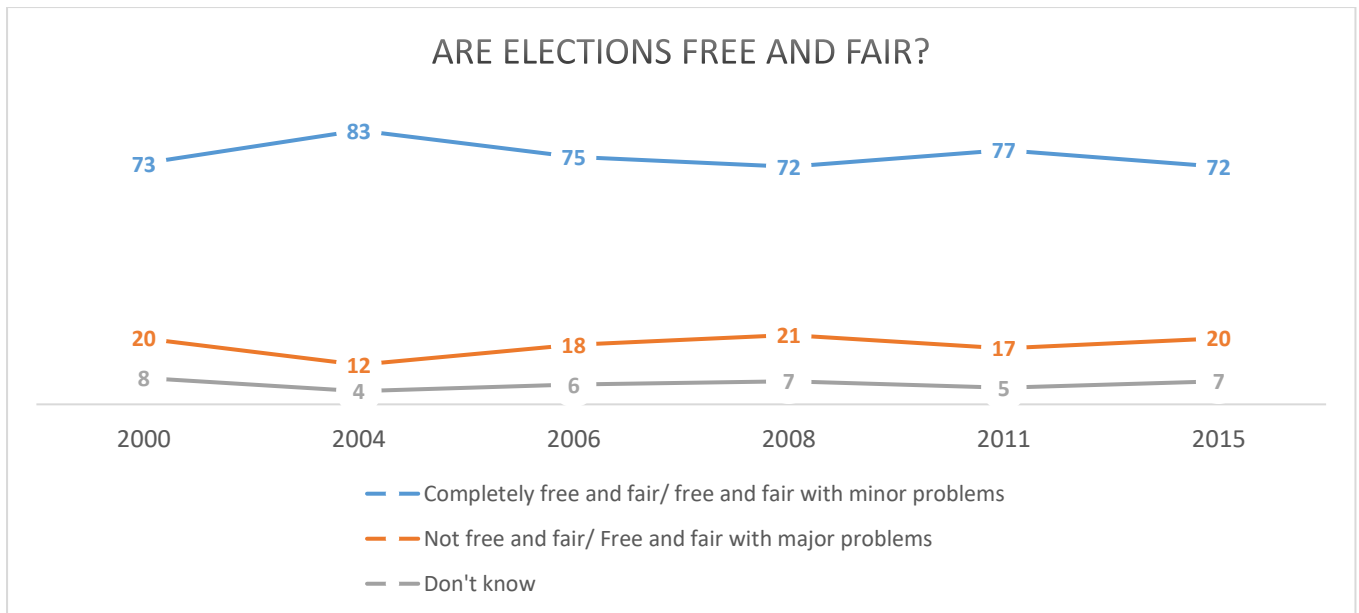


Figure 6.16: Are elections free and fair? (Source: Lekalale, 2016).

This view is corroborated by the Electoral Satisfaction Survey (ESS) conducted between 2009 and 2019 (HSRC, 2009, 2019) – see figure 6.17. This survey illustrates a consistently high level, higher than 90 per cent, of satisfaction with elections in so far as freeness and fairness are concerned.

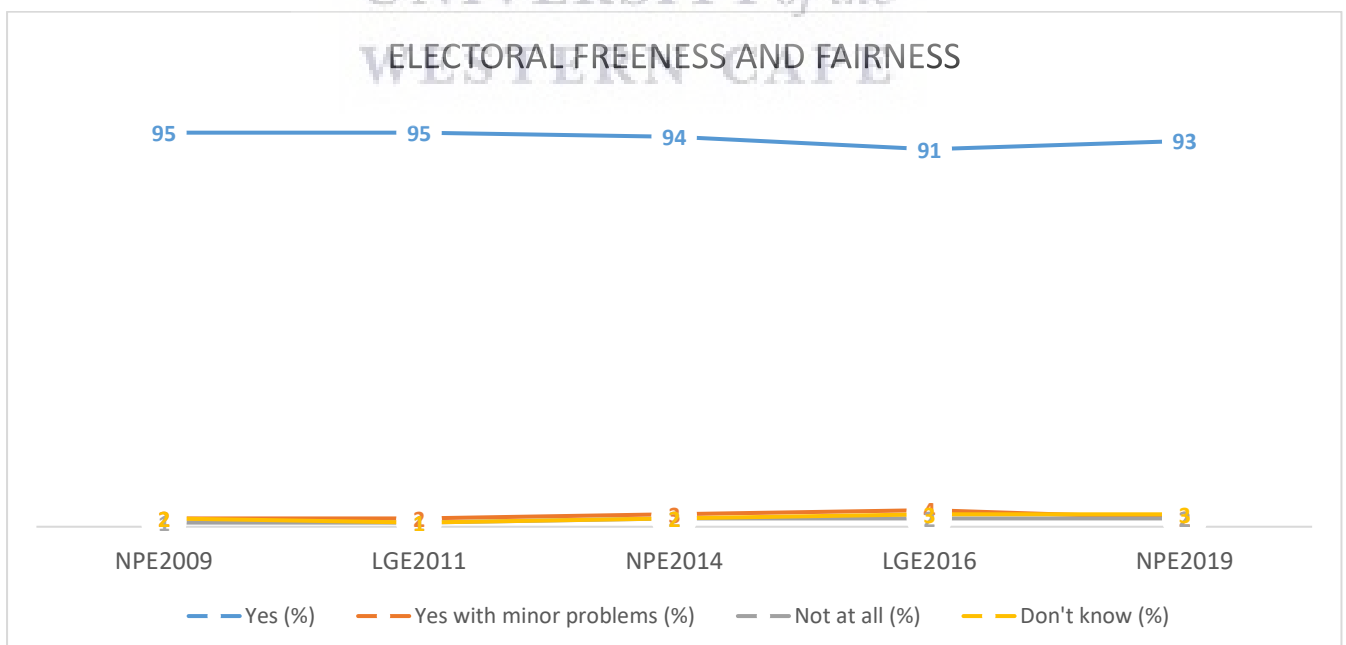


Figure 6.17: Perceived freeness of elections over successive elections between 2009 and 2019 (Source: HSRC, 2009, 2019).

One of the significant elements of the PR system is its provision for multiple parties representing diverse voices. This system is hailed for its inclusivity and fairness as it allows parties with as little as a quarter of 1 per cent of the national vote to obtain a seat in the NA (Ferree, 2018). Hofmeyer (2016) argues that, in democracies, it is the responsibility of political parties to champion the diverse causes of social groups that coalesce around common interests and beliefs about how they ought to be governed. Chapter 1 Section (1) (d) of the final Constitution (1996), provides for a “multiparty system of democratic government, to ensure accountability, responsiveness and openness”. Registration of political parties is governed in terms of the Electoral Commission Act (1996) which, inter alia, provides that “15 (3) The application shall be accompanied by (a) that party’s deed of foundation which has been adopted at a meeting of and has been signed by the prescribed number of persons who are qualified voters”.

Between 1994 and 2019, for instance, up to 48 political parties registered and contested national and provincial elections. As illustrated in figure 6.18, the number of parties registered has increased from 16 to 48, which translates into approximately 200 per cent over 20 years.

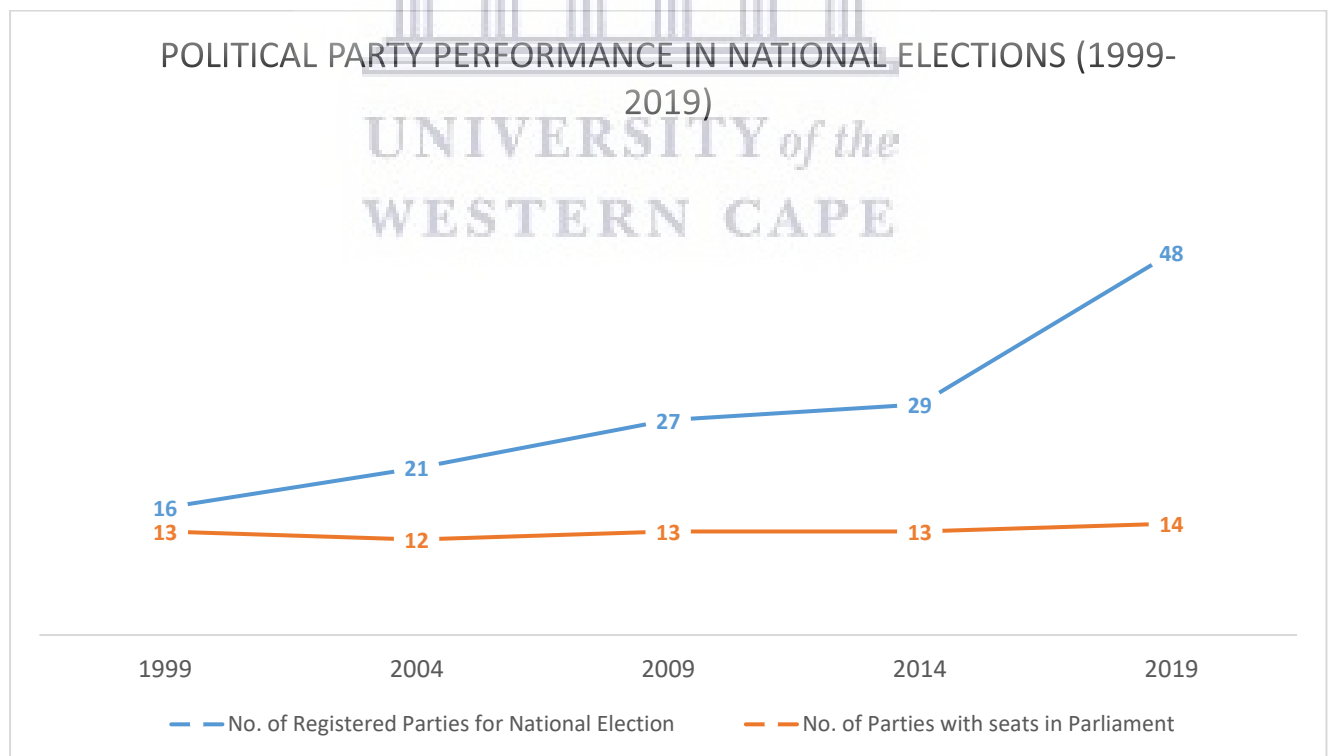


Figure 6.18: Political party performance in national elections (1999 -2019) (Source: www.iec.org.za)

However, the number of parties that have won seats in parliament has not increased with the same vigour. In comparison, there is only a 17 per cent increase in the number of political parties which have won seats in parliament over the same period of 20 years. Of great concern is the continued dominance of the ANC. Literature suggests that, while South Africa’s highly proportional electoral system was adopted in part to ensure broad representation, South Africa has a low effective number of parties and majority party domination (Ferree, 2018). In the words of Gouws and Mitchell (2005: 353), it demonstrates “one party dominance despite perfect proportionality”. The ANC has prevailed in national elections since 1994, winning over 60 per cent of the vote in all elections to date and forming majority governments. While the ANC maintains its dominance, there has been a decrease in the electoral support obtained by the ANC. For instance, the highest electoral support the ANC enjoyed was almost 70 per cent in 2004, which has now dropped to nearly 58 per cent – see figure 6.19.

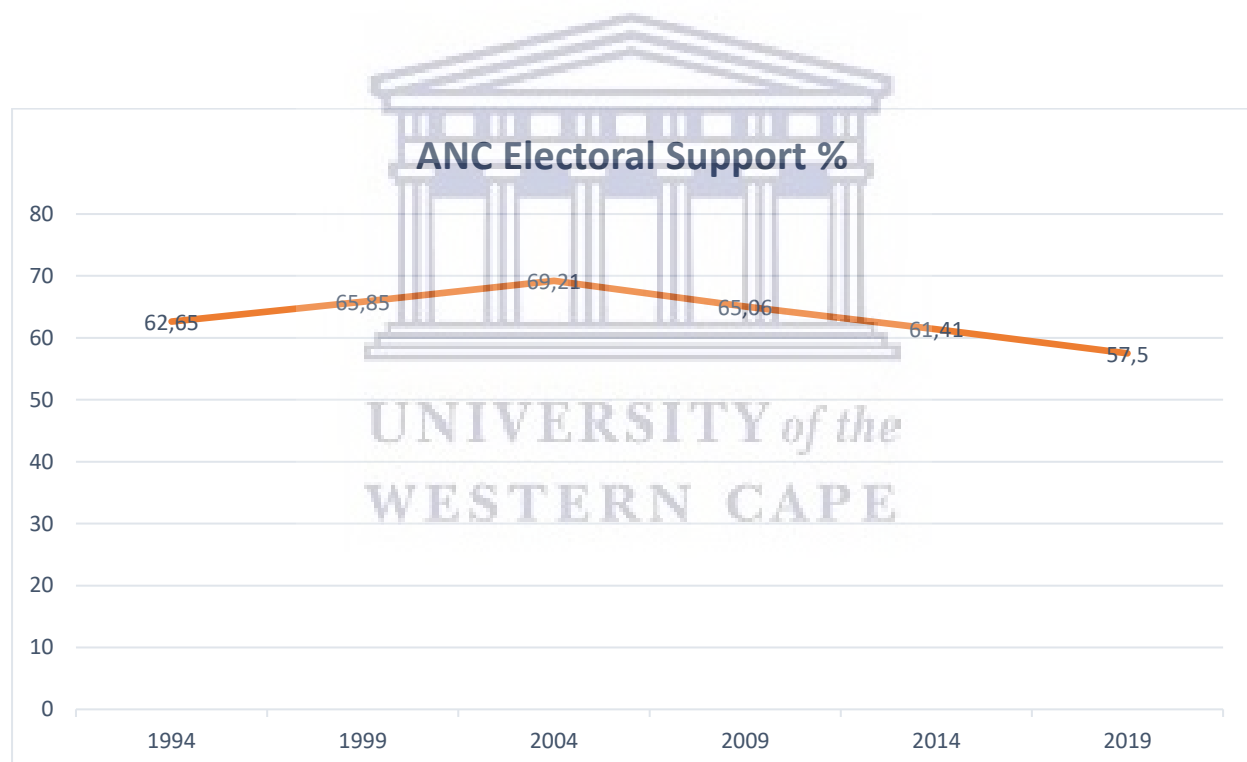


Figure 6.19: ANC national and provincial elections win percentage (1994 – 2019) (Source: www.iec.org.za)

ANC dominance is also evident in local government elections. For instance, figure 6.20 illustrates that the ANC has enjoyed between 59 and 62 per cent of overall electoral support in local government between 2000 and 2011. However, there was a significant decline in the local government elections held in 2016 even though the ANC maintained its dominance with overall electoral support at 53.9%. The ANC share was followed by the DA and EFF with overall 26.9

per cent and 8.2 per cent respectively. However, this support was the lowest since 1994 (Business Day, 8 August 2016). It is critical to note that, for the first time, the ANC lost its majority control of three major metropolitan municipalities, namely Nelson Mandela Bay, the City of Tshwane and the City of Johannesburg. This changed the political landscape as the diminished ANC electoral support led to the formation of coalitions and minority government (The Guardian, 6 August 2016). Causes of the decline in ANC’s electoral support vary. Leading up to the 2019 elections, various allegations were made mostly by the opposition parties which point to the ANC’s inability to govern. These include exceptionally high levels of unemployment, declining economic growth, and allegations of corruption (Butler, 2019).

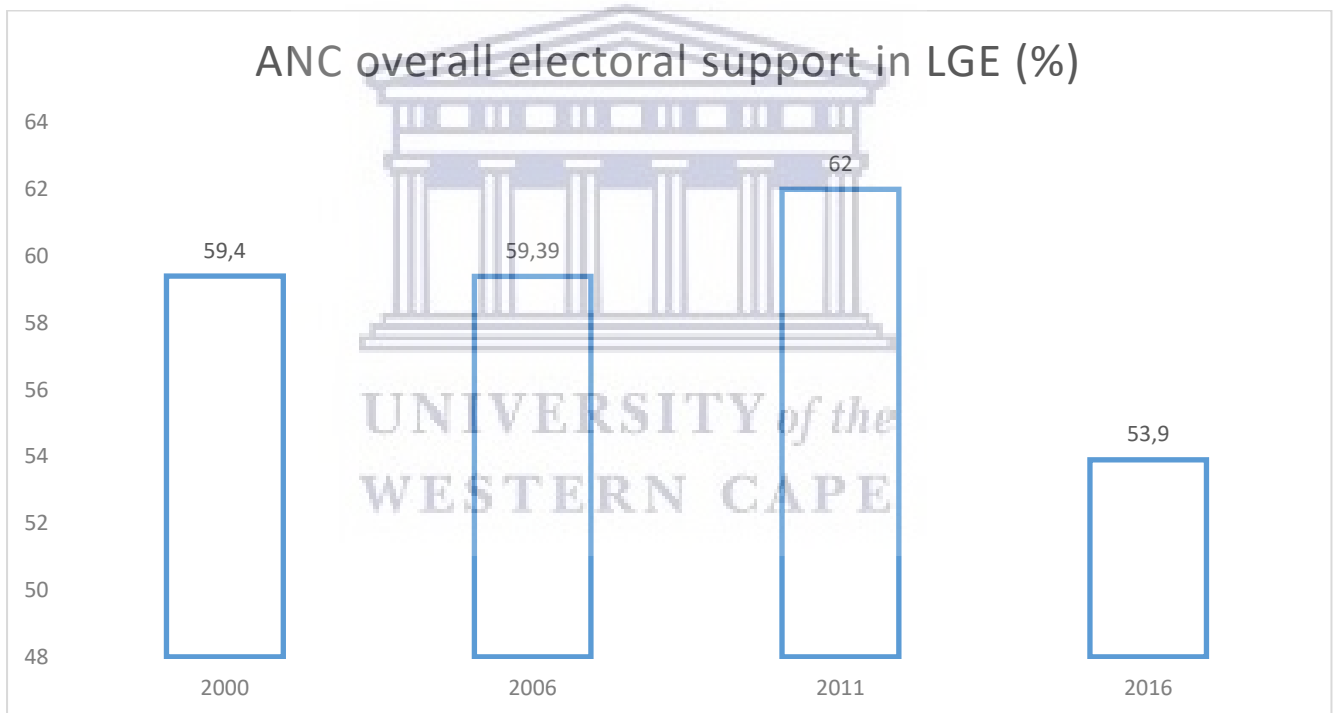


Figure 6.20 ANC overall electoral support in local government elections (%) (2000 – 2016) (Source: Butler, 2016)

In addition to the dominance of the ANC as a concern for democratic consolidation, the 2015 Afrobarometer survey revealed that levels of public trust in the ANC and the opposition parties have been declining over the years (Afrobarometer, 2016). Between 2011 and 2015, public trust in the ANC and the opposition declined from 61 per cent to 43 per cent and 39 per cent to 36 per cent respectively – see figure 6.21. It is worth noting that one of the findings of the

SARB revealed that political parties are one of the top three sources of divisions in the country (IJR, 2015). Low levels of public trust in opposition parties, even with the decline in the trust on the ANC, means that ANC dominance seems possible in the foreseeable future. More specifically, the two major opposition parties, namely the DA and EFF, are facing challenges that will prevent them from taking over from the ANC. The DA, for the first time since its 20-year existence, lost 470 396 votes nationally at the 2019 national elections (Jolobe, 2019). On the other hand, the EFF's electoral support has been on the rise since 2014, with an impressive score of 10.8 per cent electoral support in the 2019 national vote. However, the EFF's increase does not pose a material threat to either the ANC or the DA (Roberts, 2019).

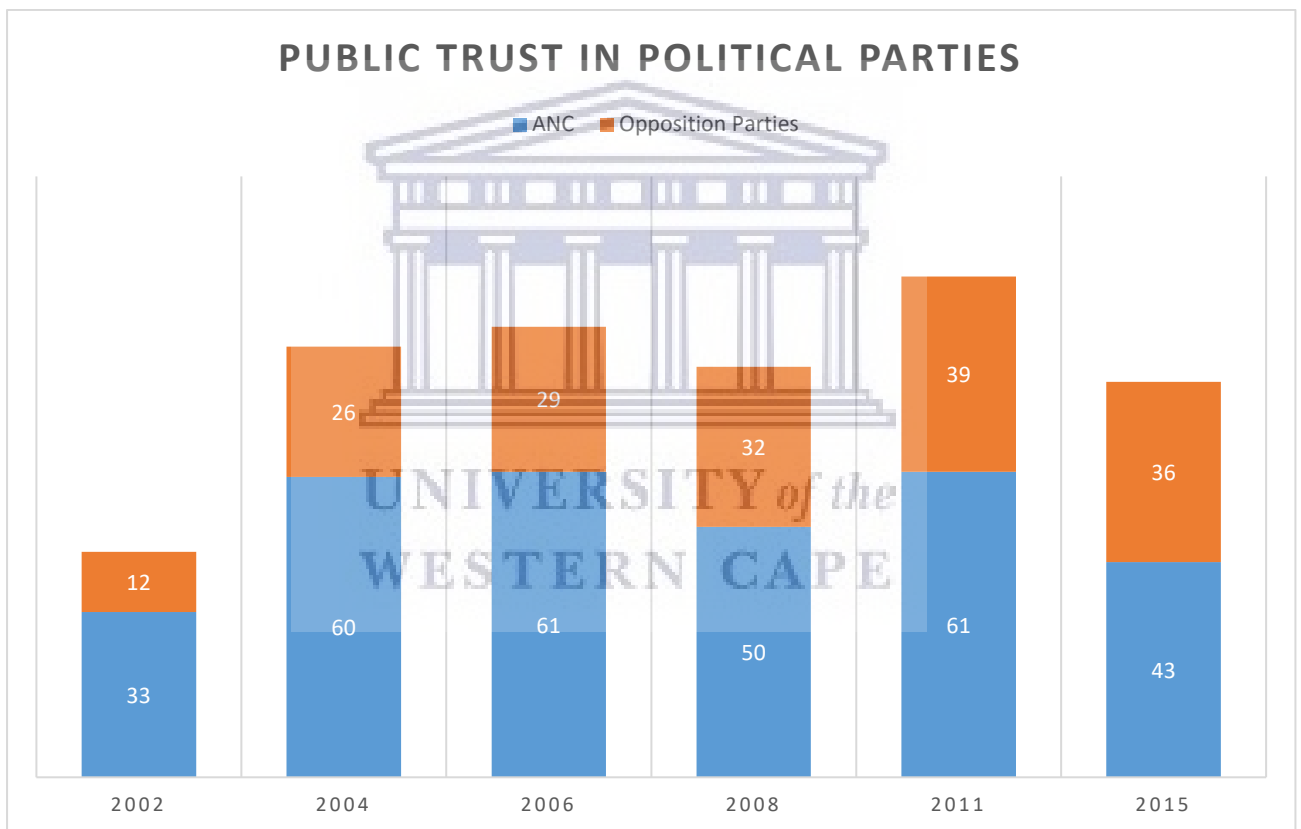


Figure 6. 21: Public trust in political parties (%) (Source: Afrobarometer, 2016)

More significantly, the electoral system has been criticised for its inability to allow interaction between political leaders and voters and to allow electorates to hold individual parliamentarians accountable (Southall, 2014; Enslin, 2011). While the party-list PR system of proportional representation is lauded for achieving representation of diverse South Africans, it does not provide direct means for voters to communicate with their elected representatives. As a result,

South Africans have become more sceptical about whether elections ensure that voters' views are represented. An Afrobarometer study in 2016 revealed that 44 per cent of respondents believe that elections ensure that their views are represented, and 36 per cent of respondents indicated that elections enable them to remove non-performing leaders from office (Lekalale and Nkomo, 2016) – see figure 6.22. Both measures show a decline in the 10 years between 2005 and 2015.

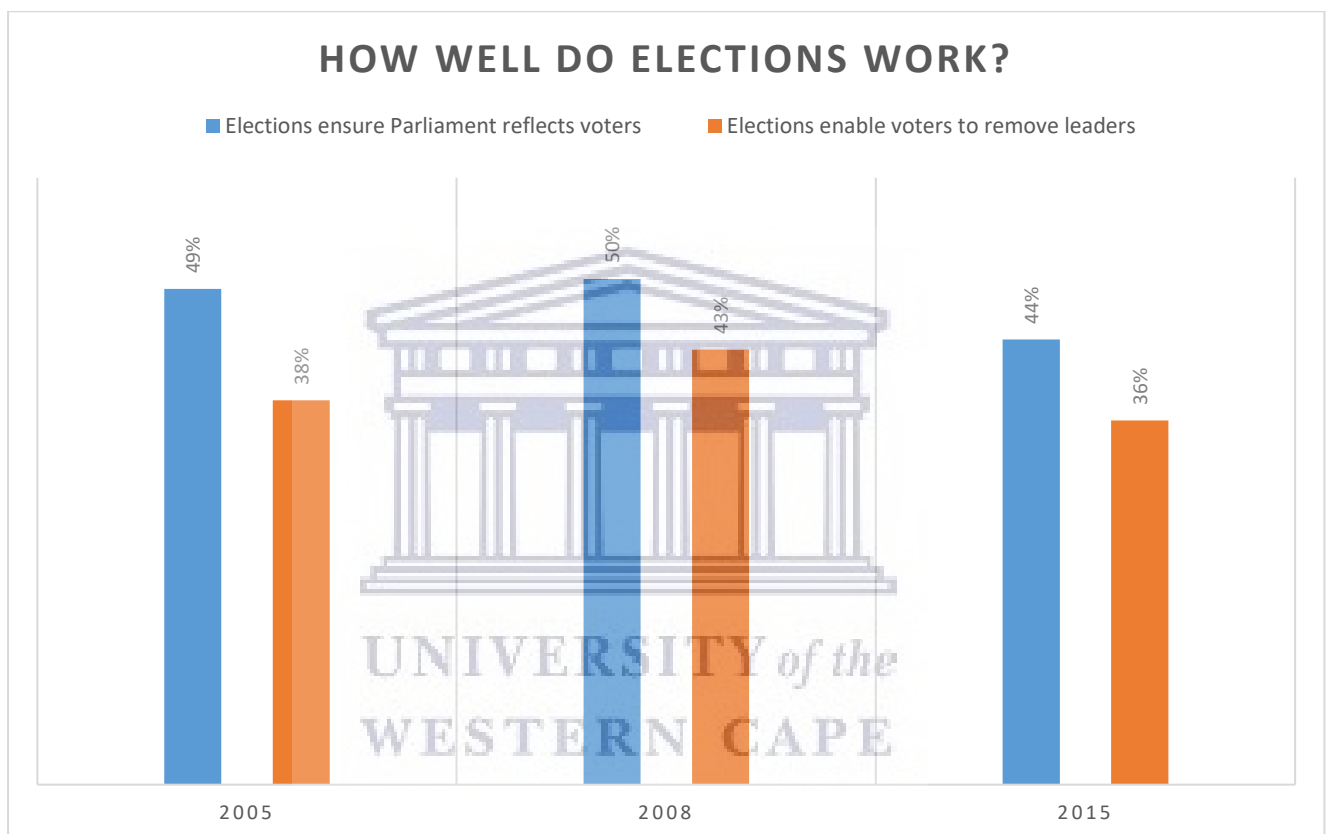


Figure 6. 22: How well do elections work? (Source: Lekalale and Nkomo, 2016)

The inability to allow interaction between political leaders and voters and to hold individual representatives accountable has led to calls for electoral reforms. An electoral task team established by former President Mbeki in 2002 and led by Professor Van Zyl Slabbert recommended the adoption of a multi-member constituency system to replace the single list system, whilst retaining a commitment to PR (Booyesen and Masterson, 2009). This recommendation was affirmed by a report by an independent panel commissioned by parliament in 2007. The report of the Independent Panel (2009) concluded that

the impact of the party list electoral system as it is currently structured in South Africa, as well as alternative systems, should be given consideration by parliament. The view of the panel is that the current electoral system should be replaced by a mixed system which attempts to capture the benefits of both the constituency-based and proportional representation electoral systems.

A recent case on the matter was brought by a civil society organisation, New Nation Movement, which approached the Constitutional Court to allow independent candidates to contest elections. In June 2020, the Constitutional Court declared South Africa's Electoral Act unconstitutional, mainly for not allowing independent candidates to contest elections (Business Tech, 11 June 2020).

To conclude, the post-apartheid system adopted a PR electoral system to ensure inclusivity and representation. In brief, the PR system ensures allocation of seats to political parties, based on a principle of proportionality. There is evidently mostly satisfaction with the electoral system and its ensuring freeness and fairness. Secondly, the electoral system is hailed for its ability to allow for a multiparty system and the representation of diverse voices. There has been an over 200 per cent increase in the number of parties registered to contest elections even though the number of parties that have won seats in parliament has only increased by 17 per cent. There are two main challenges facing the PR system, namely that it has not stopped the emergence of a dominant party and that it does not allow public representatives to be held more accountable. Consequently, there have been calls for electoral reforms since 2002 and a recent one brought by a civil society organisation has resulted in the Constitutional Court declaring the Electoral Act unconstitutional for not allowing independent candidates to contest elections.

6.4 Government of National Unity

In post-apartheid South Africa, a power-sharing government through the GNU was established as part of a negotiated agreement to ensure political consolidation (Kotze, 2016). One of the common assumptions associated with GNU is that when a government that is “democratic and inclusive, conflicts will be prevented because minorities will not feel marginalised and therefore will not use conflict to advance their interests” (Kotze, 2006: 101; Sisk, 1996: 77). Pietersen (2015: 27) argues that Mandela considered the GNU to be “one of the key instruments of reconciliation and peace in the new nation”. The GNU was one amongst a number of

instruments used to ensure inclusivity during the transition period from apartheid to democracy. It aimed to serve as a reflection of inclusion and to foster the spirit of reconciliation. More importantly, the GNU sought to stabilise the transition and building confidence in the democratisation process (Kotze, 2006). It is critical to note that the formation of the GNU was meant to last for one term and subsequently provided a “sunset clause” in the Interim Constitution (1993). This provision stipulated that there would be compulsory power-sharing for a fixed number of years (Kotze, 2006).

Clause 88 of the Interim Constitution (1993) provided for the establishment of the GNU. The GNU was made up of all political parties that enjoyed a threshold of 10 per cent of support in the electorate. Clause 88 (2) states that,

A party holding at least 20 seats in the National Assembly and which has decided to participate in the government of national unity, shall be entitled to be allocated one or more of the Cabinet portfolios in proportion to the number of seats held by it in the National Assembly relative to the number of seats held by the other participating parties.

The aim was to, as stipulated in the Interim Constitution (1993), have a cabinet that reflects “the consensus-seeking spirit underlying the concept of a government of national unity”.

In the 1994 elections, the ANC secured 226 seats, the NP, which was the governing party during apartheid, secured 82 seats and the IFP secured 43 seats, among others (IEC, 1994). This resulted in the three parties forming a power-sharing government between the ANC and its two rivals, the NP and IFP on the principle of government-based on consensus. As noted by Schreiber (2016:3) “it was vital to overcome lingering distrust between the three groups, which had been locked in a violent conflict”. The GNU cabinet had to, therefore, live up to the expectations for the long-awaited onset of democracy, and political leaders and government officials had to find ways to build trust between former enemies with divergent interests who now had to serve as cabinet colleagues.

Based on the outcome of the election, and in accordance with the Interim Constitution, the GNU applied the principles of proportionality and minimum threshold in the formation of the cabinet (Kotze, 2006). Each party with more than 80 seats in the NA could appoint an executive deputy president. Consequently, political leaders apportioned cabinet posts and appointed

ministers from all three parties to the new government (Screiber, 2016). The GNU cabinet consisted of two deputy presidents, Mbeki and De Klerk, and 27 ministers. The majority of the ministers came from the ANC, NP and IFP, while one was an independent candidate – see figure 6.23. The other notable appointment to the cabinet was Prince Mangozulu Buthelezi as the Minister of Home Affairs, along with two members of his party.

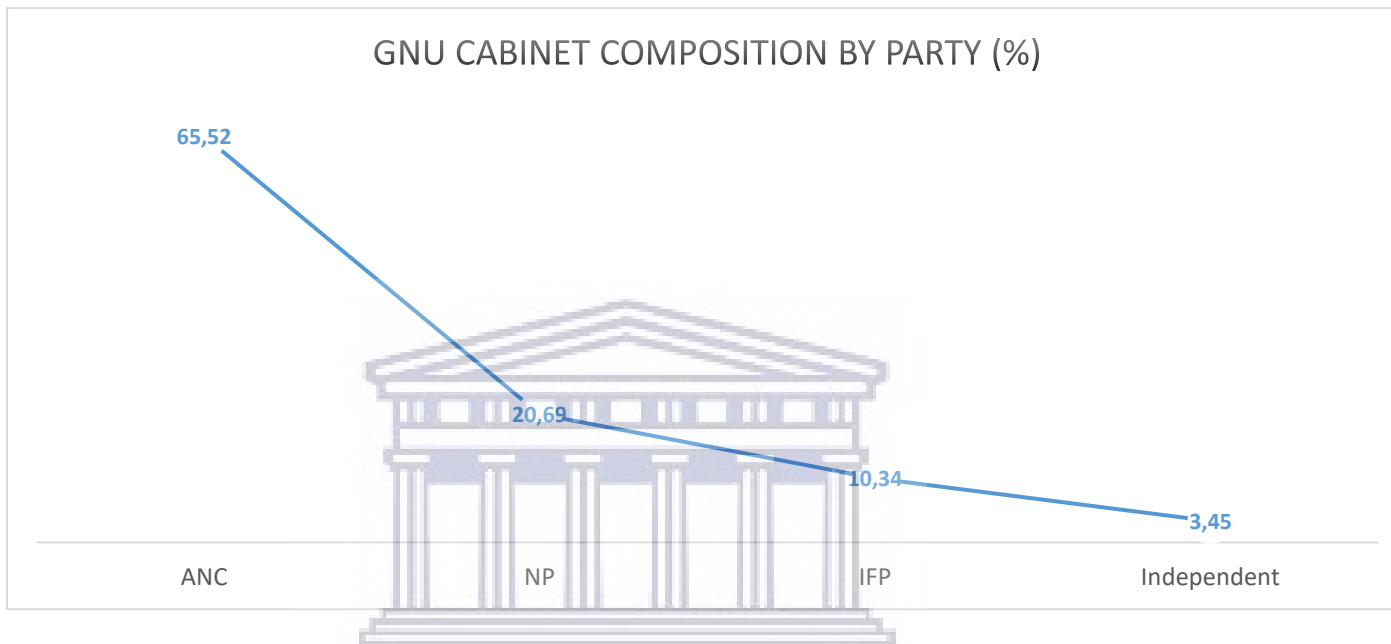


Figure 6.23: GNU cabinet composition by party (%) (Source: Screiber, 2016).

The GNU was considered to be a successful transitional government in Africa. Schreiber (2016: 21) argues that “the structure and practices, as well as personalities, scored some important successes, making [the GNU] one of the most successful—and a possibly unique—transitional governments”. There were at least three notable successes of the GNU. Firstly, the GNU was able to bring together contentious and distrustful political factions to work toward a shared goal of democratic government (Schreiber, 2016). After all, it was the GNU cabinet that oversaw the finalisation of the Constitution by the Constituent Assembly in 1996. However, De Klerk (2016) indicated that the NP’s exclusion from decision-making on the final Constitution was a problem. Secondly, the GNU integrated the fragmented apartheid legal structure from 11 different territories, each with its own statute books into a single set of laws for the entire country. Thirdly, the GNU integrated a single public service from a fragmented government bureaucracy with 195 different government departments with 1.1 million staff members (PSC, 1996). According to Haysom in Schreiber (2016: 22),

the GNU redesigned the civil service, filled new leadership positions at three levels of government, defined responsibilities, and created brand-new institutions like a Constitutional Court with the power to strike down legislation that was not in compliance with the new Bill of Rights.

Furthermore, the GNU was acclaimed for its ability to avoid a coup as happened with other transitional governments in Africa, as it presided over some transitional programmes such as military integration and the TRC. The GNU government presided over the creation of civilian oversight over the armed forces, as well as the integration of combatants from the ANC and other militias into the newly constituted South African National Defence Force (SANDF) (Schreiber, 2016). Military integration reduced possibilities of returning to violence.

However, the GNU was not a complete success; one of its government partners, the NP pulled out two years into the term of office, leaving the IFP to complete the term alongside the ANC (Kotze, 2006; Schreiber, 2016). The reasons for the NP's withdrawal were explained by De Klerk in his speech delivered in parliament on 3 June 1996. On top of the list was that the final Constitution did not make any provisions for the continuation of the GNU. De Klerk explained that among other issues:

The new Constitution contains no provision for the continuation of any form of joint decision-making in the executive branch of government. Now that the ANC has opted for a simple form of majority rule – despite the complexities of our society - we have reached a natural watershed in the transformation of our society. It would be unnatural to continue in the GNU while everybody knows that the principles on which it rests have already been discarded in the new Constitution.

While the NP was the only party that pulled out, there was a constant threat from the IFP as well. This was, according to the two parties, due to the fact that the ANC could not honour the principles of government based on consensus; the ANC was keen to advance its own policies in government that would address the aftermath of apartheid especially in relation to blacks in the country (Schreiber, 2016). De Klerk, in his speech, stated that

the National Party has felt for some time now that our influence within the Government of National Unity has been declining. The ANC is acting more and more as if they no longer need multiparty government.

The speedy adoption of the RDP shortly after the NP pulled out of the GNU was a testimony to this. The NP was not alone with its dissatisfaction with the GNU. The IFP once threatened to pull out of the GNU “if the ANC and NP failed to honour the agreement on international mediation” (Schreiber, 2016: 4). In addition to the reasons relating to the ANC not honouring the principles of government based on consensus, Schreiber (2016) argues that from the onset, there was uncertainty about the way the GNU cabinet would operate. This was combined with lingering political suspicions and lack of administrative capacity, and potentially posed a serious threat to the cabinet’s ability to formulate and implement shared policies (Schreiber, 2016).

To conclude, the GNU was adopted during the transition to achieve political consolidation after the first democratic elections. The Interim Constitution provided that any political party with electoral support of over 10 per cent was eligible to form part of the GNU resulting in the ANC, NP and IFP forming part of the cabinet. The allocation of the 29 cabinet posts (including the two deputy presidents) was based on the principle of proportionality. The GNU was hailed as successful due to its ability to bring together contentious and distrustful political factions to work towards the shared goal; the GNU integrated the fragmented apartheid legal structure and created a single public service from a fragmented government bureaucracy. Additionally, the GNU was able to avoid violent transition by implementing programmes such as military integration and the TRC. However, by the end of the GNU’s term, one partner, the NP, had dropped out of the GNU citing being excluded from the final Constitution and the ANC’s inability to honour the principles of government based on consensus. After the GNU, the country adopted a majoritarian government, to the frustration of some minorities.

6.5 Decentralisation: From a Tier to a Sphere Structure of Government

Post-apartheid South Africa adopted decentralisation in an effort to bring government closer to the people. Decentralisation is one of the mechanisms of democracy as it advocates that individuals and groups are able to express their wishes as to who should be responsible for governing their area (Magi and de Villiers, 2008). The political motivation for this arrangement

was a result of a compromise, since both the NP and the ANC did not intend to empower the local government in the first place. The NP opted for a federal system in which local government would be an exclusive provincial power. However, this federal system was feared in democratic South Africa due to the likelihood of it reinforcing the ethnic division of the past (Cameron, 1999; Steytler, 2005). On the other hand, the ANC held a centralist view that central government could affect the transformation required for the fractured society (Cameron, 1999; Steytler, 2005). As a middle ground, decentralisation meant bringing government closer to the people through transforming how government works, namely from a tier to a sphere structure of government.

Under apartheid, there were four provinces established under the Union Act (1910) reserved for the white population whose landmass was approximately 87 per cent of the country. Alongside these four provinces, the apartheid government established homelands which were a significant component of the apartheid policy of separate development (Butler, Rotberg and Adams, 1977). The apartheid government created a group of nations made up of various ethnic groups, and each allocated a homeland which made up approximately 13 per cent of the country's land area – see table 6.7.

The Bantu Authority Act, No. 68 of 1951, which provided for the establishment of black homelands and regional authorities, aimed for creation of greater self-government, while the Promotion of Bantu Self-Government Act, No. 46 of 1959, separated black people into different ethnic groups. Two significant factors about the homelands were that blacks' citizenship was confined to the homelands, whether born there or not, and each homeland was granted a measure of self-government (Butler, Rotberg and Adams, 1977). The Bantu Homelands Citizenship Act of 1970 identified blacks living throughout South Africa as the legal citizens of the specific homeland designated for their particular ethnic group. The Act did not give blacks South African citizenship or civil and political rights, blacks had rights in their homelands but were not wholly independent.

Year established	Homeland	Capital	Land Area (sq. miles)	Tribe
1977	Bophuthatswana	Mmabatho	14 494	Tswana
1972	Ciskei	Bisho	3 547	Xhosa

1971	Gazankulu	Giyani	2 567	Shangaan
1981	KaNgwane	Louieville Schoemansdal	818	Swazi
1981	KwaNdebele	Kwamhlanga	-	Ndebele
1981	KwaZulu	Nongoma (until 1980) Ulundi (1980–1994)	12 141	Zulu
1972	Lebowa	Lebowakgomo	8,549	North Sotho
1974	QwaQwa	Phuthaditjhaba	144	South Sotho
1976	Transkei	Umtata	14 178	Xhosa
1979	Venda	Thohoyandou	2 333	Vha-Venda

Table 6.7: Homelands in the Republic of South Africa pre-1994 (Source: <https://www.sahistory.org.za/article/homelands>)

Homelands were banished in the eve of the first democratic elections in 1994 elections and the number of provinces increased from four to nine, incorporating the former homelands. Leading up to the 1994 elections, the Interim Constitution (1993) provided that all South Africans will be entitled to

a common South African citizenship in a sovereign and democratic constitutional state in which there is equality between men and women and people of all races so that all citizens shall be able to enjoy and exercise their fundamental rights and freedoms.

This marked a significant move from a separate development system with fragmented citizenship and systems of government. One of the founding provisions of the final Constitution (1996) is that “(1) the Republic of South Africa is one, sovereign, democratic state”. Section 3 further states that “there is a common South African citizenship”. More significantly, the Constitution (1996) provided for the administrative arrangement of the new South Africa. One among these was the adoption of a multi-layered sphere system consisting of national, provincial and local government as opposed to tiers as it was under the apartheid government.

Chapter 3 of the Constitution (1996) states that “40. In the Republic, the government is constituted as national, provincial and local spheres of government which are distinctive, interdependent and interrelated”. Chapter 4 of the Constitution (1996) stipulates that the national sphere is represented by parliament, which according to Section 42 consists of NA and

NCOP. Section 44 further states that national legislative authority vested in the NA includes the “(a) (i) the power to amend the Constitution”, while the NCOP has the power to, among others, “participate in amending the Constitution”. The mandate of the national sphere of government includes functions that affect the country as a whole and require uniformity.

Chapter 6 of the Constitution (1996) stipulates an increase in the number of provinces from four to nine. Section 103 of Chapter 6 provides that the Republic consists of nine provinces, namely Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Limpopo, Mpumalanga, Northern Cape, North West and Western Cape. It is critical to note that the provinces also incorporated the former homelands. The significant difference from apartheid’s separate development system is that there is no separate citizenship for membership for provinces. Section 104 of chapter 7 provides that “the legislative authority of a province is vested in its provincial legislature”. Provinces were subsequently tasked with a responsibility to implement and deliver most social programmes, including education, health, housing and welfare (Constitution, 1996). There is evident equity in the allocation of elected representatives to the population per province, as at mid-2019, with biggest variance in Gauteng and Northern Cape- see figure 6.24.

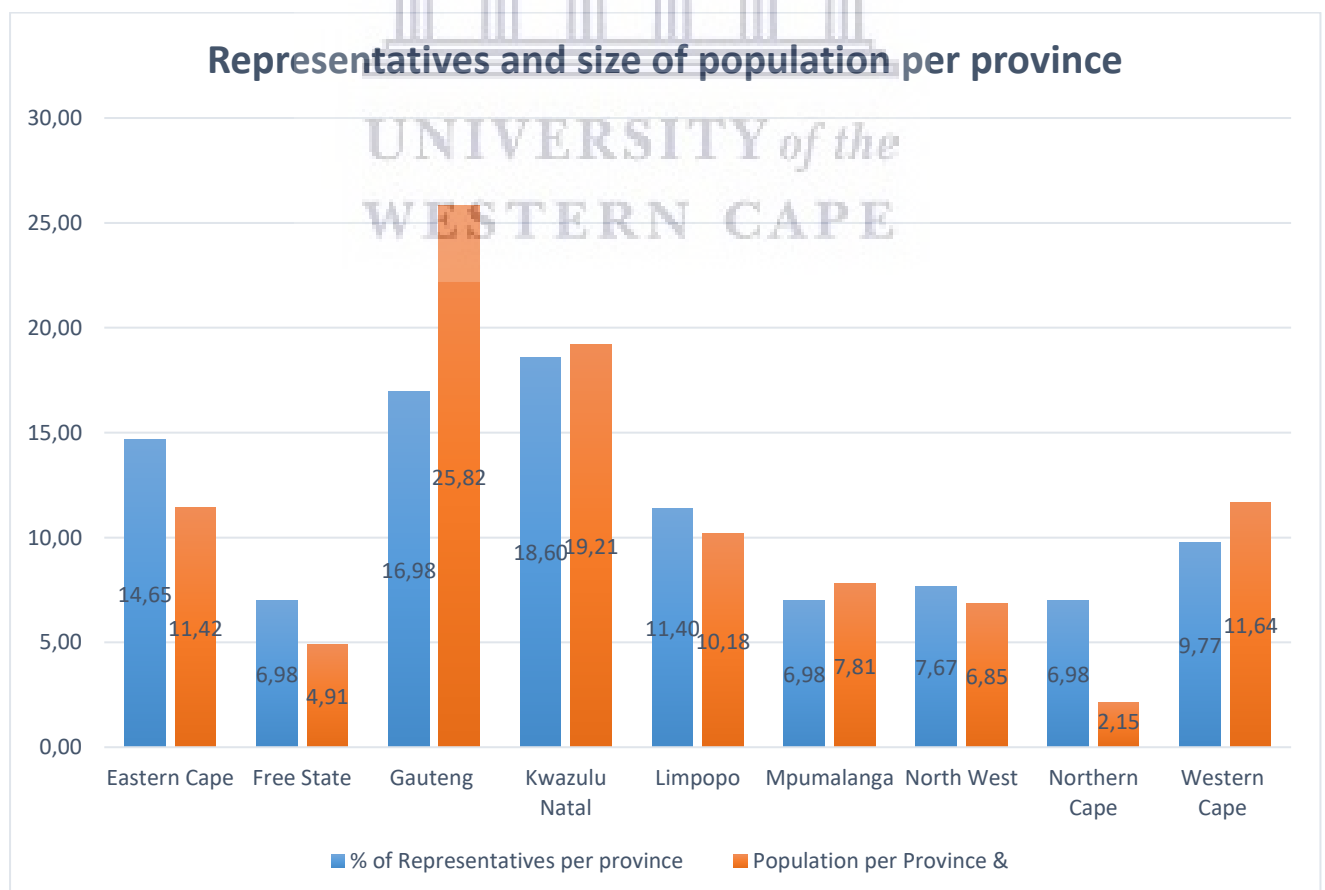


Figure 6.24: Percent of representatives vs. size of population per province as of mid-2019 (%) (Source: StatsSA, 2019)

Chapter 7 of the Constitution (1996) provides that “the local sphere of government consists of municipalities, which must be established for the whole country of the territory of the Republic” and that “(2) the executive and legislative authority of a municipality is vested in its Municipal Councils”. Section 152 of Chapter 7 states that objectives of local government include “(1) (a) to provide a democratic and accountable government for local communities and (e) to encourage the involvement of communities and community organisations in matters of local government”. The recent history of local government in South Africa has been dominated by the creation of a strong legacy of municipal administration alongside the painful process of transition from racially structured institutions to non-racial municipalities (Buhlungu and Atkinson 2007). Mawhood (1993: x) argued that

The dramatic changes in South Africa have created a new area for local institutional-building leading to all major parties to the constitutional negotiation agreeing that effective non-racial local government is an essential part of the future solution.

The creation and empowerment of local government were most significant in the move from a tier system of the apartheid system. Cameron (2004) argues for a political-administrative motivation in which the establishment of a local government sphere was a response to this hierarchical system of the apartheid government, which was centralised to enforce apartheid at the local level. As of August 2016, there were 257 municipalities in the country (Municipal Demarcation Board, 2016). Of the 257 municipalities, eight are category A metropolitan municipalities, 44 are Category B District municipalities, and 205 are Category C local municipalities – see figure 6.25 (IEC, 1996). The 257 municipalities are further divided into 4 092 wards.

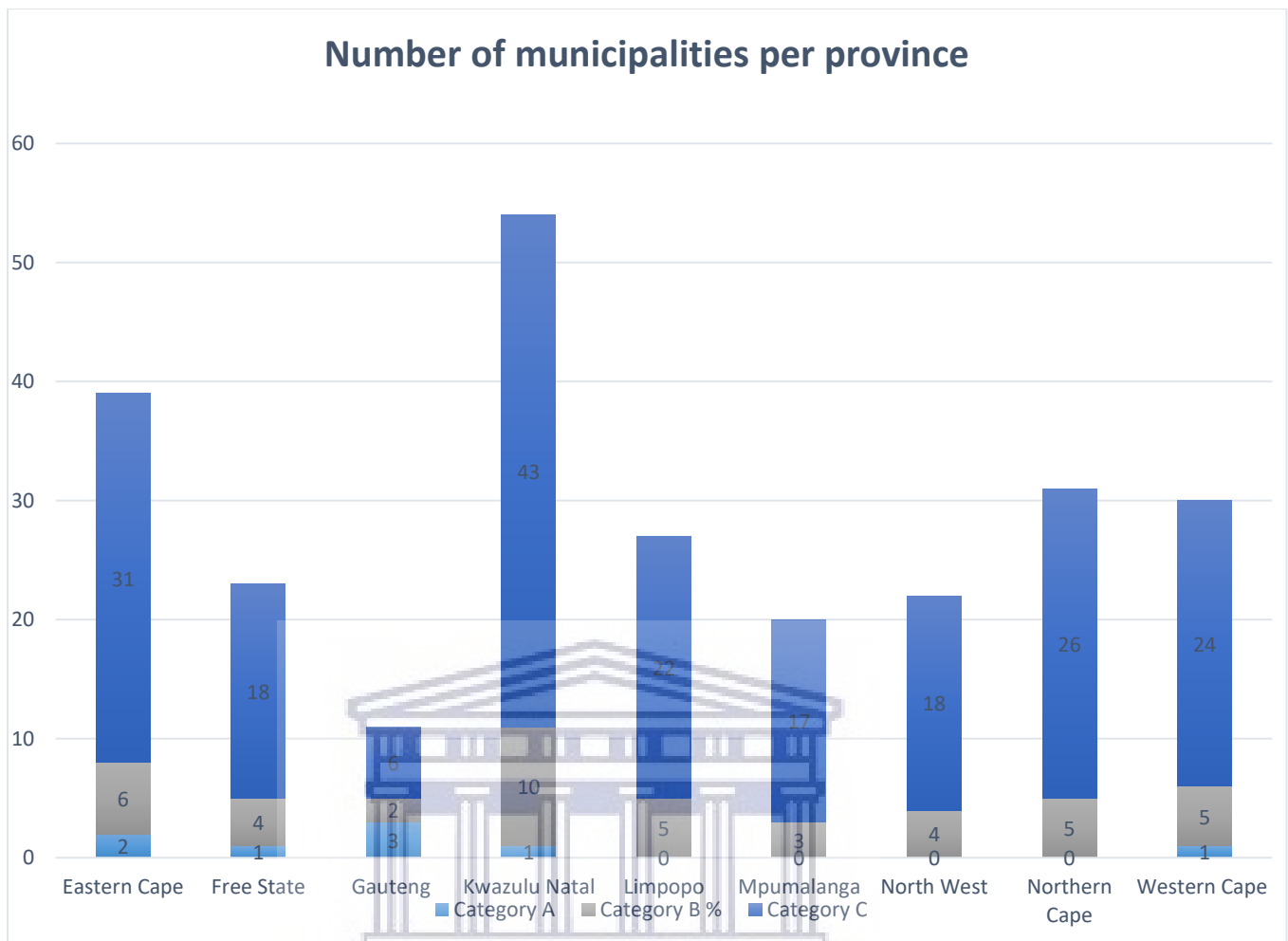


Figure 6. 25: Number of municipalities per province as of August 2016 (Source: Municipal Demarcation Board, 2016).

Significant to the establishment of the sphere is that they have to exercise their powers and functions in such a manner that their policies and executive actions can be effectively coordinated to facilitate efficient service delivery. A study conducted by Afrobarometer revealed that large majorities of South Africans say their government has performed “fairly badly” or “very badly” (Chingwethe, 2015: 1). This view is consistent with increasing public dissatisfaction with elected leaders. For instance, figure 6.26 illustrates that South Africans’ disapproval of various categories of elected leaders has followed more or less the same trend since 2000, dipping between 2000 and 2004 before gradually rising after 2006. Generally, the disapproval rate has been very low for local government councillors, followed by Members of parliament and premiers. In 2015, a majority of South Africans disapproved of the performance of the local councillors by 61 per cent and members of parliament by 54 per cent. Disapproval of Premiers, however, was significantly lower in comparison at an average of 34 per cent since 2000 and has been relatively stable since 2008.

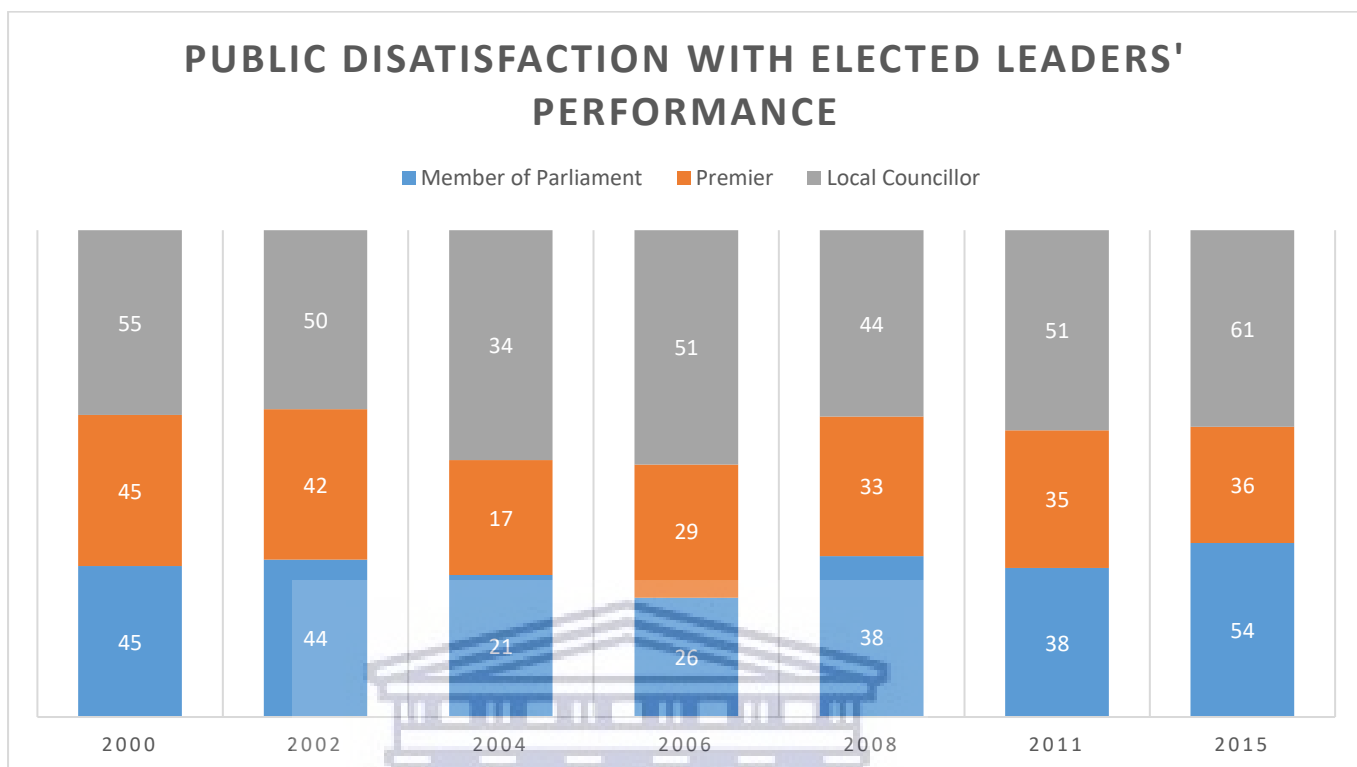


Figure 6.26: Public Dissatisfaction with elected leaders' performance (2000 – 2015) (Source: Chingwethe, 2015)

Lack of confidence in the government's performance is especially evident at the local government level. South Africans' trust in their local government to perform according to their mandate is limited. In a study conducted by Hofmeyer (2016), almost 22 per cent of the respondents have absolutely no confidence in local government. In comparison, another 32.4 per cent noted that they do not trust local governments very much. The combined figure for the two adds up to 54.4 per cent, which means that, at the very least, a majority of citizens have their reservations about this sphere of government's capacity and/or willingness to deliver on its mandate. This sentiment cuts across the country's historically constructed racial categories, with the highest levels of distrust located in the Indian and coloured community at 63.9 per cent and 64.5 per cent, respectively. While somewhat lower, this view is shared by the majority of white and black respondents at 57.6 per cent and 52.4 per cent, respectively.

More significantly, the performance of the government is against certain indicators. According to Chitwenge (2015), An analysis of evaluations by various demographic groups shows that on almost all performance indicators, Indian/South Asian and white South Africans paint a gloomier picture than their black and coloured counterparts. Figure 6.27 illustrates that of the

five selected indicators, there is a view that the government is doing well in only two, namely addressing educational needs and uniting South Africans into one nation. However, the government is failing in addressing economic challenges such as managing the economy, narrowing the gap between the poor and the rich and creating jobs.

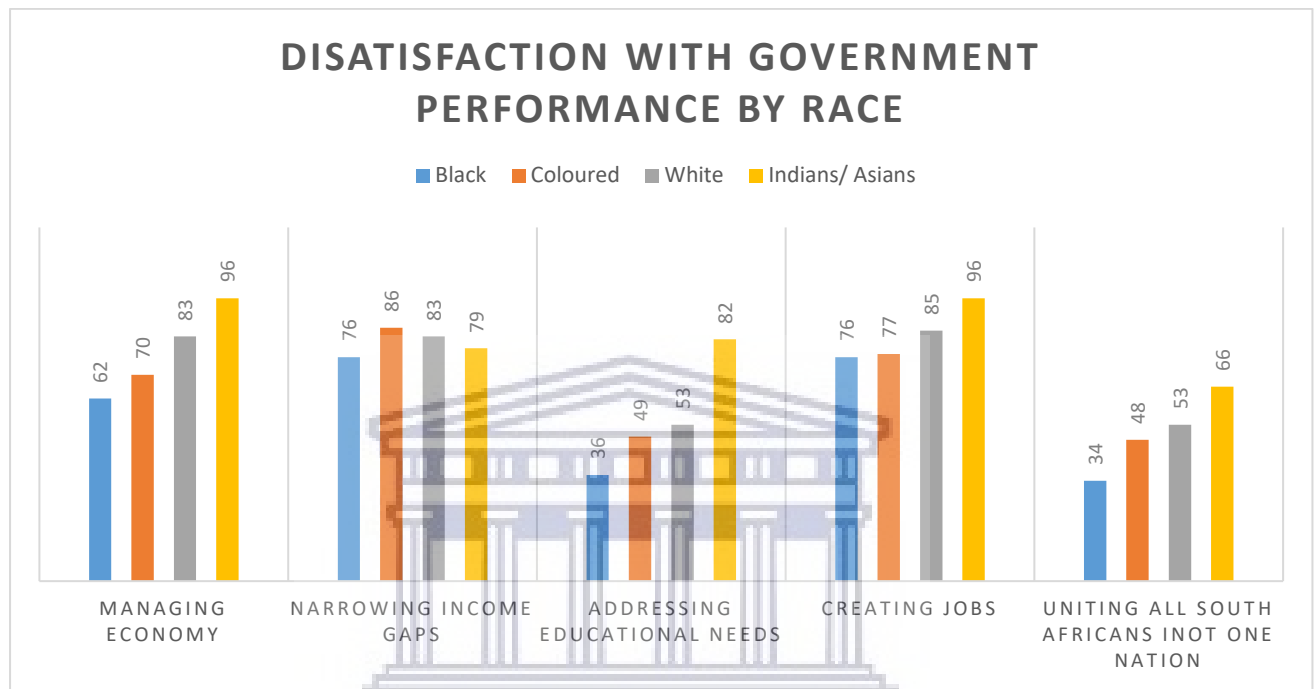


Figure 6.27: Dissatisfaction with government performance by race (Source: Chitwenge, 2015),

Additionally, there have been recent calls that challenge the current provincial demarcation, and some have gone to question the necessity and relevance of provinces. This was discussed at one parliament debate on a motion submitted by the former MP of the African People's Convention (APC), Themba Godi on 27 October 2017. The topic of the debate was "The Relevance and Effectiveness of Provinces and District Municipalities in our System of Government". Godi's central argument was whether it was necessary to have a middle structure between the national and local government and argued that there is no substantial reason for such a structure. Views of political parties were clearly articulated on the matter ranging from total scrapping of provinces, reduction of the number of provinces to provinces must not be scrapped, but governance issues must be fixed.

On the one hand, it is argued that the incorporation of the homelands and the demarcation of the Republic into nine provinces largely retained the setup of the former homelands. For instance, according to the leader of the United Democratic Movement (UDM), provinces as are

“glorified homelands” (UDM, 13 May 2018). In a parliament debate held on 27 October 2017, Bantu Holomisa argued that “provinces are a political scandal that entrenches tribalism and regionalism. They are fundamentally not far removed from the logic of the homeland system”. The rest is still very much along with language, race and ethnic lines. For instance, the most spoken language in, among others, KwaZulu-Natal is isiZulu (80.9 per cent), IsiXhosa in the Eastern Cape (83.3 per cent), IsiSwati in Mpumalanga (30.8 per cent) and Afrikaans in the Western Cape (55 per cent) (StatsSA, 2004).

On the other hand, parties such as the APC, the EFF and the UDM called for total scrapping of provinces. They argued that financial resources could be redirected to national and local government. According to the 2019 Budget Review, transfers from the national government constitute over 95 per cent of provincial government budgets. Parties such as the ANC, COPE (the Congress of the People), the IFP and the AIC (African Independent Congress) advocated for instead a reduction of the number of provinces and review of the roles and responsibilities of provincial legislatures. This is based on the view that provinces are not as efficient as envisaged in the Constitution, and they duplicate provision of service delivery. The IFP, however, vehemently disagrees with the notion of centralisation of power while parties such as the DA and NFP argues that there is nothing wrong with provinces. Instead, governance issues must be resolved to ensure the efficient provision of services.

To conclude, to ensure that government was brought close to the people, post-apartheid South Africa adopted decentralisation through a sphere structure of government which consists of national, provincial and local government. The number of provinces was increased from four to nine after incorporation of the former homelands. On the other hand, the number of municipalities was decreased by almost 300 per cent and further divided into three categories. While this move was hailed for ensuring inclusivity and closeness of government to citizens, confidence in government performance is relatively low, especially on MPs and local government elected leaders. There is also an emerging debate about the relevance and effectiveness of provinces with some calling for modification of the spheres of by scrapping provinces. Evidence shows that government is doing better in social programmes such as nation-building and education but fail dismally in economic indicators such as managing the economy, narrowing the gap between the poor and the rich as well as to create jobs.

6.6 Concluding Remarks

In conclusion, democracy was used as a political tool of the Rainbow Nation. Democracy established an alternative political order different from that of apartheid. This process started with the re-conceptualisation of citizenship in the democratic regime. The Constitution provided that citizens have equal civil, political and socio-economic rights. This was translated into reforms that took place in political systems and institutions. The Constitution provided for universalisation of political rights and introduced a PR electoral system that enabled citizens to choose their own representatives. Since the PR system produces a multiparty system, this means broader representation for citizens. Also, in the first term of the democratic government, a GNU was introduced to have a government that is inclusive and reflective of the diverse population. Furthermore, there were initiatives to ensure the government is accessible and brought closer to the people through a sphere structure of government.

However, despite these efforts, there is a decline in the levels of support for democracy. This is evident in the perpetual decrease in the VAP voter turnout for national, provincial and local government elections. Secondly, the PR electoral system has not resulted in the envisaged broader representation as to the number of political parties that win votes are much lower than those registered and contesting elections. Instead, there is a dominant party, the ANC, since 1994. Thirdly, the GNU was only meant for one term of office; hence it was not provided for in the final Constitution. Either way, the GNU did not finish with all its partners as the National Party withdrew two years into the term. Lastly, the sphere structure of government has not resulted in effective service delivery as envisaged. There are low levels of confidence in the performance of government, especially parliament and local government. While the disapproval rate for provincial leaders has been consistently low, there are calls to review the relevance and necessity of the provincial sphere of government.

This thesis concludes that challenges faced by democracy may have less to do with reforms on political systems and institutions but more with a promise the democracy brought, namely that there will be an improvement on socio-economic conditions of the previously marginalised black majority. Hence, it is less the failure of democratic institutions, than the failure of democratic governance – nevertheless. As a result, faith in the institutions looks like it is starting to wane. These failures include the inability to bring about socio-economic improvements through effective service delivery and holding elected officials accountable.

These failures have led to citizens abandoning or losing trust and confidence in the systems and institutions of democracy. Hence, there is evidence of citizens who are willing to give up elections for service delivery or preference for alternative political expression and engagement.



Chapter 7 Social Reforms in Post-Apartheid South Africa

The adoption of social policies in post-apartheid South Africa can be seen through the lens of national-building as radical mechanisms to create unity. One of the ways that citizenship in post-apartheid South Africa was conceptualised was through the introduction of civil, political and socio-economic rights in an effort to ensure the provision of all people with equal access and participation in social life (Nkambule, 2012). This was particularly significant for the inclusion of previously marginalised majority which was provided for in the Constitution and facilitated by the social policy. The objective was to build inclusive citizenship and a shared sense of belonging typical of civic nationalism. This approach was true to the assertion made by Mkandawire (2009: 141; 2011:1) that social policy is “an instrument for ensuring a sense of citizenship”.

Social policy aimed at eradicating social disparities and inequalities caused by apartheid. Under apartheid, the majority of South Africans suffered from inequality because of racist policies (Adato, Carter and May, 2006). The levels of inequality were still evident a few years in the democratic era in which the Human Development Index (HDI) was much lower for Africans at 0.63, compared to coloureds, Indians and whites at 0.70, 0.78 and 0.86 respectively in 1996 (Capuzzo, 2014; Hirschowitz and Orkin, 1997). This was due to that Africans received less education and were less able to compete with others for jobs in the formal economy, even when job reservation was lifted by the 1980s. Additionally, inequality was spatialised due to residential segregation wherein the majority of urban black townships and informal settlements were poor, and many black rural areas had limited access to clean water, sanitation and electricity. Therefore, the social policy aimed to alleviate apartheid’s legacy of poverty and inequality among the previously marginalised majority of the black population and thereby foster a sense of inclusive citizenship (Leubolt, 2014).

Post-apartheid social policy is anchored in the constitutional provisions for equal social rights such as rights to housing, health care, and education. The objective of the social policy was mainly to, as coined by Marshall (1950), promote a socially desirable and minimal livelihood. This was done on the basis of rights-based social policy. Social rights are part and parcel of citizenship in post-apartheid South Africa and no longer meant to serve institutional racism where social rights depended on racial categories (Leubolt, 2014).

Using Mkandawire's (2009) framework, this thesis argues that post-apartheid social policy was made up of three aspects namely: (i) social aspects, evident in welfare policy; (ii) political aspects, evident in the language policy, and (iii) economic aspects, evident in education reforms. Social policy has been somewhat successful in all three respects. For the first time, equal social rights meant that the previously marginalised majority was provided with a welfare system to reduce levels of absolute poverty and inequality. Education was transformed from Bantu education, which was created to provide poor quality of education to the majority of blacks to a system that ensured equality in the provision of education. Furthermore, African languages that were previously marginalised were given space by being alleviated to official languages in the Constitution. While the progress made by the social policy is lauded, there remains significant challenges. These include: the perpetual increase of people who receive social and welfare services, the poor quality of public education, and people's inability to use their home language in the economy. These challenges suggest profound limits to the efficacy of social policy, and by extension, nation-building.

7.1 The Rights-Based Social Policy in Post-Apartheid South Africa

Post-apartheid South Africa adopted a rights-based approach to social policy. Mkandawire (2001:1) defines social policy as "collective interventions directly affecting transformations in social welfare, social institutions and social relations". Adesina (2009:38) describes social policy as "collective public efforts aimed at affecting and protecting the social well-being of people within a given territory." Keyes (2008) and Keyes and Lopez (2002) cited in Teghe and Rendell (2005: 2) state that well-being includes social integration, which refers to a "feeling as a part of the community". The social policy consists of a series of public policies that ensure that the quality of life in society improves; hence social policy also has a role in nation-building.

Thus, social policy in post-apartheid South Africa aimed at building a social order that is inclusive of all citizens, so they form part of the Rainbow Nation. This was particularly important as Greenstein (2006) argues that for a marginalised population to be recognised as a community, claims to the welfare and social services must be conceptualised as rights rather than entitlements. The Constitution (1996) promotes and protects equal social rights. Chapter 2 Section 7 of the Constitution provides that the Bill of Right enshrines the right of all people and affirms the democratic values of human dignity, equality and freedom. For instance,

Section 27(1)(c) of the Constitution (1996) guarantees everyone the right of access to social security, “including, if they are unable to support themselves and their dependents, appropriate social assistance”. Furthermore, sections 152 and 153 of the Constitution provides for a “right to basic municipal services” that includes water, sanitation, electricity, and refuse removal.

The rights-based social policy was a move away from the social order inherited from apartheid (Noyoo, 2019). This social order was characterised by social exclusion, based on race, of other groups from engaging fully in community and social life (Rispel, Molomo, and Dumela, 2008). As a result, apartheid left a legacy of high levels of inequality between racial groups, high levels of poverty especially among the black majority with an estimated 17.1 million people living in poverty in 1990 and instilled a cultural system that underwrote white supremacy (Simkins, 1991; Luiz, 1996). This was particularly evident in the gap between levels of Gini Coefficient, distribution of income, of different race groups. For instance, in 1995, the difference between white and African Gini Coefficient was 0.06 - see figure 7.28.

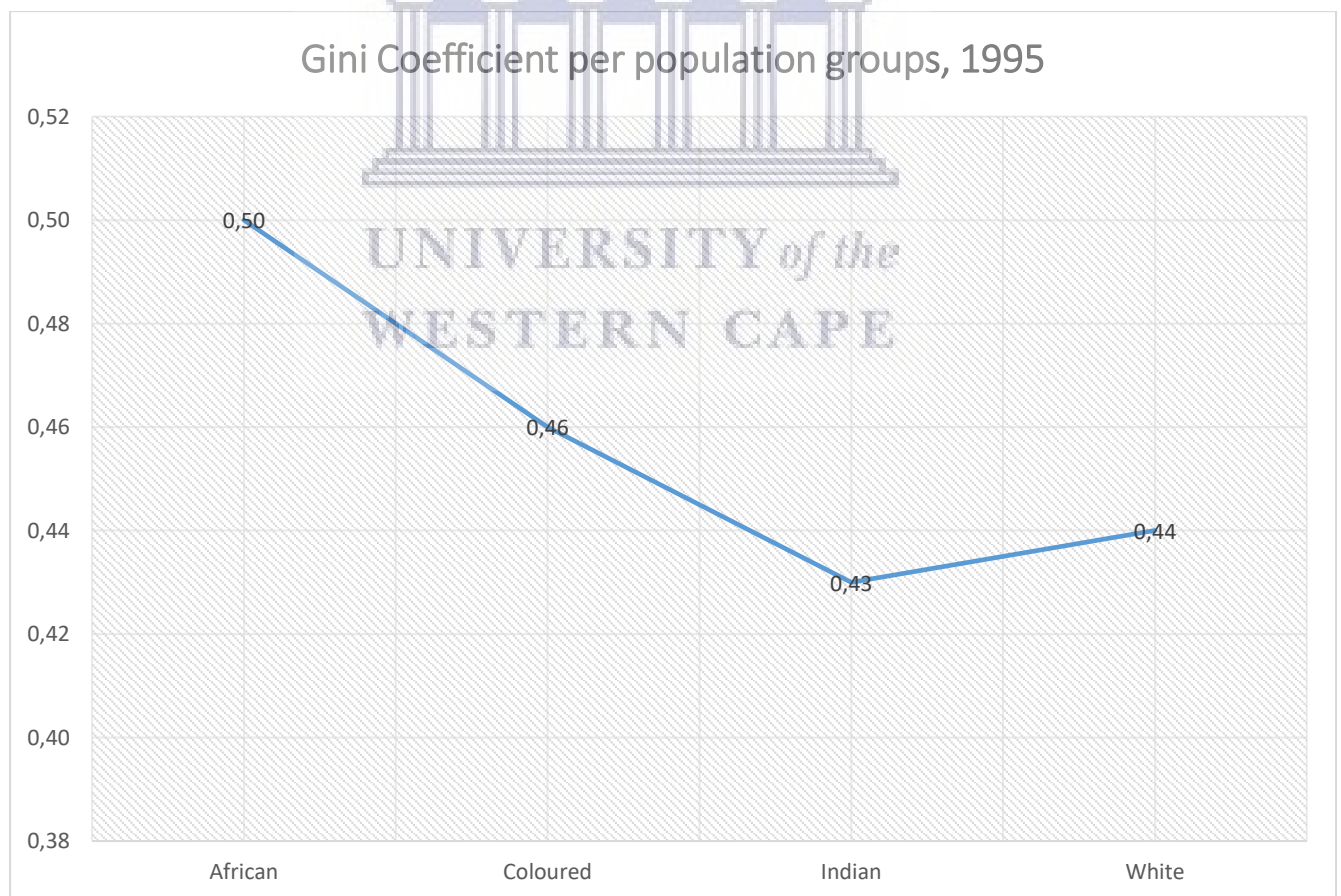


Figure 7.28: Gini Coefficient per Population Groups, 1995 (Source: Borhat and Van Der Westhuizen, 2012)

The post-apartheid social policy is rights-based, making it inclusive and no longer meant to serve institutional racism where social rights depended on racial categories (Leubolt, 2014). This approach was summarily coined in the ANC's 1994 campaign slogan "a better life for all" (Barnard, 1994: 119). To realise this objective, a targeted approach to social policy was adopted (Leubolt, 2014; Jacobs, 2010). The targeted social policy choice was, according to Leubolt (2014), made instead of making former privileges accessible to all. The pro-poor social policy adopted by the post-apartheid government aimed at improving the socio-economic conditions of poor households in South Africa which mainly consisted of the previously marginalised blacks. This was with the aim to redress inequalities in social, political and economic aspects of the social policy. As Adesina (2015:112) argues, "the role of social policy stretches from the economy to social relations and social institutions".

Post-apartheid social policy was first shaped by the Reconstruction and Development Programme (RDP) adopted by the GNU in 1994. According to Corder (1997), RDP was adopted as part of the social-democratic policy framework with the aim of redressing the imbalances of the past. White Paper on Reconstruction and Development (1994: 4) stated that "at the heart of the GNU is a commitment to effectively address the problems of poverty and the gross inequality evident in almost all aspects of South African society". The White Paper on Reconstruction and Development (1994: 6) also indicated the government's commitment to "redistribute resources to address inherited inequalities". In doing so, the RDP focused on the needs and resources of all South Africans; thereby treating all people fairly and equally. For instance, one of the principles of the RDP was the "infrastructural programme that will provide access to modern and effective services such as electricity, water, telecommunications, transport, health, education and training for all our people" (White Paper on Reconstruction and Development, 1994: 8).

The RDP was successful in certain areas such as social security particularly in the development of a welfare system and introduction of social services (Capuzzo, 2014). However, the RDP was not successful in fostering economic growth and was subsequently replaced by GEAR two years later. The RDP was good for nation-building, but the cost of implementation was too high; hence some perceived nation-building to be an unaffordable luxury for South Africa (Baines, 1998). Accordingly, Capuzzo (2014: 95) argues that the government adopted GEAR to "face the economic constraints remained unresolved after the adoption of the RDP".

Friedman and Van Niekerk (2016) argue that the approach to social policy changed with the adoption of GEAR. The social policy was now set on a neoliberal path in which the role of the market has increased at the expense of government action against poverty and inequality. GEAR was a liberal framework in terms of which the key to poverty alleviation was economic growth. Significant to note is that it was argued that the need to accelerate economic growth was driven by the need to meet social investment needs. GEAR aimed at job creation through a neoliberal focus on structural reform of the economy, trade liberalisation privatisation and the attraction of foreign investment. While GEAR achieved macroeconomic objectives, it was not successful in addressing social challenges such as poverty reduction and employment creation (Capuzzo, 2014). Paggerson et al (2015: 4) concludes that:

It is therefore still an open question whether (and why) the actual social policy framework in South Africa constitutes a shift towards a redistributive paradigm built on social justice or whether social policy is primarily viewed as a secondary element in a broader neoliberal economic vision.

Nevertheless, post-apartheid social policy has, as classified by Mkandawire (2009), at least three functions. The first is the social function which focused on social insurance and alleviating poverty through the social welfare system. This function assisted the majority in improving and stabilising their lives. The second function is economical, which entails the inclusion of previously marginalised areas and social groups in the growth process through education. The third function is political, which aimed at achieving social justice through the promotion of previously marginalised languages.

7.2 The Social Aspect of Social Policy in Post-apartheid South Africa: The Welfare System

Post-apartheid South Africa government adopted a welfare system in an effort to alleviate poverty and provide social security. Scholars such as Sithole and Mmakola (2018) and Luiz (1996) have gone as far as to classify South Africa as a welfare state orientated towards redistribution of wealth and income through public social welfare programmes. Susser (2012) defines a welfare state as the one “committed to providing its people with a wide range of social

services”. White Paper on Welfare (1996: 8) defines social welfare as “an integrated and comprehensive system of social services, facilities, programmes and social security to promote social development, social justice and the social functioning of people”. Thus, public social welfare programmes entail the provision of social services such as health care, education and welfare grants by the government.

More significantly, the post-apartheid welfare system is targeted and pro-poor (Luiz, 1996). This means that, while the welfare system is in fulfilment of a constitutional right, it is not universalised. From 1996, the pro-poor approach is conceptualised within a liberal framework in terms of which the key to poverty alleviation is economic growth with welfare services being the safety-net for those to whom it does not trickle-down (Luiz, 1996). According to StatsSA’s Living Conditions Survey report (2015), there were 35.1 million individuals aged 18 years and older in South Africa who lived in poverty in 2015. More specifically, the majority of blacks had a bigger share of population living in food poverty, lower bound and upper bound at 46.6 per cent, 29.6 per cent and 16.7 per cent respectively –see figure 7.29. In contrast, only 0.10 per cent, 0.20 per cent and 0.80 per cent of white South Africans who lived in food poverty, lower bound and upper bound poverty respectively.

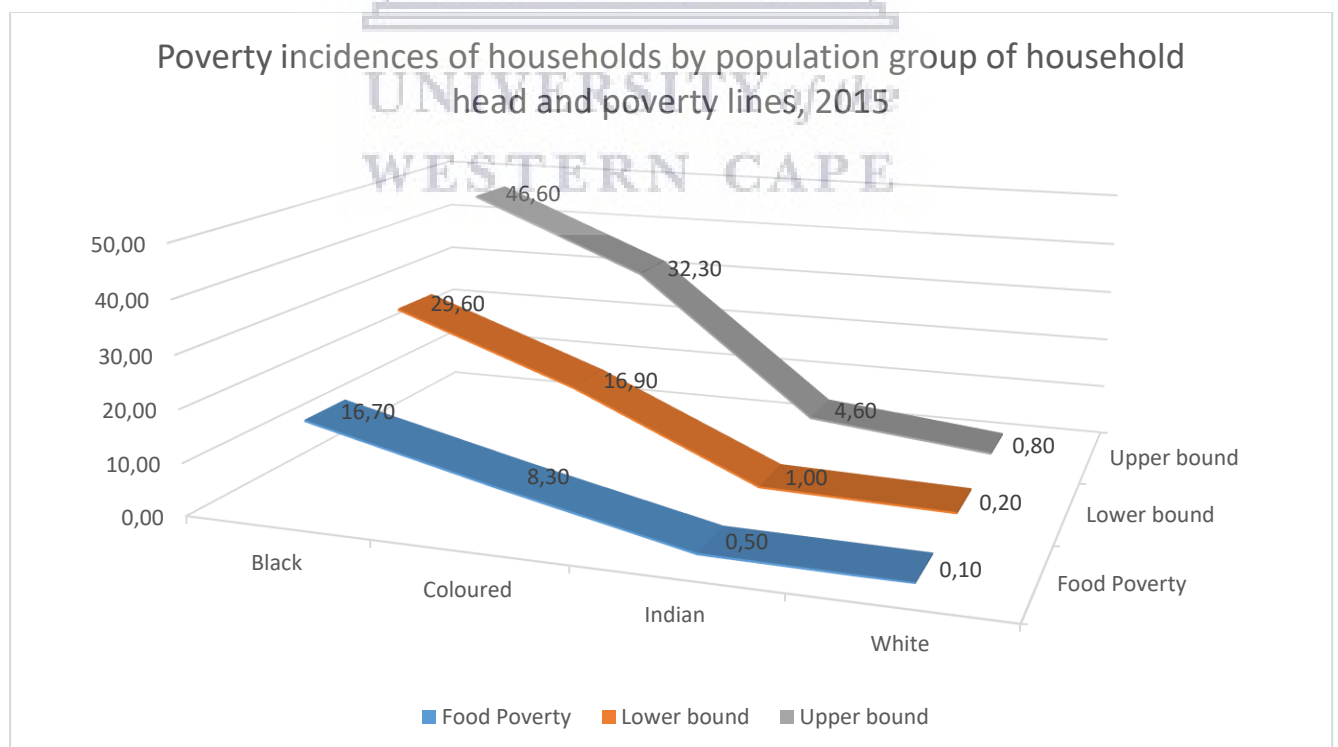


Figure 7.29: Poverty incidence of households by population group of household head and poverty lines, 2015 (Source: StatsSA, 2015)

Thus, the welfare system focused on measures of the Quality of Life, which, among others, include housing, health, education, and social security. According to the recent StatsSA's General Household Survey (2018), the highest government expenditure is on welfare programmes, and it continues to increase. For instance, for the 2017/18 financial year, three of the four highest expenditure items were education, social protection and health at 19 per cent, 14 per cent and 12 per cent respectively. In contrast, expenditure on economic affairs and public order is slightly lower at 10 per cent each- see figure 7.3. This amount increases by an average of 7.30 per cent annually with an estimated increase from R193.4 billion in 2018/19 to R223.9 billion by 2020/21.

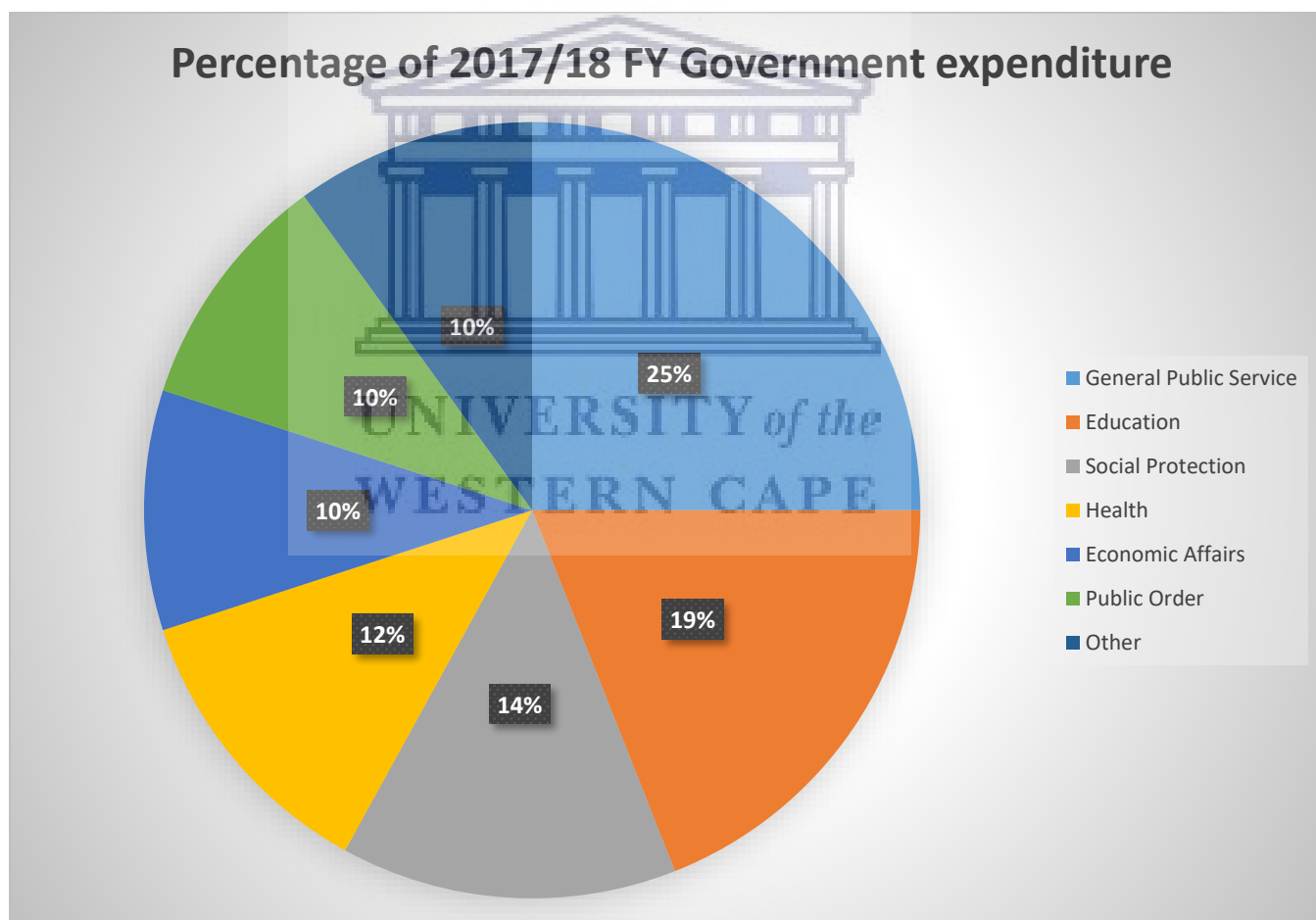


Figure 7. 30: Percentage of 2017/18 financial year government expenditure (Source: StatsSA, 2018)

Since 1994, there has been a significant improvement in terms of provision and access to social services by the majority of the previously marginalised majority. The General Household

Survey (2018) reveals that there is an increase in the number of poor citizens who continue to benefit from social services such as public health, education, housing and welfare grants. For instance, between 2002 and 2018, the number of people who benefit from government housing subsidy almost tripped from 5.6 per cent to 13.6 per cent - see figure 7.31. This could be argued to have contributed to the number of individuals who own property. According to the StatsSA's General Household Survey (2018), 53 per cent of dwelling units are owned and fully paid off while 26 per cent are rented, and 14 per cent and 7 per cent are occupied rent-free and owned by not fully paid off respectively.

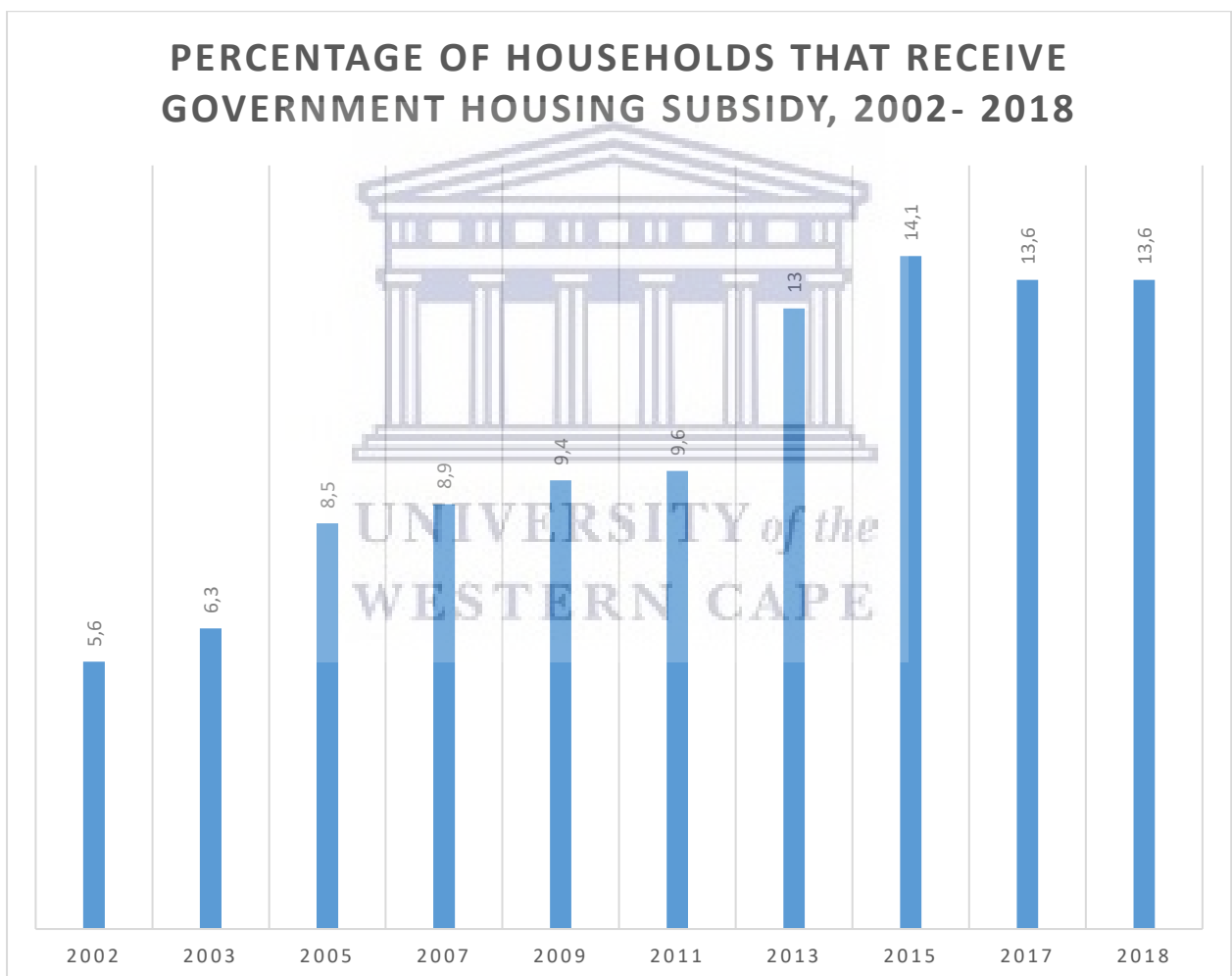


Figure 7.31: Percentage of households that receive Government Housing Subsidy, 2002 – 2018 (Source: StatsSA, 2018)

In so far as access to education is concerned, between 2002 and 2018, the percentage of individuals aged five years and older who do not pay tuition has increased from 0.4 per cent to 67.2 per cent - see figure 7.32.

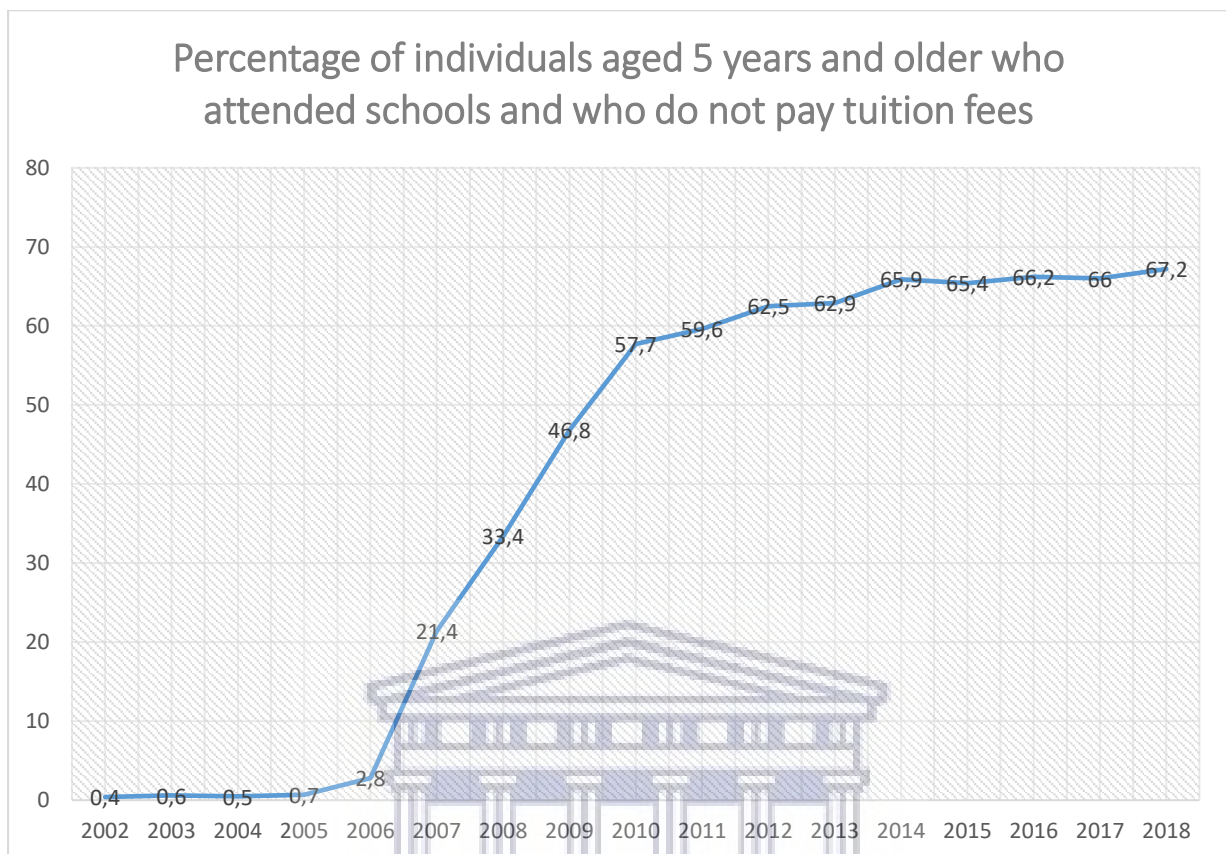


Figure 7.32: Percentage of individuals aged five years and older who attended schools and who do not pay tuition fees (2002-2018) (Source: StatsSA, 2018)

In addition to not paying tuition, the government also provide nutritious meals to learners in public schools. Except for provinces such as the Northern and Western Cape, the number of learners who benefit from government nutritional programme has increased between 2009 and 2018 - see figure 7.33. Particularly in provinces with former homelands such as the Eastern Cape, Limpopo, KwaZulu-Natal and Mpumalanga, there is a high percentage of learners who benefit from nutritious meals at 89.7 per cent, 91.2 per cent, 83.6 and 87.8 per cent respectively.

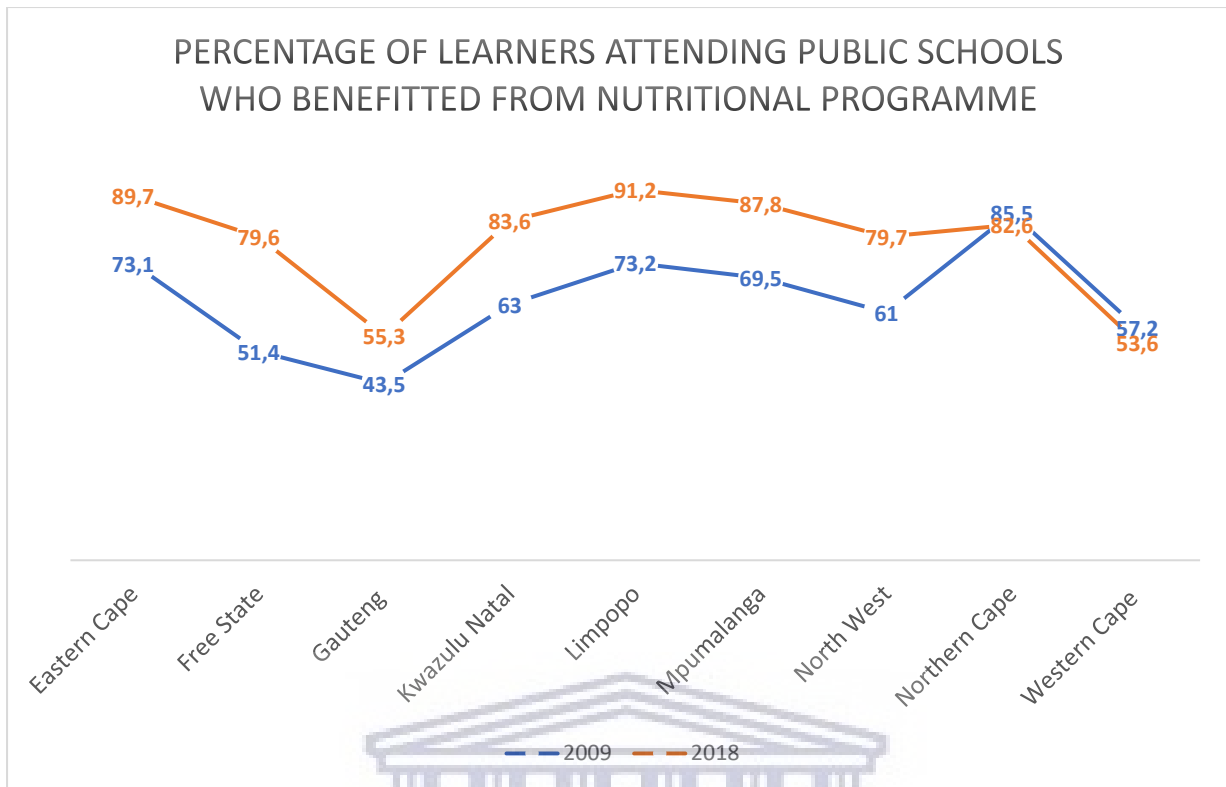


Figure 7.33: Percentage of learners attending public schools who benefitted from nutritional programmes (Source: StatsSA, 2018)

In so far as public health provision is concerned, the trend follows that of other social services in that the majority of citizens make use of public health care. Figure 7.34 illustrates that, except for the Western Cape with 43.7 per cent, over 50 per cent of the population in provinces make use of public health facilities. Typically, the provinces with the highest use of public health clinics are those that incorporated the former homelands. For instance, the percentage of those who make use of public health facility is 74.7 per cent, 73.9 per cent, 78.1 per cent, 72.7 per cent and 72.3 per cent in Eastern Cape, KwaZulu-Natal, Limpopo, Mpumalanga and North West respectively.

Distribution of the type of health-care facility consulted first by the households when members fall ill or get injured by Province, 2018

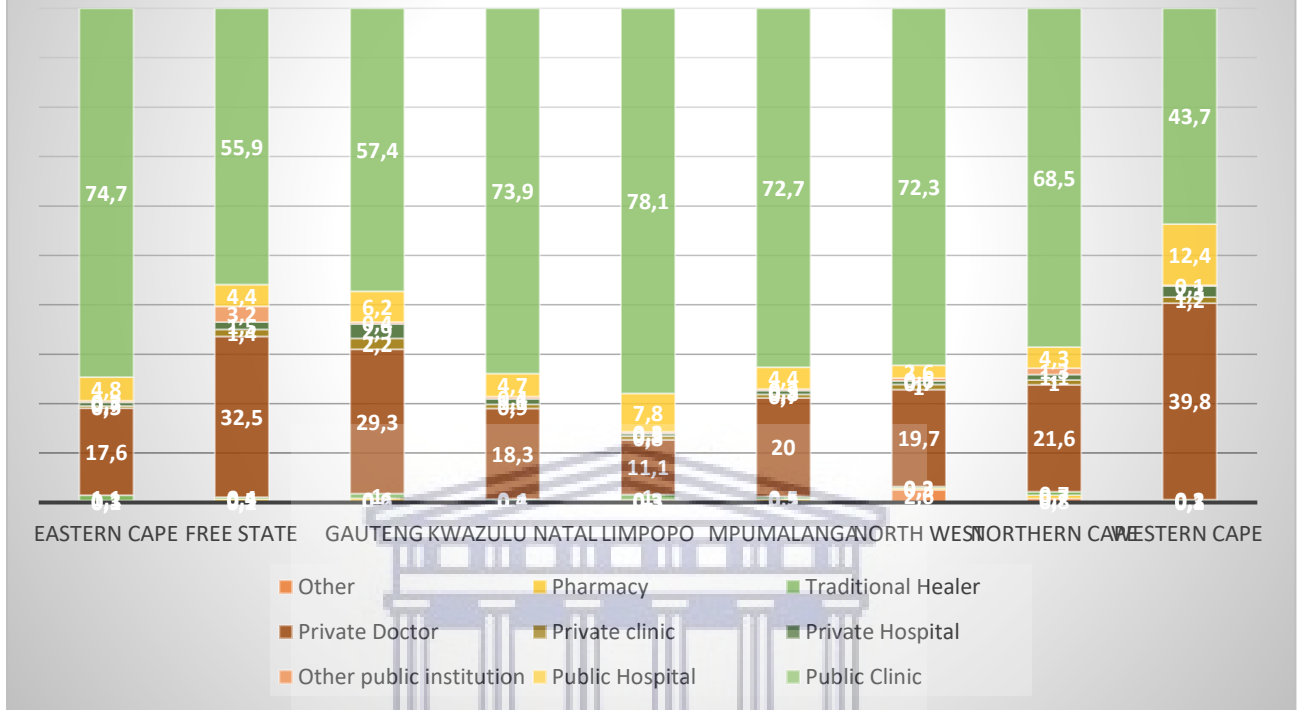


Figure 7.34: Distribution of health-care facility consulted first by the household when members fall ill or get injured by Province, 2018 (Source: StatsSA, 2018)

Fourthly, there is social assistance in the form of cash grants that target different groups such as children, foster children, people with disabilities, older persons and the unemployed. These social grants have been very successful, contributing in large part to combating absolute poverty in the country and reducing inequality. Figure 7.35 illustrates a constant increase in the number of both households and individuals who benefit from welfare grants. Individuals who receive social grants have increased from 30.8 per cent in 2003 to 44.3 per cent in 2018, while households who receive social grants have increased from 12.8 per cent in 2003 to 31 per cent in 2018.

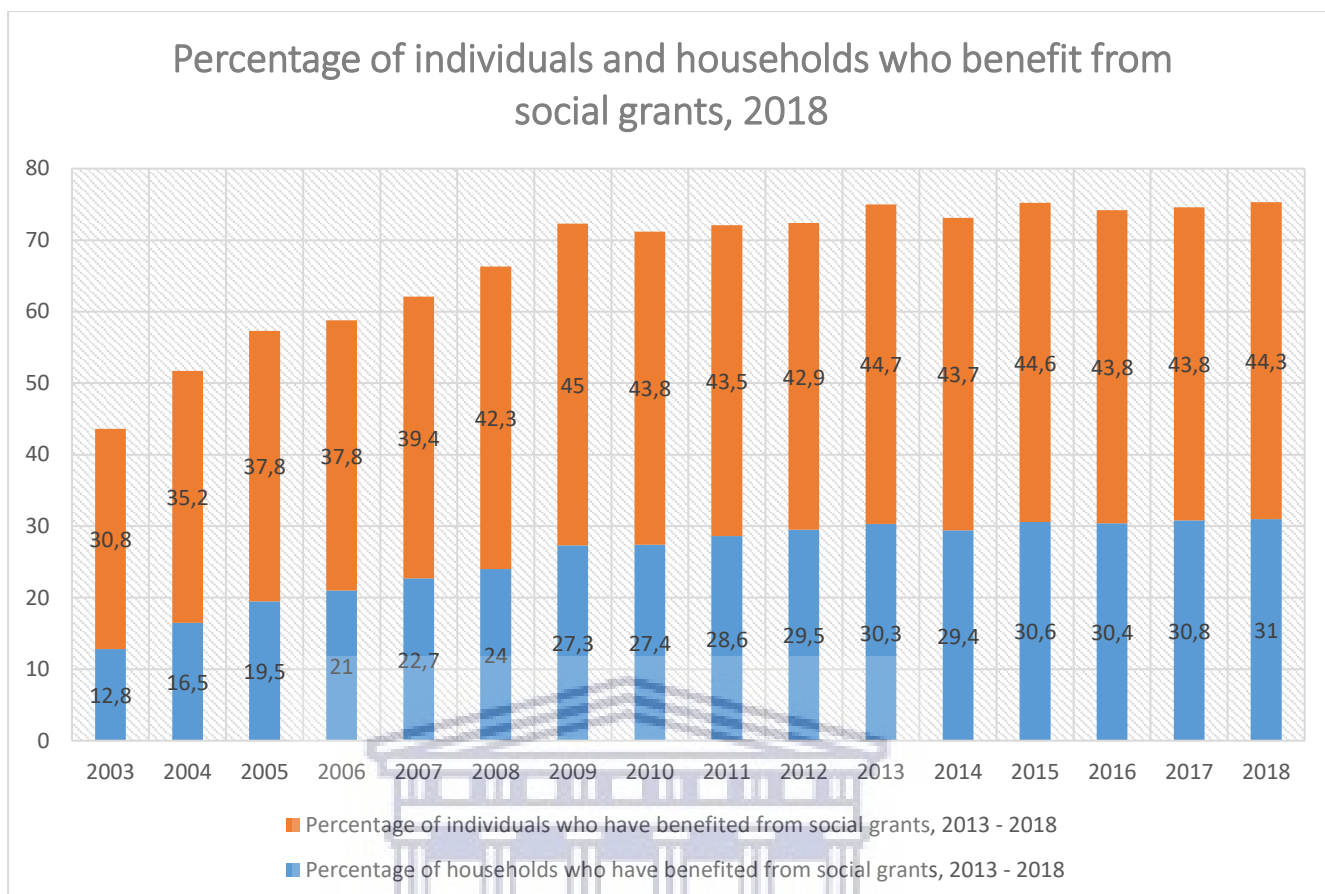


Figure 7.35: Percentage of individuals and households who benefit from social grants, 2018 (Source: StatsSA, 2018)

In addition to these social service programmes provided at a provincial and national level, in 2000, the government announced that it would implement a Free Basic Services policy to ensure a basic level of water, sanitation and electricity to poor households who could not afford to pay for them. Municipalities are obligated to, in line with Section 72 (3) of the Municipal Systems Act and Municipal Services Act, establish Indigent Policies for poor citizens who qualify to receive certain municipal services for free (Ruiters, 2016; Tissington, 2013). The municipal indigent programme focuses on the in-kind provision of basic services such as water, sanitation, electricity, and refuse removal. This is in line with constitutional provision to restore human dignity. For instance, section 27(1)(b) of the Constitution of the Republic of South Africa (1996) states that “everyone has the right to have access to sufficient water. By 2011, it was estimated that at least three million registered indigent households were identified by municipalities across the country. Of this total, 71.6 per cent households received free basic water, while 59.5 per cent, 57.9 per cent and 54.1 per cent received free basic electricity, free basic sanitation, and free basic refuse removal respectively.

These social security services have played a significant role in reducing poverty. A study conducted by the Economic Policy Research Institute (EPRI, 2013) revealed that, mainly due to the introduction of welfare grants, has reduced the poverty gap between 1993 and 2003 - see figure 7.36. The EPRI study shows two significant factors, namely the considerable gap between the poverty rate without social grants and poverty rate with social grants at 0.41 and 0.33 in 1993 and 0.43 and 0.25 in 2013, respectively. Secondly, a significant reduction in the poverty rate due to social grants from 0.33 in 1993 to 0.25 in 2013.

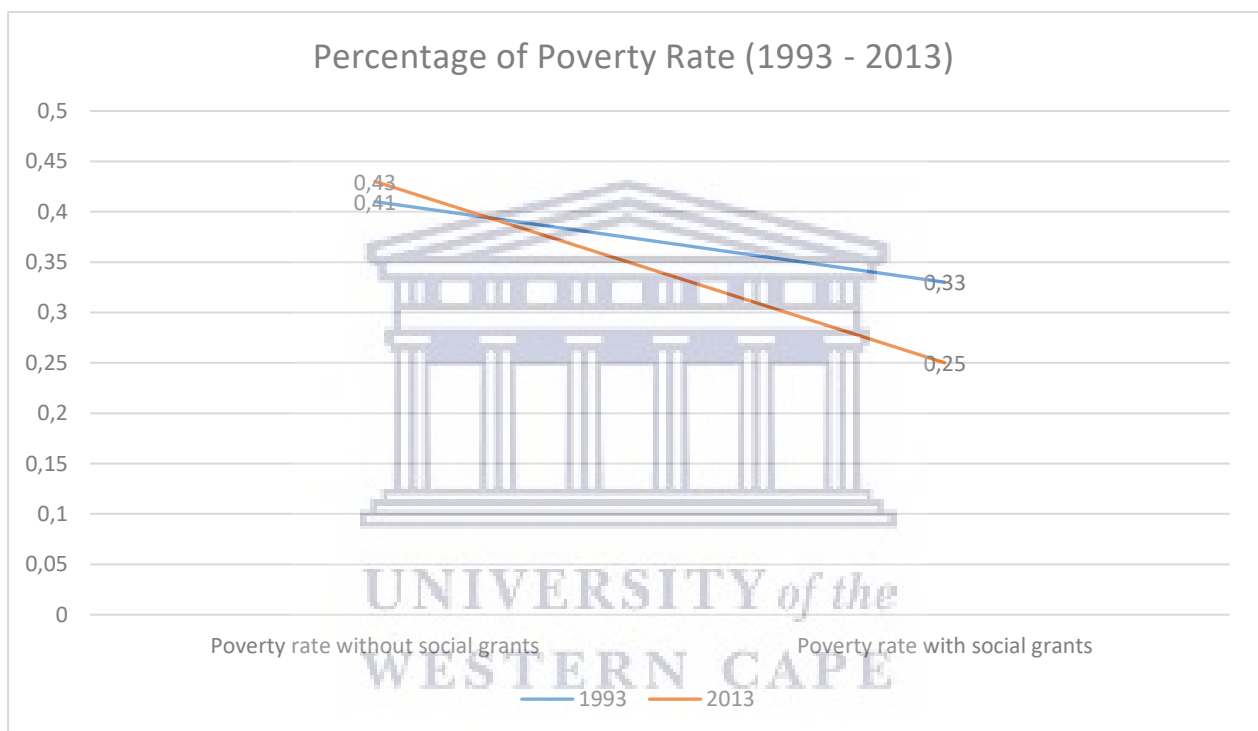


Figure 7.36: Percentage of Poverty Rate (1993 – 2013) (Source: EPRI, 2013)

However, there is a concern about the sustainability of the high level of spending on social services. The change from RDP to GEAR was argued to have been due to slow economic growth and the fear of lack of money to pay for social services. As was illustrated in figure 7.2, the government spent at least 45 per cent of the national government budget on social services and increasing at an average of 7 per cent annually. When compared to economic growth, it is not growing at the same pace. For instance, Growth Domestic Product (GDP) per capita growth has been at an average of 1.0 per annum - see figure 7.37.

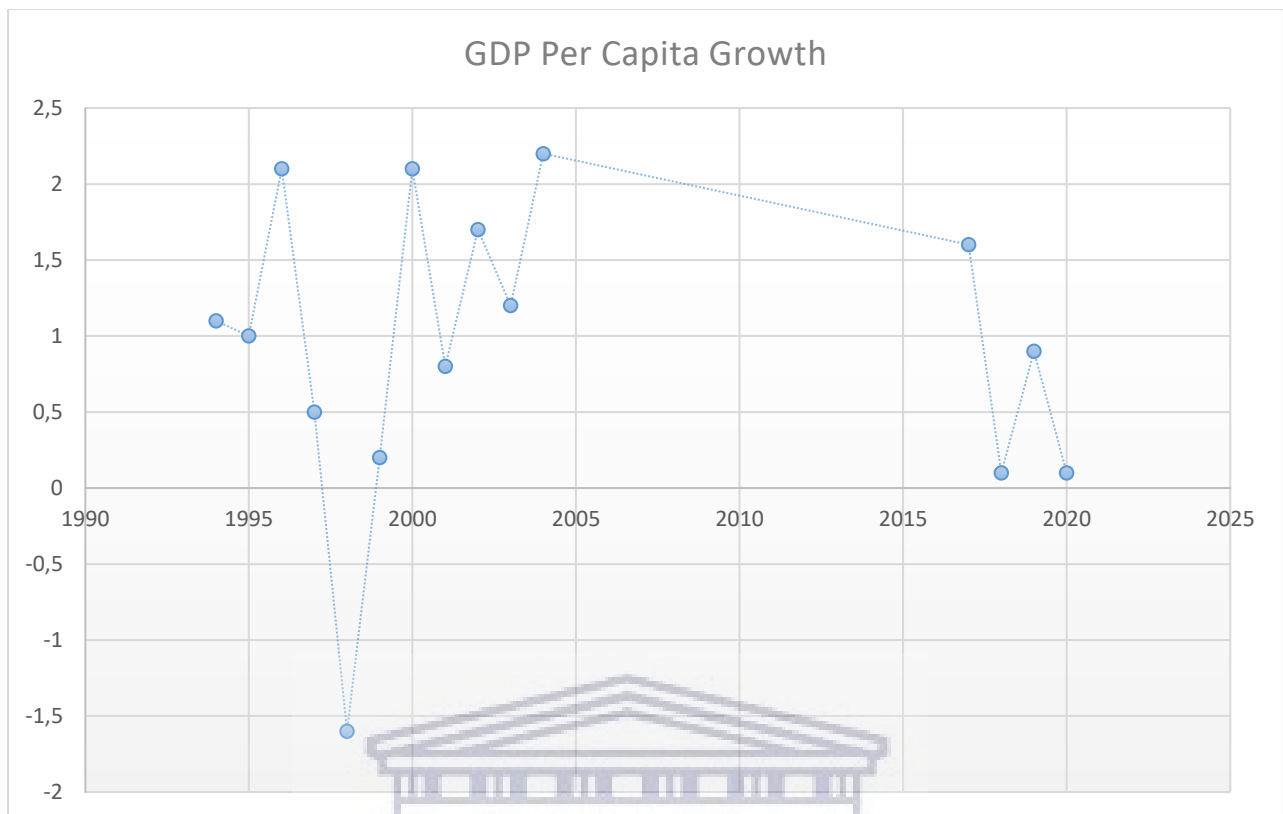


Figure 7.37: GDP per Capita growth (Source: StatsSA, 2020)

Of great concern, however, is that whilst cash transfers have proved to reduce the level of extreme poverty and have a positive impact on various socio-economic objectives, including education and nutrition, welfare services provided by the government, they are mostly treatment-based. The welfare system fails to address the root causes of social welfare problems. Instead of addressing these problems, there are calls to expand the welfare system in the form universal Basic Income Grant (BIG). BIG was part of the strategy introduced in the White Paper for Social Welfare (1997) while a formal proposal was discussed at the Presidential Jobs Summit in August 1998. Two decades later, the government has not pronounced on BIG, and the call for its introduction is intensifying amid rising unemployment, poverty and hunger (IOL, 8 August 2020).

To conclude, the post-apartheid welfare system is designed as a safety net to a majority of South Africans. The welfare system is adopted through various programmes such as education, health, housing, welfare grants, and municipal free basic services, among others. Government has made these social security programmes a priority as evident in the large share of government spending on social security. However, it is a concern that the demand for these services is on the rise. The welfare system has contributed significantly to reducing levels of

absolute poverty, especially among the previously marginalised majority. However, the cost of providing these services is arguably unsustainable. More significantly, the welfare system may be failing to address the root causes of poverty and of inequality. Instead, there are calls to expand the welfare system through the introduction of a universal BIG.

7.3 The Economic Aspect of Social Policy in Post-apartheid South Africa: Education Reforms

Social policy also aimed to include the previously marginalised majority in the economic growth process using the education system. Critical to the post-apartheid educational system was the objective to undo historical and racially based inequalities. The history of the South African educational system was characterised by the institutionalisation of ideological forms, education inequality and societal racism (Jansen, 1990). For instance, in 1989, the per capita expenditure on education was R3 082 for whites and only R764.73 for blacks (Fataar, 1997). This demonstrates that, under apartheid, education was, through Bantu Education, one of the mechanisms used by the apartheid regime to systematically exclude the majority of non-white South Africans from public life. The Bantu Education Act (1953) applied apartheid to African education, and it was pervaded by inferior education for blacks and lack of resources.

According to Jansen (1990), the logic behind the educational system under apartheid was evident in the apartheid custodians' objections to equal education opportunity such as comments of the Natal Administrator, C.T. Loram in 1927 when he said "which is really important in the African villages today – practical hygiene or ability to read? Elementary agriculture or geography? Wise creation or arithmetic?" Or those of the educationist Pells in 1938 when he said "what boots it to teach a man to read if he can never get hold of a book? Why teach him agriculture when all the arable land is already occupied?" Or of H.F. Verwoerd, apartheid's architect, in 1954 "What's the use of teaching a Bantu child mathematics when it cannot use it in practice?". Needless to say, by the end of apartheid, South Africa had the most racially skewed education system in the world. Fataar (1997) argues that white education was leap and bounds ahead of that of the African majority. Thus, post-1994 priorities included placing the one million kids who were of age but did not attend school, the integration of the fragmented education system and improvement of the quality of education (Fataar, 1997).

Firstly, efforts were geared towards integrating the fragmented education system. The post-apartheid government did this by the creation of an equitable education system while ensuring that the education system promotes a balanced view of the post-apartheid South Africa (Fataar, 2008; Botha, 2010). The latter point was crucial, as Institute for Democratic Alternatives in South Africa (IDASA) (1999: 13) concludes that “every democratic society faces the challenge of educating succeeding generations of young people for responsible citizenship”. According to Davids (2018), the education system had to cultivate a citizenship education necessary for a democratic society by focusing on instilling values critical for a humane and socially just society. These objectives were outlined in the Founding Agreement of the National Education and Training Forum (NETF) (1993: 1) which stated that the focus should be

the challenge of education reconstruction for a democratic, non-racial, non-sexist, and just South Africa, and the need to develop an integrated approach to education and training which will better serve national reconstruction and the human, social and economic development needs of South Africa.

The Department of Education (2001:2) reiterated this vision by stating that education had to play a role “to overcome the devastation of apartheid, and provide a system of education that builds democracy, human dignity, equality and social justice”. Thus, to achieve this, education had to be transformed. Duvenhage (2006:133) summarises the focal points of educational transformation as

The creation of a single, non-racial education dispensation wherein there is space for all participants; the entire overhaul and democratisation of education management; the upgrading and improvement of the education infrastructure; and the transformation of curricula in order to eradicate the legacy of apartheid in the system.

Jansen and Christie (1999: 2) commented on the importance of the new development in education that “it goes right to the heart of the ongoing process of transforming this country into a democracy and shedding the legacy of apartheid”.

On the provisioning of equitable education, the new government post-1994 set to create and promote racial equity in the state of the education system (Fisk and Ladd, 2004). Section 29(1) of the Constitution (1996) contains the right to basic education and the right to further education. (b) to further education, which the state, through reasonable measures, must make progressively available and accessible. Practically, one of the ways to realise equitable

education was through the advancement of equal treatment. Fisk and Ladd (2004: 4) defines equal treatment as “race blindness”. Not only was the education system provided based on racial preferences, but it was also funded differently. In post-apartheid, administration of education moved from 15 departments to one central department, and the national government took responsibility for raising revenue and distributing “equitable share” grants to the nine provinces as lump-sum grants (Fisk and Ladd, 2004). Thus, based on this, it can be argued that, from a policy perspective, the objective of integrating the education system provide equitable, race-blind education has been achieved.

Secondly, efforts were geared towards increasing access to education. While education was not declared to be free, the government spends a substantial amount to public education. When the democratic government assumed power, the spending on education increased to R27 billion in the 1993/1994 financial year which represented 7.3 per cent of the GDP down from 5.2 per cent GDP in 1983 (Fataar, 2008). More than two decades later, as revealed in figure 7.2, government expenditure on education represents 19 per cent of the total government expenditure in the 2017/18 financial year. This expenditure is evident in the building of infrastructure and the cost of admission of students. According to Africa Check (7 July 2016), at least 722 schools were built between 1994 and 2015. Despite this investment in infrastructure, until 2018, there were still mud schools in provinces with former homelands. According to Skelton (2014), in 2013, there were still thousands of children in South Africa attending dilapidated mud schools, schools lacking sanitation, and schools without electricity. On a court case brought by a social movement, Equal Education, the court ordered the government to end mud schools (Groundup, 19 July 2018).

Additionally, spending on education has resulted in an increase in the number of learners who attend schools. According to the StatsSA’s General Household Survey (2018), an average of over 60 per cent of individuals aged seven to 24 years attend educational institutions - see figure 7.38. With the exception of Mpumalanga, where there was a drop from 79.4 per cent to 76 per cent between 2002 and 2018. Secondly, Gauteng, Limpopo and Western Cape also revealed an insignificant reduction from 72.2 per cent to 72 per cent; 81.4 per cent to 81 per cent and 67.6 per cent to 67.1 per cent between 2002 and 2018 respectively. The rest of the provinces show consistent though a not significant increase of individuals aged 7 and 24 years attending educational institutions between 2002 and 2018.

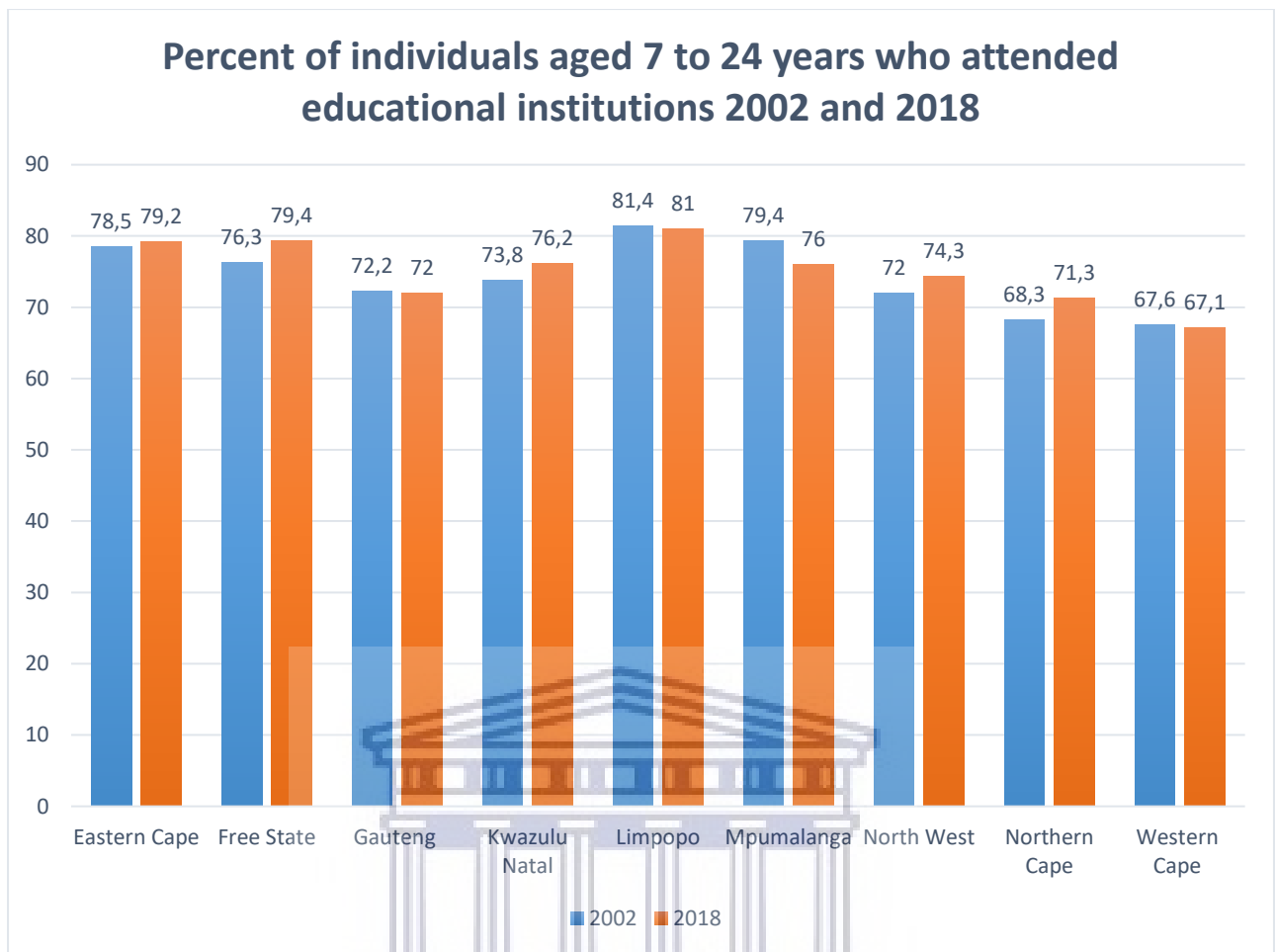


Figure 7.38: Individuals aged 7 – 24 years who attended educational institutions 2002 and 2018 (Source: StatsSA, 2018)

However, there are individuals of school age that have are not in school. For instance, judging by information illustrated in figure 7.9, provinces such as Western Cape at least 23 per cent of individuals of age are not in school (StatsSA, 2018). Figure 7.39 reveals some of the reasons revealed for this non-attendance at educational institutions. The highest percentage for not being at school include having no money for fees and poor academic performance at 24.2 per cent and 22.9 per cent respectively.

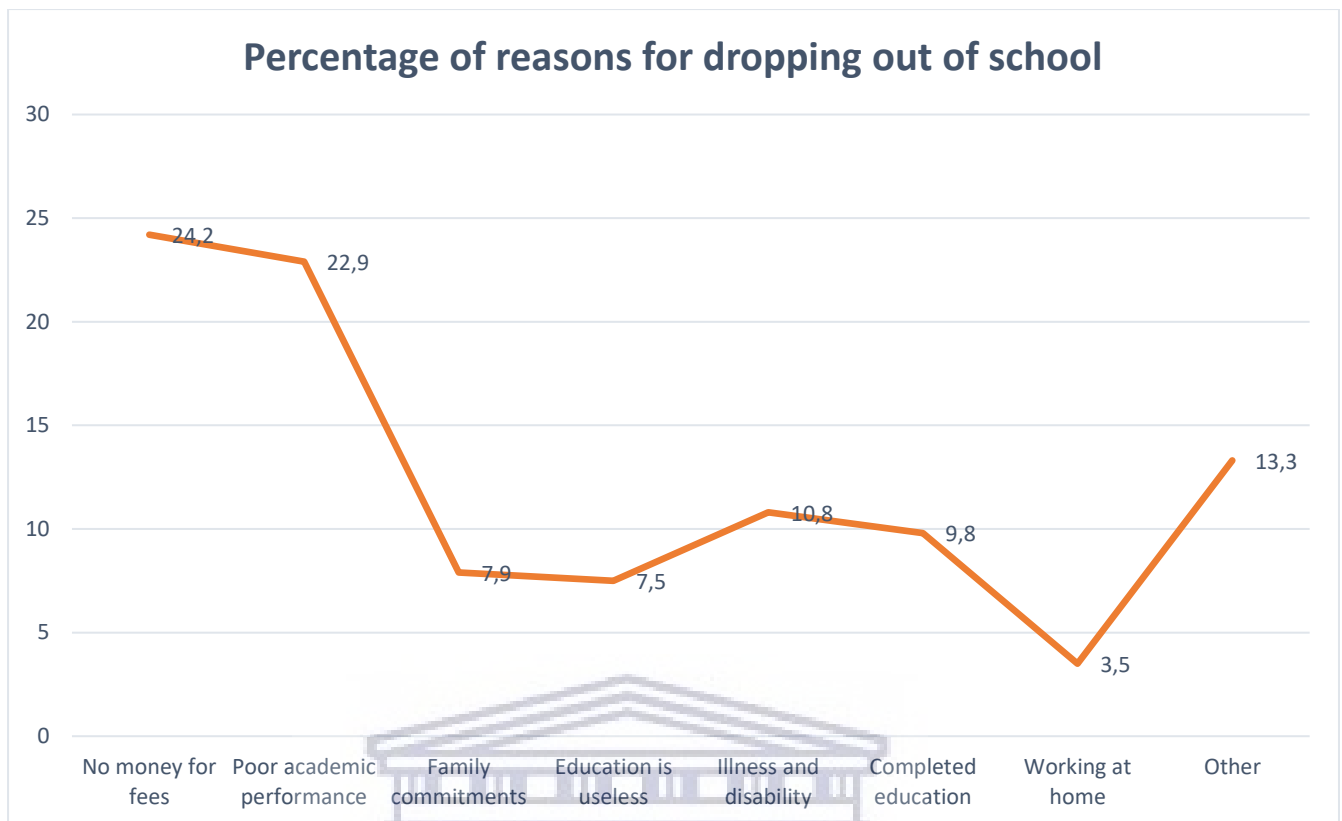


Figure 7.39: Percentage of reasons for dropping out of school (Source: StatsSA, 2018)

Thirdly, to improve quality of education, the post-apartheid government adopted an Outcome-Based Education (OBE). The introduction of OBE in 1997 was considered as a pedagogical route out of apartheid education (Botha 2002; Chisholm 2005). This was, without a doubt, a break with the previous apartheid education approaches, namely the Christian National Education particularly. More specifically, De Wet and Wolhuter (2009) argue that the OBE was adopted to aid in the production of an increasingly skilled workforce as its focus was on addressing the poor quality of education (Botha, 2010; De Wet and Wolhuter, 2009). By providing a curriculum relevant to learner needs, the OBE emphasised aspects such as problem-solving, creativity, and the acquisition of skills and attitudes that will 'aim at producing thinking, competent future citizens' (DoE 1996: 3). Thus, OBE was considered a possible cure for the lack of quality in South African education.

However, the Chisholm Report of the Curriculum 2005 in 2000 revealed some of the challenges faced by OBE and its Curriculum 2005. Chief among the findings of the report was that the challenge was systematic and not necessarily the philosophy behind the Curriculum. According to Chisholm (2000), the vision was not sufficient to make OBE successful and improve the

quality of education; what was required was a systemic paradigm shift. More specifically, the inadequate training of teachers to teach in the manner required by OBE and insufficient financial resources to train teachers effectively and efficiently (Chisholm 2000). This was mainly a challenge for most of the historically black schools which were under-resourced and their teachers under-trained due to “the inequitable distribution of education funds” (Hofmeyr and Buckland, 1992: 22). These schools, according to Singh et al (2000: 108), “lacked the capacity to implement the OBE model successfully”. Consequently, there were further amendments to the curriculum. Curriculum 2005 adopted with OBE in 1997 was followed by the National Curriculum Statement introduced in 2002, the Revised National Curriculum Statement phased in between 2004 and 2008, and the Curriculum Assessment Policy Statement which is an updated National Curriculum Statement version (Christie 2006; Jansen 2004).

Despite efforts to provide an equitable education, increase access to education and improve quality of education, education is not generating the value to match the investment made. For instance, of the approximate 1.1 million students who started grade one 2002, 400 000 did not reach Grade 12 in 2018 (News24, 5 January 2019). As revealed in the General Household Survey (2011), blacks, followed by coloureds have the lowest completion rate at Secondary school. For instance, in 2011, 39.7 per cent of blacks and 43.9 per cent of coloureds completed secondary school compared to 83.3 per cent and 87.1 of Indians and white respectively.

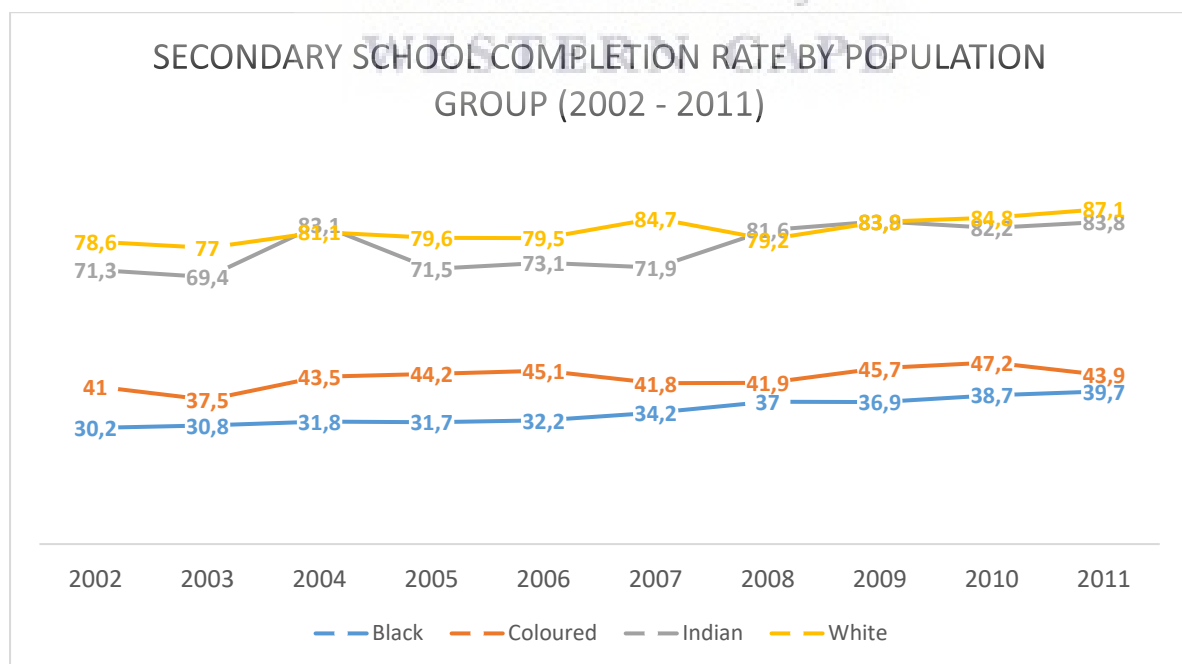


Figure 7.40: Secondary School Completion Rate by Population Group (2002 – 2011) (Source: StatsSA, 2011)

However, for those who make it, the higher education sector can accommodate only 18 per cent of matriculants while 47 per cent of those who get admitted are likely to drop out (GlobeNewsWire, 9 October 2019).

Furthermore, according to the Department of Higher Education report (2016), 24.5 per cent of students dropped out of university after their first year, and only 14.4 per cent graduated in three years, while a whopping 52.1 per cent graduated with their first degrees after an average of seven years. A staggering 47.9 per cent of the group never graduated. The report further stated that the highest dropout rates were among black and coloured students. The report also said that only 11.9 per cent of black students graduated after three years, and 32.1 per cent left after their first year (Department of Higher Education, 2016). The report gave multiple reasons for this high rate of university dropout, put more crudely, the grounds were academic exclusion.

The challenge facing the education system was summarily revealed by the Fees Must Fall campaign in 2015. The campaign was preceded by Rhodes Must Fall campaign but soon elaborated into an ideological vehicle advancing decolonisation of spaces of higher learning (Kotze, 2018). The argument was that the system of the higher education system had enabled the continuation of a socio-cultural exclusion of the majority of black South Africans (Naicker, 2016). The frustration among the youth was the evident lack of willingness of higher education institutions to effect any transformational agenda. This view was based on at least three factors, firstly the unreasonable cost of education. For instance, Rhodes University announced a minimum payment of 50 per cent of fees for 2016, which was approximately R45 000 for students who stayed in university residences. Secondly, the basic education standards do not provide for an environment to succeed at the higher education level. This meant that the majority of students in public education institutions hardly get admitted to prestigious higher education institutions. If managed to enter higher education, they are likely to get academically excluded (Department of Higher Education report, 2016). Thirdly, that government does not consider education as a human right, hence free education is not provided for in the Constitution (1996).

To aid the challenge of not having money for fees especially at higher education level, the former President Zuma announced a “free education” for “poor and working-class students” (News24, 16 December 2017). This announcement was reportedly affecting 90 per cent of the students at TVET colleges and public universities (ENCA, 16 December 2017). Subsequently, an additional R57 billion was added to the tertiary education budget (Sunday Times, 21

February 2018). There were mixed reactions to the announcement, especially as it came against the recommendation of the Heher Commission which advised that the state does not have the capacity to provide free education. Those who were in support of the announcement, including Zuma himself, argued that the decision came a little bit late (The Citizen, 27 April 2018).

To conclude, the post-apartheid education system was designed to be equitable and to mark a radical move from a divisive apartheid education approach. Initially, this was done through the adoption of the OBE and its Curriculum 2005. OBE's main focus was on improving the quality of education. However, the Chisholm report of 2000 revealed that most schools were unable to implement OBE due to systematic challenges such as providing teacher training. OBE's Curriculum in 2005 was subsequently changed. In addition to curriculum change, there was an effort to ensure increased access to education as evident in the increase in the government's spending on education. However, despite these efforts, there is a number of learners who drop out for reasons, including having no money to pay for fees and poor academic performance. These challenges spill over to higher education level where black and coloured students are likely to be financially or academically excluded. These challenges were highlighted by the Fees Must Fall campaign. These could arguably be the reason why free education was introduced for poor and working-class though it has been stated that the state does not have the capacity to fund free education.

7.4 The political aspect of Social Policy in Post-apartheid South Africa: Language Reforms

Language reforms in the post-apartheid South Africa are a response to what Neville Alexander terms the "language question" (Alexander, 1989:4). According to (Barmack, 2002), the main objective of the language reform was to overcome attitudes ingrained during the apartheid years that favoured the use of Afrikaans and English at the expense of other African languages. Therefore, the reform had to afford African languages a legitimate space in society resulting in the promotion of multilingualism (Hazeltine, 2013). This was particularly significant to ensure the survival of African languages. As Ostler (2000:1) argues, "a healthy language is one that acquires new speakers. No matter how many adults use the language, if it is not passed to the next generation, its fate is already sealed."

Apartheid used language as a barrier to reinforce and maintain racial prejudice and racism (Alexander, 1989). According to Kamwangamalu (2001), each racial group had to develop its own unique cultural personality within their jurisdiction as apartheid discouraged linguistic mixing. English and Afrikaans enjoyed hegemony as the apartheid policy provided for the imposition of these languages through the use of bureaucracy to ensure formal dominance across all racial and ethnic groups (Kissinger, 1994). Racial domination was tied to language domination, as those who had power belonged to a particular race, and so their language became the language of power (Mda, 2004). Under apartheid there were two official languages, English and Afrikaans, reflecting the cultural system that underwrote white supremacy while African languages were official languages in designated homelands, but not South Africa.

Alexander (1998:4) states, during the apartheid era, the “African languages [were] deliberately underdeveloped and neglected.” The increased use of African languages in the education system of Africans effectively limited the access of the African learners to the languages of power, the two former official languages, English and Afrikaans. Additionally, apartheid promoted these two languages as languages of education (Alexander, 1998). For instance, in 1976, the Afrikaans Medium Decree of 1974 was approved which forced all black schools to use both Afrikaans and English as languages of instruction beginning with the last year of primary school, led to the Soweto Uprising in 1976 (Alexander, 1989). The Bantu Education Act (1953) forced the native speaker to go to their mother-tongue schools as well as having to learn English and Afrikaans further entrenching segregation. Universities were also classified by ethnicity and language so that there were universities for white Afrikaners; white English; Indians; coloureds; Xhosas; Zulus; and one for Sothos, Tswanas, Shangaans and Vendas (Mda, 1997). In higher education, the language was used to perpetuate inequality, among others, as language policy for higher education was used to prevent most black South Africans from gaining access to higher education both as students and workers (Dlamini, 1996). This was later addressed by establishing universities in the homelands (Madiba, 2004). However, this did not translate into promoting African languages as English and Afrikaans remain the official languages in higher education further entrenching marginalisation and underdevelopment of African languages (Madiba 2004).

Alexander argued that “if we are serious about such ideas as non-racialism, anti-racism, anti-ethnicism, and others, we must, among other things, seek a democratic solution to the language question in our country”. According to Reagan (1990:179), it is essential to emphasise that it is virtually assured that linguistic diversity will remain a feature of social life for generations

to come and that bilingualism and multilingualism will remain common for many South Africans well into the next generation. What was significantly crucial was that, according to Alexander (1989:6), “to be a nation, the individuals who make up that nation have got to be able, among other things, to communicate with one another”. This was echoed by the former President Mbeki that South Africans should learn each other’s languages for the sake of nation-building. Mbeki (1999 cited in the National Language Policy for Higher Education 2002:6) argues that

In sharing one’s language with another, one does not lose possession of one’s words, but agrees to share these words so as to enrich the lives of others. for it is when the borderline between one language and another is erased, when the social barriers between the speaker of one language and another are broken, that a bridge is built, connecting what were previously two separate sites into one big space for human interaction, and, out of this, a new world emerges and a new nation is born.

The South African Constitution establishes multilingualism as a fundamental human right for all citizens. Clause 1[6] of the Interim Constitution (1993) provides that

...[r]ecognizing the historically diminished use and status of the indigenous languages of our people, the state must take practical and positive measures to elevate the status and advance the use of these languages.

The final Constitution (1996) provides that, as one of the founding provisions, post-apartheid South Africa has 11 official languages: Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa and isiZulu. According to the Department of Arts, Culture Science and Technology (1996: 23),

The goals of the Language Policy in South Africa include to promote national unity, entrench democracy, which includes the protection of language rights, promote multilingualism and respect for and tolerance towards linguistic and cultural diversity, to further the elaboration and modernisation of the African languages and to promote national economic development.

It is critical to note that South Africa’s promotion of multilingualism differs from the policy of other post-colonial African nations. In these countries, it has been argued that allowing different languages and ethnicities would compromise national unity (Brenzinger, 2002). In South Africa, some perceive multilingualism as contributing to and maintaining the

fragmentation that was enforced by the apartheid system which used multilingualism as a remedy for past practices of segregation, exclusion and oppression especially that, during apartheid, languages were intrinsically linked to tribes and ethnic groups (Hazeltine, 2013). However, the post-apartheid approach is believed to have afforded previously segregated citizens a choice to choose languages as part of their own identity. Arguably, this further empowers indigenous languages instead of replacing them with more dominant languages while strengthening the culture and social standing of its speakers previously oppressed under apartheid. As a result, the South African language policy promoted multilingualism to reflect the spirit of a Rainbow Nation as provided for in the Constitution. According to IJR (2015), there are official languages whose native speakers are a group as large as 23.8 per cent while there are languages whose native speakers are a group as small as 1.5 per cent- see figure 7.41.



Figure 7. 41: Languages frequently used at home (Source: IJR, 2015)

While the objective of the language policy in the post-1994 was to redress the past linguistic imbalances and encouraging multilingualism, it became crucial that it stroke a balance between discouraging dominance of English and Afrikaans while ensuring linguistic freedom of choice (Bengu, 1996). This is especially significant to ensure that, in the post-apartheid, the country's smaller indigenous languages are promoted to the point that a multilingual policy is present in

the country's Constitution. To give effect to this, Pan South African Language Board (PANSALB) was established together with the Language Plan Task Group (LANTAG) within the first two years of democracy. The latter mainly focused on the implementation of the language in education.

7.4.1 PANSALB and LANTAG

Section 6 (4) of Chapter 1 of the Interim Constitution (1993), provides for the establishment of PANSALB. Its work was guided by the Pan South African Language Board Act of 1995. The PANSALB Act (1995) was the outcome of the Language for ALL Conference held on 27 and 28 May 1994, just a month after the new South Africa came into being. This conference was attended by four hundred participants broadly representative of major language stakeholders (Beukes, 2008). The conference responded to two issues, namely the process of drafting the legislation on PANSALB, as envisaged in the language provision of the Interim Constitution and consultation on the new institutional structures that would be required to support the new multilingual dispensation (Beukes, 2008). PANSALB was further provided for in Chapter 9 of the final Constitution (1996). Its mandate was the development, use and promotion of “all official languages; the Khoi, Nama and San languages; and sign language” to “promote and ensure respect” for “all languages commonly used in communities in South Africa” (Interim Constitution, 1993).

Secondly, LANTAG was established in 1995. This was in an effort of the government to use education as the tool to drive and achieve its multilingualism goals as provided in the Constitution. Section 29(2) of the Constitution (1996) provides that every learner has the right to receive basic education in the language of his or her choice, where this is reasonably practicable while there is no explicit provision for higher education. Thus, LANTAG's was tasked with a responsibility to advise the government on the development of a comprehensive language plan which encouraged the educational use of African languages at all levels of education and to allow people to choose which language or languages are used as languages of learning and which languages are studied.

In a letter dated 10 October 1995, Dr Ngubane invited seven prominent linguists “to collectively devise a coherent national language plan which would encompass all state structures and civil society” (DACST 1996a: 7). Among the tasks given to the board, there

were, according to Beukes (2008) at least four, namely that a language plan should entail a statement of the country's language-related needs and priorities. This with the objective to ensure that all South Africans achieve a level of spoken and written language which is appropriate for a range of contexts in the official language(s) of their choice. Secondly, all South Africans should have access to the learning of languages other than their mother tongue. Thirdly, African languages should be developed and maintained. Finally, equitable and widespread language services should be established.

LANTAG's recommendations led to the drafting and subsequent cabinet approval of the National Language Policy Framework (NLFP) in 2003. Department of Arts and Culture (2003) stated that the NLFP was devised as a package that would comprise a policy statement, an implementation plan, the South African Languages Act and the South African Language Practitioners' Council Act. NLFP (2003) had six objectives which include the promotion of the equitable use of the 11 official languages; facilitation of equitable access to government services, knowledge and information; ensure redress for the previously marginalised official indigenous languages; initiation of and sustain a vibrant discourse on multilingualism with all language communities; encouragement of the learning of other official indigenous languages to promote national unity, and linguistic and cultural diversity; as well as the promotion of good language management for efficient public service administration to meet client expectations and needs (Department of Arts and Culture, 2003a: 13).

According to the Department of Arts and Culture (2003), three additional structures to be established in support of the NLFP. The Language Units in government departments, approved in 2007, are responsible for managing translation, editing and interpreting services and also for terminology development in the indigenous languages. The second structure is the National Language Forum which is

a collaborating network of representatives from government and non-government structures, to monitor the implementation process, prioritise language-related projects and drive policy advocacy campaigns under the leadership of the Department of Arts and Culture”.

Lastly, there is South African Language Practitioners' Council, promulgated in 2014, is a statutory body established to manage the training, accreditation, and registration of translators and interpreters to raise the status of the language profession and improve the quality of language products.

Language rights in South Africa are grounded in the national Constitution, and there is an evident institutional pursuit of equality among languages in South Africa. Therefore, the role of education cannot be overstated. Between the period 2007 and 2010, the language was found to be one of the highest forms of primary identity among South Africans at 20 per cent and increased to 21 per cent in 2010 (IJR, 2015)- see figure 7.42.

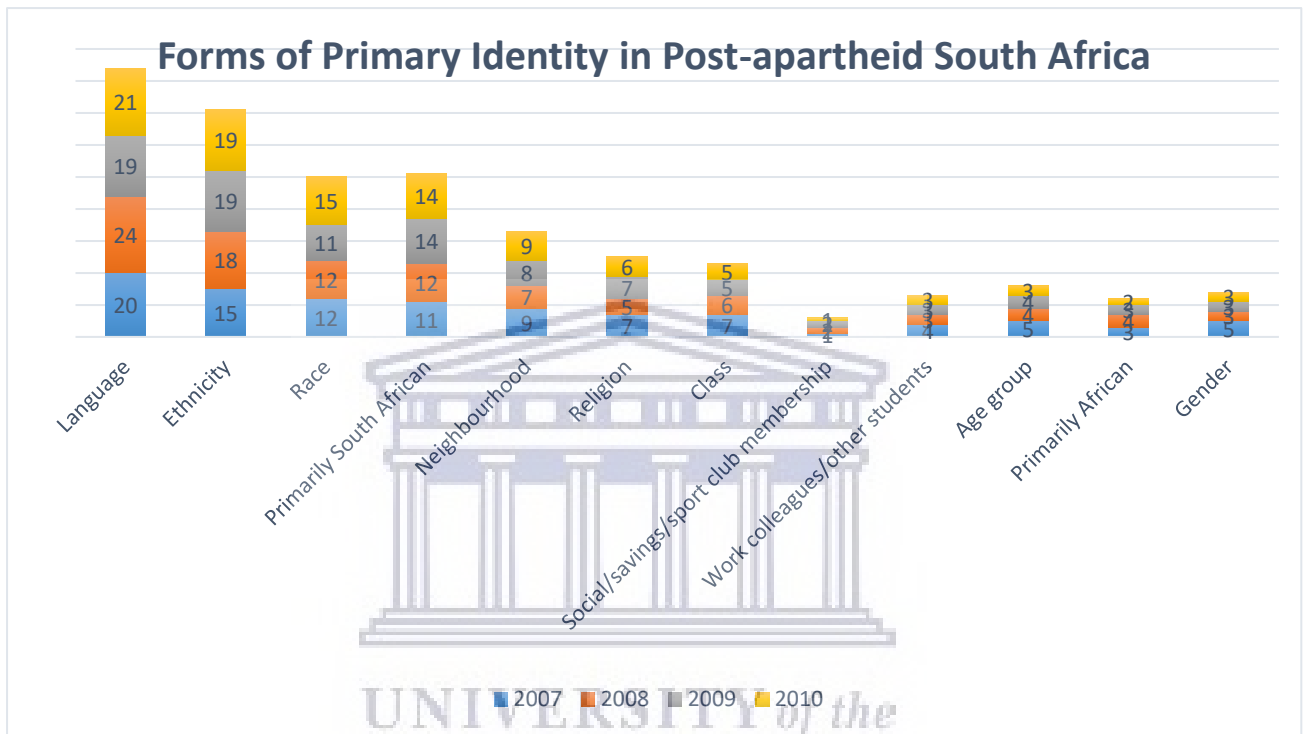


Figure 7.42: Forms of Primary Identity in Post-apartheid South Africa (Source: IJR, 2015)

However, over a decade since the establishment of PANSALB and LANTAG, scholars and practitioners such as Beukes (2008) argued that language policy implementation is a matter of concern for language stakeholders and experts alike; multilingualism is not taking off. One of the criticisms levelled against PANSALB was that the mandate and authority of the PANSALB do not extend to force people to use languages (Barmack, 2002). Thus, while South Africans may have 11 languages at their disposal, they may simply choose to use one language for economic usefulness against intrinsic meaningfulness. The value attached to languages such as English, even by black South Africans, undermines the survival of African Languages. There is also a reportedly deep-seated distrust and fear that home-language education would lead to impoverishment, social and political isolation, and disempowerment, caused the majority of

South African learners to prefer English rather than their home language as a language of instruction (De Wet and Wolhuter, 2009).

Secondly, Mda (1997:33) argued that “there is very little, if any, political will in the South African Government to elevate the African languages, protect them, and ensure they thrive for a generation”. As early as 1996, there was already an indication of a general disregard for the principle of language equity from Parliament to all three levels of government. LANTAG’s report (1996) pointed to a lack of commitment in the Public Service to implement a policy of multilingualism and to an apparent trend towards monolingualism among the political, business and educational leadership. For instance, African language speakers are forced to choose between English and Afrikaans when filling in official forms. More specifically, English emerges as a preferred language. The official recognition of English as the language of government and business confirms the power and value attached to English as the lingua franca at government level. This is even though English is not the majority language in South Africa by some degree. In fact, according to IJR (2015), South African with English as their mother tongue accounted for 10 per cent of the population.

Additionally, there is a lack of interest in African speakers to protect and promote their languages. This is the contrast with Afrikaans speakers who continue to enjoy, practise and use their language and continue to form, join and maintain the Afrikaans language associations as provided for in the Constitution through determination, resilience, conviction and strong will of the Afrikaners. For instance, in March 2010 an Afrikaner group took the South African government to court to force it to honour its constitutional obligations to ensure that all 11 official languages enjoy parity and not favour English which is contrary to the constitutional provision (Mda, 1997).

7.4.2 Language in Education Policy

According to Halzeltine (2013), the real test of a language’s strength and power lies in education, with the languages used in teaching in schools. Part of the country’s multilingual policy includes education for all eleven languages. Among several language policy documents, one of the notable ones is the Language in Education Policy (1997). The Language in Education Policy, adopted with Norms and Standards on Language Policy (1997), was established in

terms of section 3(4)(m) of the National Education Policy Act (1996), section 6(1) of the South African Schools Act (1996) and later Language Policy for Higher Education (2002). For instance, the National Education Policy Act (1996) sets out the principles according to which the Minister of Basic Education must determine language policy. Section 4, the policy must be directed towards (among other things) the right of every learner to be instructed in the language of his or her choice, where this is reasonably practicable per Section 29(2) of the Constitution (1996). Section 6 (2) of the South African Schools Act (1996) states that “the governing body of a public school may determine the language policy of the school subject to the Constitution, this Act and any applicable provincial law”.

This section was interpreted to mean that learners may select any one of the official languages of South Africa, which, as per Section 6(1) of the Constitution, are Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa and isiZulu. This right is to be allowed while safeguarding against discrimination. The Language in Education Policy (1996), therefore, provides that the language of learning and teaching, or the language of instruction, must be an official language of South Africa. It further prescribes that in Grades 1 and 2, all learners shall learn at least one approved language while from Grade 3, a first additional language is introduced in addition to the language of instruction. Practically, this meant that indigenous elementary school students now had a choice of which language to use in school, usually, their native language, which actively promoted the use of indigenous languages in their home communities for the first years of primary education (Dyanti, 2005).

Additionally, the post-apartheid era language policy attempts to promote multilingualism in higher education to create an environment in which all languages work together to promote the values of democracy and social justices as enshrined in the Constitution (1996). The Language Policy for Higher Education (2002) signified a shift from this history, thereby providing that all official languages are equitably used and developed as academic or scientific languages of higher education. This, it does by “seek[ing] to redress the imbalances and injustices of the past, whilst to map the way forward for the promotion and development of the indigenous languages” (Madiba, 2004: 31). Section 15 (1) of the Language Policy for Higher Education (2002) acknowledges the current position of English and Afrikaans as the dominant languages of instruction in higher education. Therefore, it provides for the development of student proficiency in the currently designated language(s) of tuition, namely, English and, to a lesser extent, Afrikaans as well as the development of other South African languages for use in

instruction as part of a medium to long term strategy to promote multilingualism (Madiba, 2004).

The ultimate objective was to promote equality and diversity. Hence the policy had to ensure the advancement and protection of the right to be protected against unfair discrimination, the right to basic education and equal access to educational institutions and the right of every person to use the language and participate in the cultural life of his or her choice within an educational institution (Beukes, 2008). However, there is an evident preference of English and Afrikaans as a medium of instruction in the education system, which makes prospects for an African language as an alternative medium of instruction, especially at tertiary institutions.

This was confirmed by the Ministry of Education in 2005 when it pronounced that English was going to remain as the language of education until African languages were sufficiently developed. Ultimately, despite the government policy of multilingualism, English and Afrikaans remain the only two languages used in tertiary. This bias was reported by IRR (2014) that the numbers of South Africans identifying as English home language speakers increased from 3.3 million to 3.9 million in 2013. Mda (1997) terms this the 'rejection of African languages' by African language speakers whereby in the post-apartheid South Africa, suburban children born to African language-speaking parents begin their schooling in nursery schools and crèches where the language of instruction is not the home language.

Dyanti (2005) notes that the language of instruction often changes to either English or Afrikaans with a choice of the second language, which is required for all students. In English language schools, English is learned as a first language, and another of various languages is taught secondarily. In contrast, in Afrikaans-language schools, the second language choice is usually English. Of great concern is that this change only affects the African language speakers as, while African language students have the option of being taught in their native language for the first few years, 80 per cent of indigenous language students change their language to English or Afrikaans at Grade 4 while continuing to learn their first language as well while Afrikaans and English children are taught in their languages without any pressure to be bilingual (Dyanti, 2005). Consequently, although the majority of people in South Africa speak languages other than English and Afrikaans, these languages – English, in particular, and Afrikaans, to a lesser extent – continue to dominate official public domains.

To conclude, language reforms aimed to afford African languages a legitimate space in the new South Africa and eradicate the attitude ingrained during apartheid which suggested that only two languages deserved to be official languages, while the rest of African languages could be spoken in designated homelands. More significantly, the aim was to develop African languages which were deliberately underdeveloped. In order to realise these objectives, a democratic solution to the language question was adopted in the form of multilingualism. The success of multilingualism depended on discouraging of the dominance of English and Afrikaans while promoting freedom of African languages. Therefore, structures such as PANSALB and LANTAG were established to develop and promote the use of African languages. In addition to these structures, a policy to promote language in education was adopted. Consequently, South Africans are able to identify official languages they consider mother-tongues, and that language continues to be the top form of primary identity in the post-apartheid.

However, despite these efforts, language reforms in South Africa have not been successful in promoting multilingualism, especially the use of African languages; English and Afrikaans continue to retain their hegemony. Reasons for this include that people cannot be forced which languages they can use. As a result, they choose whichever language they deem valuable to them. There is also an evident lack of political will in government to promote the use of African languages and that Africans themselves are not proactive to promote their languages compared to the Afrikaans speaking community. Additionally, these challenges are also evident in the choice of languages in education. There is evidence that the language of education has not changed, English and Afrikaans, to a lesser extent, remains the preferred medium of instruction. Therefore, despite efforts to promote multilingualism, English remains the dominant language and its preference by blacks point to the perceived economic usefulness at the expense of African languages.

7.5 Concluding Remarks

Social policy in post-apartheid moved from being race-based to being rights-based wherein all citizens' human dignity, equality and freedom are protected by the Constitution. The objective of the social policy was to build a social order that is inclusive of all citizens. Initially, social policy was initially shaped by the RDP and later replaced by GEAR, a neoliberal macro-economic framework, which aimed to address imbalances of the past with a particular focus

on the reduction of inequality and poverty levels. This was to be realised through an intensive social investment. More specifically, the social policy had three components, namely the social, economic and political as evident in the social welfare system, education reforms and promotion of multilingualism respectively.

Social policy was, to a certain extent, successful in the eradicating social disparities and inequalities. The welfare system, through the provision of a bouquet of social services, has reduced levels of absolute poverty and inequality between racial groups. Secondly, the post-apartheid education system is equitable, and race-blind has increased access to education and its quality improved, especially for the previously marginalised majority. Thirdly, African languages previously marginalised under apartheid were promoted to a status of official languages in the Constitution and efforts have been put in place to develop and promote the use of these languages.

However, social policy faces challenges that inhibit it from realising its objectives entirely. First, there is a concern that the cost of the social investment vis a vis the economic growth is both too high and unsustainable. Even so, there are calls to expand the social welfare system by addition BIG. Secondly, access to education has not been enjoyed by all; there is a significant portion of the previously marginalised majority that is left out of the system. A large share of the black and coloured population does not complete secondary school, mainly due to financial reasons and poor academic performance. It is also apparent that there is an unequal investment in education infrastructure as evident in the existence of 'mud schools' in provinces with former homelands. These challenges spill over to tertiary education, and they translate into limited access to education for the majority of the previously marginalised. Thirdly, right to language enshrined in the Constitution is not being exercised in practice. English and Afrikaans, to a lesser extent, continue to retain their hegemony. African languages remain underdeveloped and under-utilised by both citizens and government alike. This extends to education, whereby the language of education remains mostly English.

This thesis, therefore, concludes that, in an effort to bridge the social disparities and inequalities caused by apartheid, social policy has made a tremendous contribution to the inclusion of the previously marginalised majority. However, challenges highlighted pose a challenge as it means that there is a segment of the population, namely poor black people, that remain not fully included in the Rainbow Nation as envisaged in the Constitution.

Chapter 8 Economic Reforms in Post-apartheid South Africa

A key set of institutional reforms that impacted post-apartheid nation-building concerned the economy. This was because reconstructing the economy also entailed a deliberate effort to address “the unequal opportunities and the income available to racially defined groups” (Terblanche, 1992: 552), so as to eradicate the historic opportunity and wealth inequalities between races (Iheduru, 2014). According to Chikozho (2016: 110), this was a process to deracialise the economy and to “earn social groups that were previously disadvantaged by apartheid policies of segregation the respect and sense of self-dignity that they felt they had been denied in previous decades”.

This aspect of economic policy was particularly important as apartheid fundamentally distorted the allocation of resources and bred severe inequality of wealth, opportunity and income. Burger, Jafta and Fintel (2016) argue that racial wage inequality and discrimination have pervaded South African society for centuries. Apartheid legislation cemented these disparities by institutionalising white job reservation and many other unfair practices which created favourable conditions for white South Africans as opposed to their black counterparts. The results of economic exclusion were that by the end of apartheid, the economic status of black South Africans was one of poverty and inequality.

Consequently, economic reforms became a fundamental component of the process of turning the country into a non-racial South Africa (ANC, 1994), the bedrock notion of the Rainbow Nation. The aim was “to provide better livelihoods for its citizens by converting newly won political power into economic progress” (Chikozho, 2016:110). Mosala, Venter and Bain (2017) argue that the aim of redress legislation was to ensure the participation of previously disadvantaged groups in the mainstream economy. This was done through legal and policy measures such as Affirmative Action and implemented through policies such as Employment Equity (EE), Black Economic Empowerment (BEE) as well as land reforms.

This thesis argues, on the whole, that these policies have contributed to the partial reduction of racial wealth and opportunity inequality. There are now more black people who have entered the job market, and that are employed on various levels of occupation, including top management. Further, the ownership levels of business have also increased. However, despite efforts to advance black empowerment more broadly, South Africa’s wealth is still overwhelmingly concentrated in the hands of the few. Thus, Mosala et al (2017: 337) concludes

that “de-racialisation of the economy is not tantamount to economic transformation but is a reformist programme of the national elite”. This is because the economy is skewed in favour of the ruling elite and the previously wealthy. While the group of the previously wealthy is no longer dominantly white, it remains disproportionately white.

8.1 Inclusive Economic Policy in Post-apartheid South Africa

The post-apartheid South African state aimed to eradicate racial opportunity and wealth inequality (Mats and Lennart, 2009). Wealth and opportunity inequalities were as a result of economic exclusion through policies which produced black unskilled labour and job reservation which restricted skill acquisition primarily to whites (Nkomo, 1984). While addressing the business sector in May 1990, Mandela said,

It is quite obvious that the economic power relations represented by the excessive concentration of power in a few white hands have to change ... one of South Africa's imperatives is to end white domination in all its forms, to deracialise the exercise of economic power.

This, according to Chikozho (2016), was a confirmation of the intention to deracialise the economy, which was also declared in the RDP (1994), that the objective was to deracialise the economy.

The racialised economy was the legacy of apartheid whereby the white minority excluded black South Africans from most economic rights, who were only integrated into the system only to provide service to the whites (Simon, 1988, Madala, 1999). This exclusion of the black majority was evident from the 1920s with the adoption of legislation such as the Apprenticeship Act of 1922, which effectively excluded qualified blacks from meaningful economic participation. Under the Conciliation Act (1956), the government reserved certain types of jobs to persons of a specified race. This was further exacerbated by labour legislation such as the Physical Planning Act (1967) and the Coloured Labour Preference Policy (1966) which also placed a ceiling on the employment opportunities of black workers. Additionally, outside the so-called ‘reserves’, blacks were limited by custom, and sometimes by law, to the lower grade of employment.

Consequently, under apartheid, South Africa had one of the highest levels of racial inequality in the distribution of income. Whites had the highest per capita income compared to other races. In contrast, blacks were the population group with the lowest level of capita income with R3 3134 in 1970 compared to coloureds, Indians and whites at R8 184, R9 595 and R39 217, respectively (Orkin, 1995) - see figure 8.43. Whites' per capita was 13 times higher than that of blacks in 1970. However, the gap between whites and blacks per capita reduced overtime, whereby whites' per capita was nine and eight times higher in 1980 and 1995, respectively. Even so, the inequality gap remained wide as, by 1995, whites' per capita income was R53 840.00 while blacks per capita income was only R6 704.00.

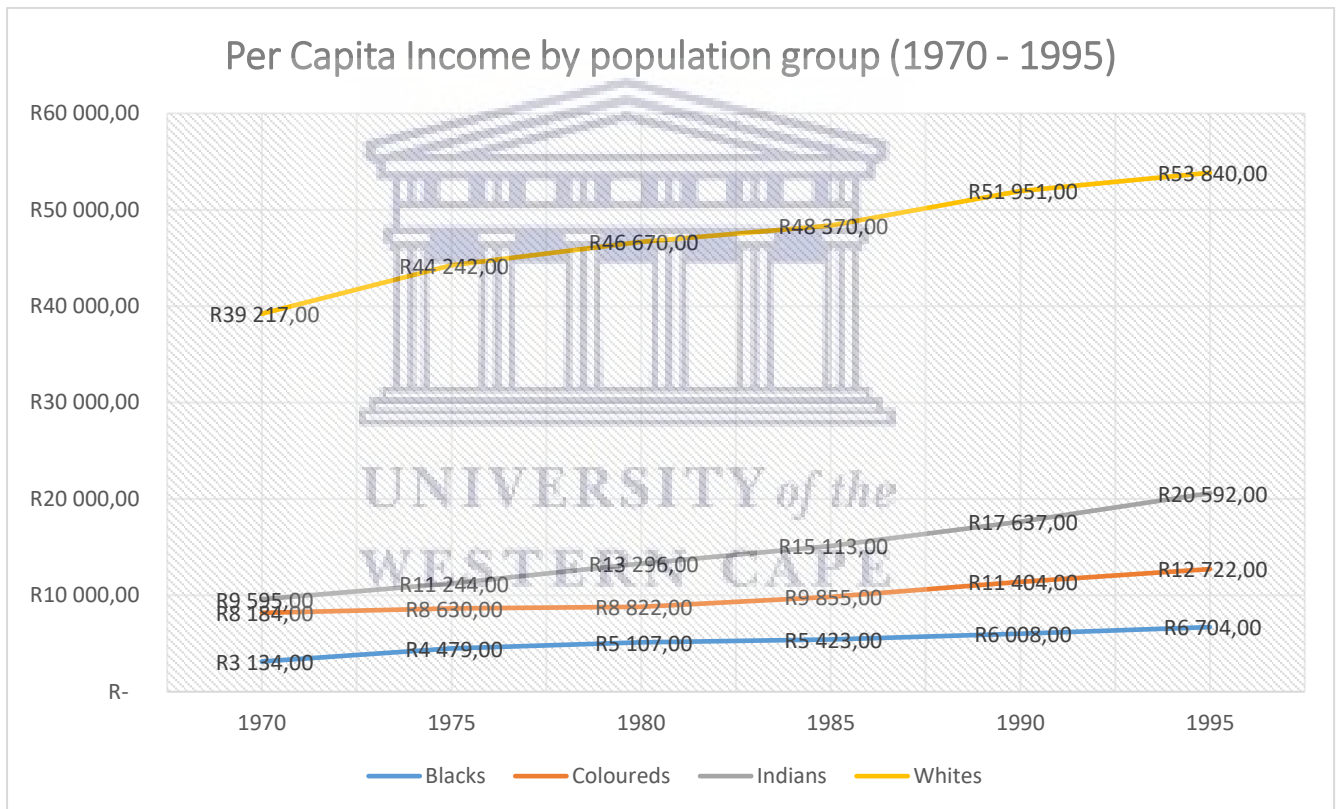


Figure 8.43: Per Capita Income by population (1970 – 1995) (Source: Orkin, 1995)

Additionally, in 1994, the levels of unemployment were exceptionally high for blacks compared to their whites. For instance, the levels of unemployment, using broad definition, were for blacks at 41.2 per cent- see figure 8.44. This percentage was followed by coloureds, Indians and whites at 23.3 per cent, 17.1 per cent and 6.3 per cent, respectively. More than two decades later, the patterns of unemployment have not changed significantly. In quarter 1 of

2020, there was a, when comparing to unemployment levels in 1994, decrease in levels of unemployment among blacks and Indians by 7.4 per cent and 4.1 per cent, respectively (StatsSA, 2020). In contrast, whites and coloureds have a slight increase of 1.8 per cent and 0.7, respectively. The difference between the percentage of unemployed blacks and whites was 34.9 per cent in 1994 and has decreased to 25.7 per cent in 2020. While noting the reduced gap, the levels of unemployed blacks is still higher than any of other population groups.

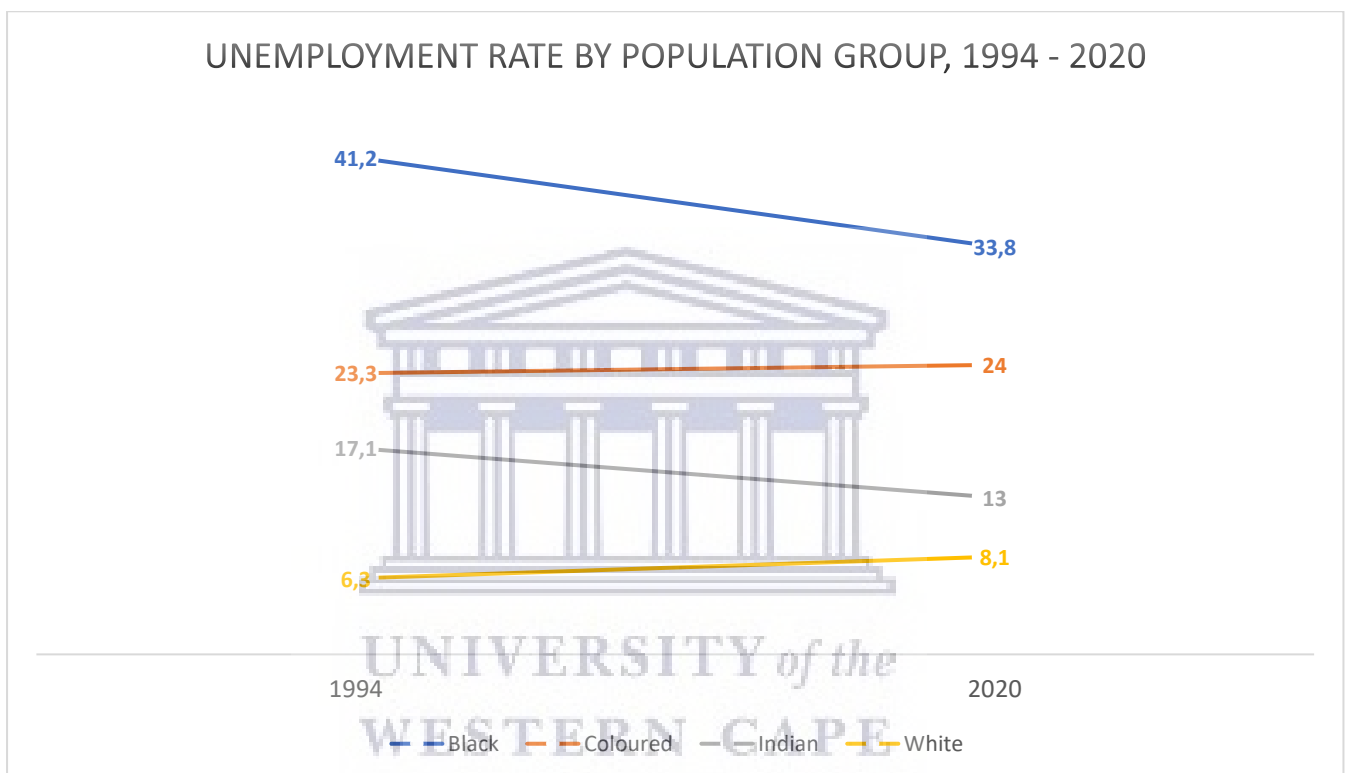


Figure 8.44: Unemployment rate by population group, 1994 – 2020 (Source: StatsSA, 2020).

Therefore, one of the tasks of the post-apartheid government was to transform the economy to include the previously marginalised black majority. In this way, the success of an inclusive economy can be measured by the extent to which racial economic inequality is reduced. Thus, the post-apartheid government embarked on building an inclusive economy in line with the provisions of the Constitution (1996). Section 7(2) of the Constitution (1996) states that the state is obliged to “respect, protect, promote and fulfil the rights” of all citizens, including economic rights. According to Gumede (2012), this provision is implemented through policy and legislative interventions whose aim is to broaden the concept of liberty to include economic justice.

In order to reduce levels of racial income inequality, there was an appreciation that there must be a sustained economic growth. In its first term of office, the democratic government adopted the RDP, but abandoned within two years due to low economic growth. RDP was replaced by policies that aimed to stimulate growth, equity and employment creation (Arora and Ricci, 2006). These policies included GEAR, which was adopted (1996 – 2000), and subsequently the Accelerated Shared Growth Initiative of South Africa (AsgiSA, 2006), and the New Growth Path (NGP) (Hendriks, 2013). These policies generated positive growth in the early years of democratic South Africa. First, there was an increase in economic growth as evident in the increase in annual real GDP growth from 1.2 per cent in 1980 – 1994 to 2.9 per cent in 1995 – 2003 (Mariotti and Fourie, 2014) - see figure 8.45.



Figure 8.45: Annual Real GDP Growth (%) (1980 – 1994) to (1995 – 2003) (Source: Mariotti and Fourie, 2014)

The economic growth was accompanied by a significant rise in the levels of income of the black population (Seekings, Leibbrandt and Natrass, 2004). According to StatsSA (2011), between 2001 and 2011, the average household income of blacks increased from R22 522.00 to R60 613.00; an increase of 169 per cent, which was the highest compared to coloureds, Indians and whites at 118 per cent, 145 per cent and 88 per cent, respectively - see figure 8.46. Nonetheless, the increase in household income of blacks did not reduce the gap between blacks

and whites. For instance, the difference in blacks and whites' household income between 2001 and 2011 increased from R171 298.00 to R304 521.00, whites still had significantly higher household income compared to blacks.

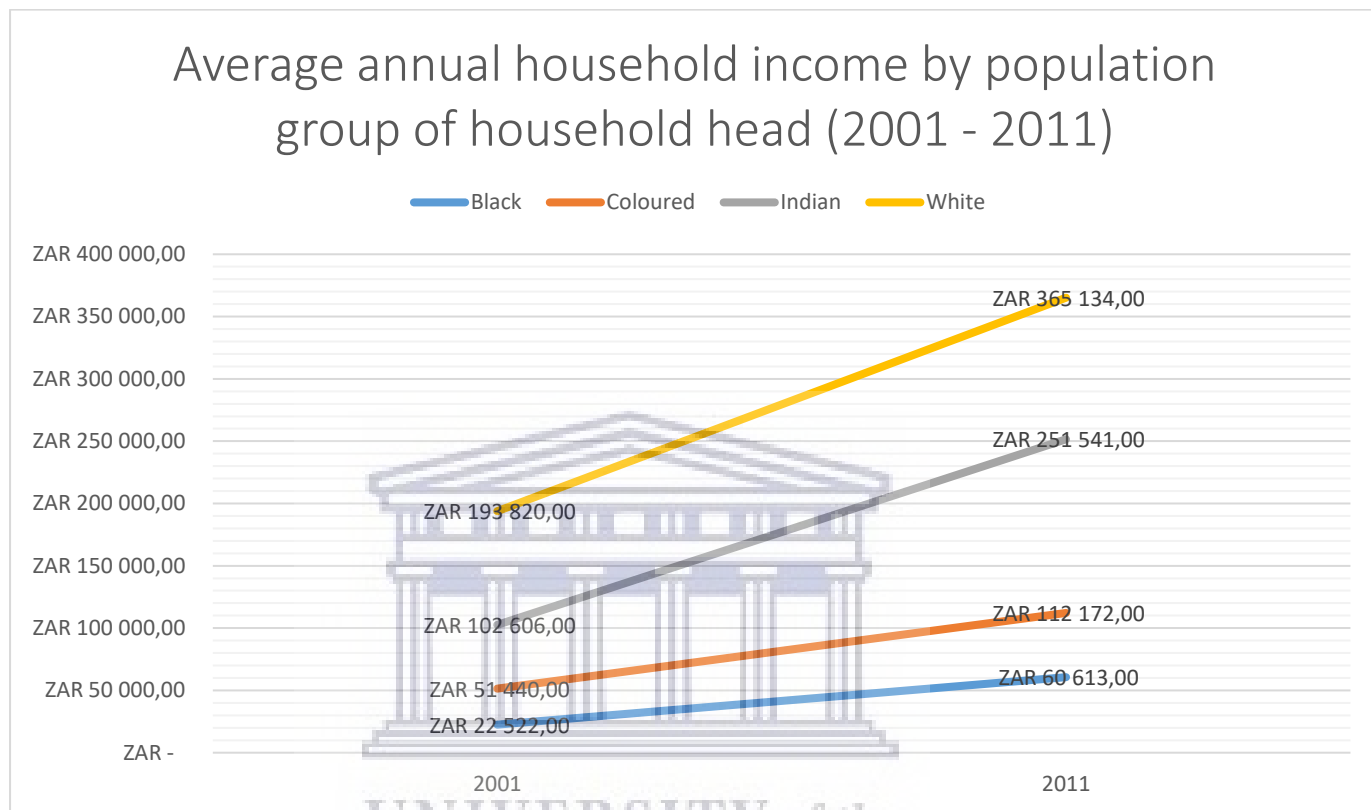


Figure 8.46: Average household income by population group household head (2001 – 2011) (Source: StatsSA, 2011)

Secondly, the General Household Survey (2011) revealed that there was progress in various levels of income categories between the 2001 and 2011. The percentage of blacks with no income reduced by 7.2 per cent while the percentage of those with low income, middle income and upper income increased by 3 per cent, 22.9 per cent and 15.5 per cent, respectively - see figure 8.47. In contrast, the percentage of whites with no income increased by 4.8 per cent while the percentage of whites with low income, middle income and upper income decreased by 1.1 per cent, 16.7 per cent and 20.8 per cent, respectively. However, by 2011 whites still had the largest share of those with upper income at 50.9 per cent compared to blacks at 34.1 per cent and blacks had the largest share of those with no income at 86.6 per cent compared to whites at 7.1 per cent.

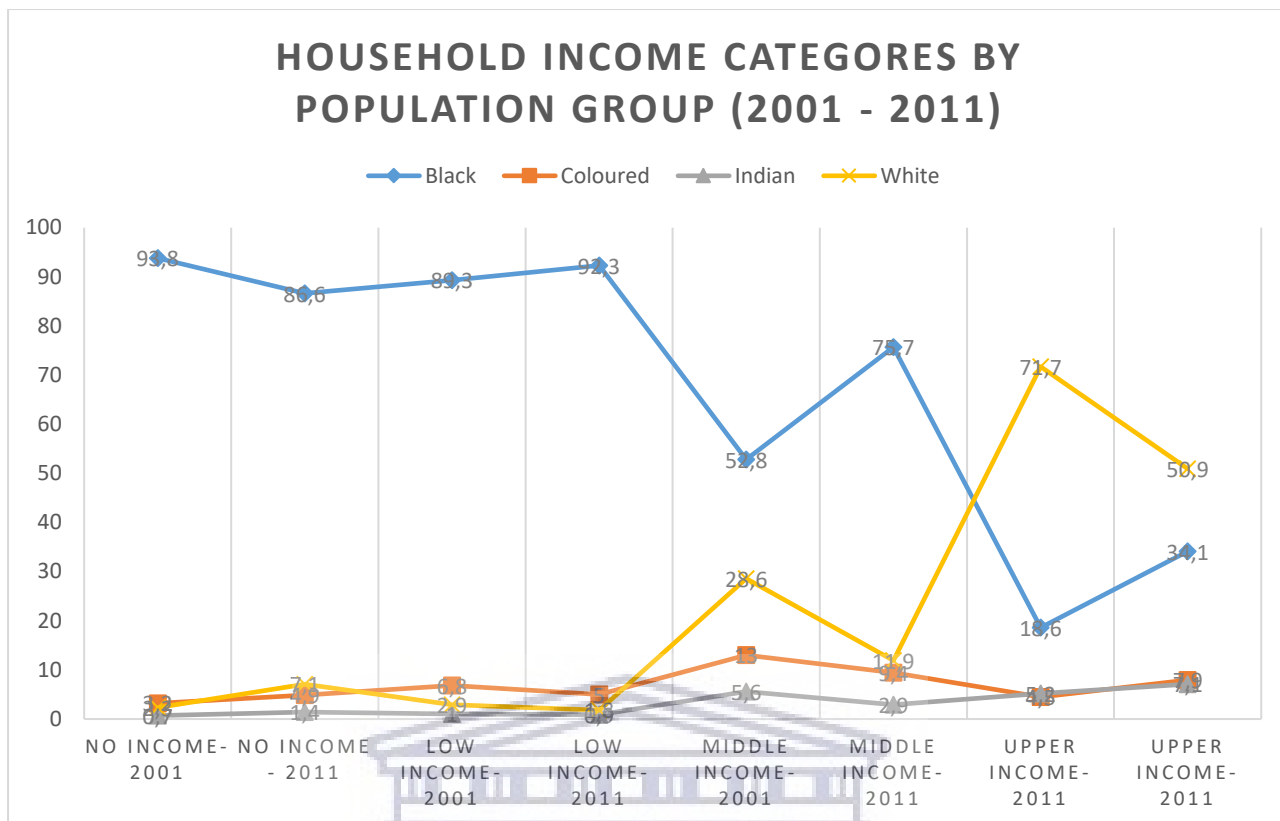


Figure 8.47: Household income categories by population groups (2001 – 2011) (Source: StatsSA, 2011)

It is, however, evident that this trend has not changed as, while there is an increase in the percentage of blacks in various levels of income categories, blacks are still at the bottom of those scales. As illustrated in figure 8.48, blacks have the highest levels of NEA and unemployed levels while they have the lowest levels of employment compared to other population groups. In 2017, the difference between unemployed blacks and whites was 26.5 per cent while the difference between employed blacks and whites was 23.4 per cent.

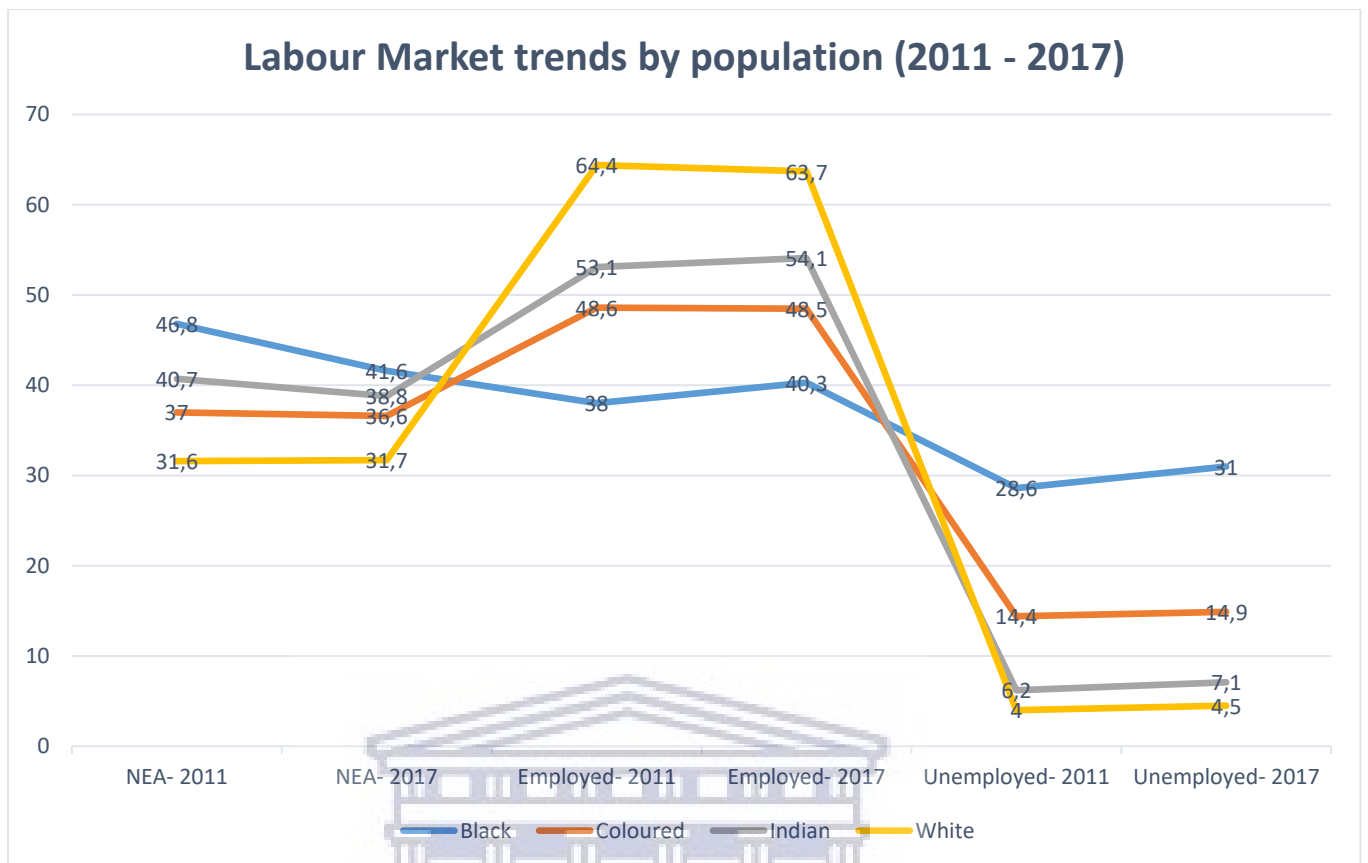


Figure 8.1: Labour Market Trends by population (2011 – 2017) (Source: StatsSA, 2018)

These trends were confirmed by the Living Conditions Survey (LCS) of 2014/2015 which revealed that there is still a significant disparity in poverty levels between races in post-apartheid South Africa. Blacks carried the overwhelming share of poverty by representing more than nine out of every ten individuals living below the Upper-Bound Poverty Line (UBPL). Furthermore, a study conducted by Afrobarometer revealed that Indian and white South Africans experience less deprivation than their black and coloured counterparts (Chingwete and Nomdo, 2016).

These factors have contributed to the view that the pace of economic transformation has been relatively slow. Consequently, at its December 2017 54th National Conference in Johannesburg, the ANC adopted an economic and development policy known as the Radical Economic Transformation (RET) programme. In 2018, President (then Deputy President) Ramaphosa addressed the National Economic Development and Labour Council (NEDLAC) whereby he stated that

radical economic transformation is about creating a South Africa where all its citizens, black and white, share equitably in the country's economy. It is about implementing programmes that deracialise ownership and control of our economy to benefit South Africans as a whole.

The RET programme is geared toward fundamentally changing current ownership structures within the economy (Business tech, 2018; Malikane, 2017). It aims to move beyond mere inclusion and should speak of direct and majority participation of all people. This, according to President Ramaphosa will entail

a new mandate given to the competition authorities to promote competition and eliminate monopoly control, increased capital and support contributions through the black industrialists programme and the R1.5 billion small business fund established through the CEO initiative, pursuing policies that support the inclusion of black people in the ownership of financial institutions and new changes which will see the broadening of black economic empowerment policies to promote greater worker ownership and board representation.

However, this notion of RET has not been welcomed by all. For instance, in a roundtable discussion hosted by the University of Cape Town Graduate School of Business in April 2018, one panellist, Dr Sean Gossel, argued that the country should be emphasising radical economic growth. He claimed this was necessary as “you cannot have radical economic transformation unless you have radical economic growth. The one is an outcome of the other. You cannot redistribute what is not there”.

To conclude, post-apartheid state geared towards the inclusion of the previously marginalized majority into the economy by eradicating racial wealth and opportunity inequality. The legacy of apartheid of racial inequality was evident in the racial disparities of per capita income whereby blacks had the lowest per capita income and highest levels of unemployment compared to whites at the end of apartheid. The policy regime from 1996 aimed to increase income growth to aid in eradicating racial inequality gaps. Since then, there was an evident increase in the average household income, various levels of income category and those who are employed. Consequently, there is a reduction in the inequality gap between blacks and whites. Nonetheless, even with these improvements, blacks are still at the bottom of the economic scales. Blacks have the lowest average household income, have the highest

percentage of those without no, low and middle income and have the highest percentage of those who are not economically active and unemployed. Hence, there have been calls for alternative approaches to increase the pace of economic transformation, such as the RET, to ensure economic inclusion of the majority of the previously marginalised majority of blacks.

More specifically, the post-apartheid government introduced a wide range of legislative and policy interventions which include Affirmative Action (AA), Employment Equity (EE), BEE and land reforms. These interventions aimed to ensure the inclusion of blacks in the economy and the economic base broadened (Mosala et al, 2017; Engdahl and Hauki, 2001).

8.2 Affirmative Action

The post-apartheid government adopted affirmative action as a legislation to include the previously marginalised population into the economy (Sanchez, Good and Chavez, 2011). The Labour Market Commission (1996: xiv), tasked with a responsibility to propose mechanisms to redress discrimination in the labour market, recommended “a policy framework for Affirmative Action in employment with due regard to the objectives of employment creation, fair remuneration, productivity enhancement and macroeconomic stability”. This was a response to scarcity of “black people in leadership positions in the public sector, commerce, industry and other key socio-economic institutions” evident in the early years of democracy (Madala, 1999: 1543). Therefore, the legislation was to ensure that affirmative action is applied in employment in both the private and public service to allow black people an opportunity to occupy the majority of positions in the public service including senior positions. This was believed to assist in the promotion of equal opportunities, especially for race groups who have been historically marginalised (De Beer, 1998).

Agocs and Burr (1996: 32) defines affirmative action in employment as “hiring by the numbers” as it, in an attempt to deal with systematic discrimination, “focuses on increasing the representation of the designated groups through targeted hiring, and to a lesser extent, training and promotion”. This occurs when there is an identified group, defined by a trait such as race, that is significantly lagging in achievement compared to other citizens (Dietrich, 2013). In post-apartheid South Africa, affirmative action was defined as the additional corrective steps which must be taken so that those who have been historically disadvantaged by unfair discrimination can derive full benefit from an equitable employment environment (White Paper on

Affirmative Action, 1998). More precisely, affirmative action in post-apartheid South Africa was used to increase the representation of the majority of previously marginalised blacks at decision-making levels and in other technical occupational classes (White Paper on Affirmative Action, 1998). Thus, affirmative action was considered a remedial strategy to address the legal and historical exclusion of the black majority (Lephakga, 2017).

Madala (1999) argues that affirmative action should be viewed as being interpretive of equality, and as part and parcel of the right to equality. The equality provision of the Bill of Rights makes a specific provision for the implementation of affirmative action programmes (Constitution, 1996). Section 9 of Chapter 2 asserts that

2) Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken.

Section 9(5) asserts that, while legislation must be enacted to prevent or prohibit unfair discrimination, “discrimination on one or more of the grounds listed in sub-section (3) is unfair unless it is established that the discrimination is fair”.

The Constitution (1996) especially identified the representation in the Public Service as one of the main foundations of a non-racist, and democratic South Africa. Chapter 10, Section 195(i) stipulates that,

Public administration must be broadly representative of the South African people, with employment and personnel management practices based on ability, objectivity, fairness and the need to redress the imbalances of the past to achieve broad representation.

According to Ncholo (2000), these measures were taken to reform a public service that was racist in nature. The public service was previously orientated to the needs of the white minority and a backbone of the apartheid system. Hence, affirmative action was mainly concerned with increasing the representation of previously marginalised groups in the public sector (Maphai, 1989; Madala, 1999). The White Paper on Affirmative Action (1998: 1) stipulates that it is “a testimony of the Government’s commitment to the transformation of the Public Service into an institution whose employment practices are underpinned by equity”.

The Department of Labour’s Commission of Employment Equity report (2020) reveals that there has been an improvement in blacks’ representation since 1994. This has been evident in

the increase of blacks in all levels of occupation in both public and private sector. For instance, blacks in top management increased by 9,2 per cent from 2001 to 2019 – see figure 8.49. Additionally, blacks in senior management, professionally qualified and technically skilled increased by 14.5, 10,2 and 1.5 per cent, respectively. In contrast, the number of whites in various levels of occupations has been on the decline. For instance, whites in top management, senior management, professionally skilled and technically skilled have decreased by 21.4, 27.3, 21.3 and 0.1, respectively. Even so, blacks consist of the largest share of technically skilled in 2019 at 63.2 per cent While whites consist of the largest share in top management at 65.6 per cent.

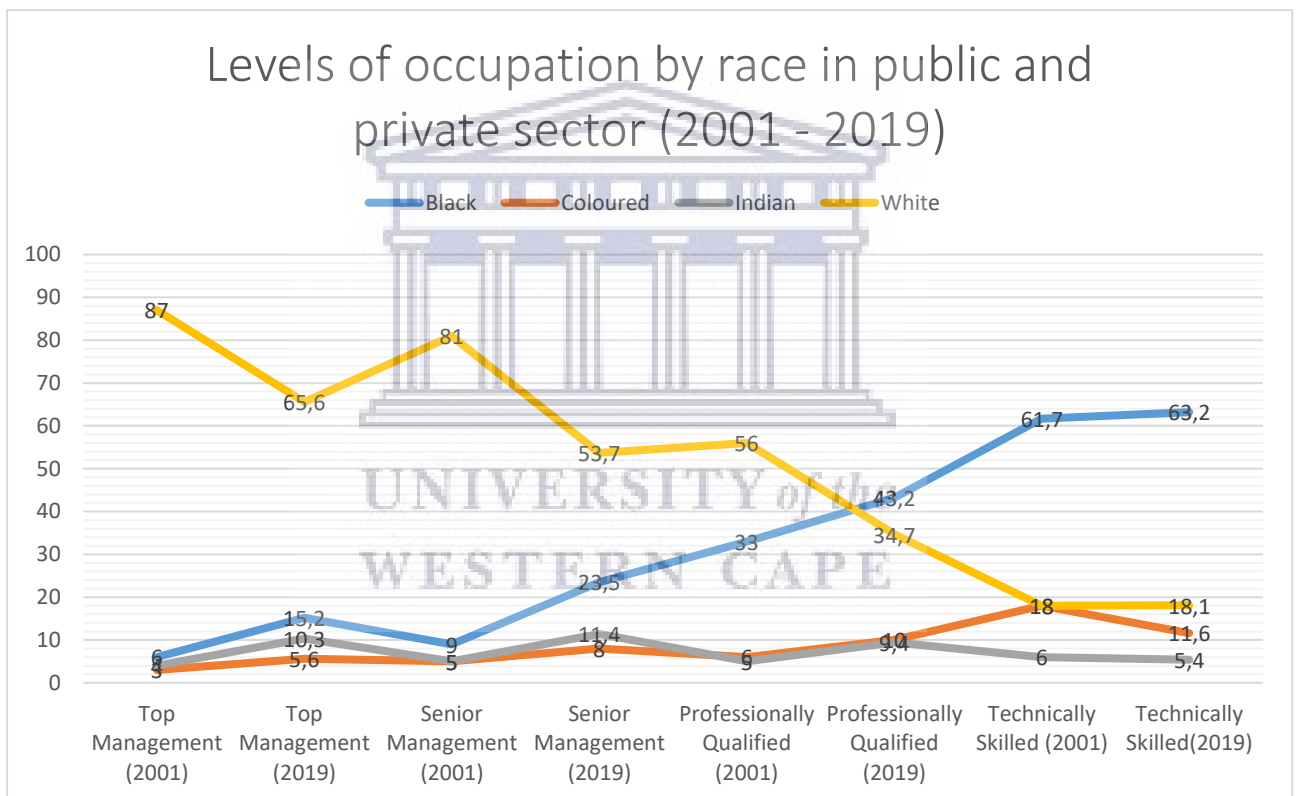


Figure 8.49: Levels of occupation by race in public and private sector (2001 – 2019) (Source: Commission of Employment Equity report, 2020)

However, the affirmative action was not welcomed by all; IJR (2010) indicated that there was a mixed-feeling response towards affirmative action. One of the groups that have been vocal in the opposition of the affirmative action was the then-Democratic Party (DP), now DA, in a policy document titled “The Death of the Rainbow Nation” (Democratic Party, 4 February 1998). According to the DP, the demise of the Rainbow Nation is caused by “a creeping re-

introduction of race policies in South African society” by the ANC since 1994. Taylor, Roman, Mwaba and Groenewald (2011) concluded that there is a continued sense of marginalisation of coloureds by the post-apartheid, largely black government. Hino, Leibbrandt, Machema, Shifa and Soudien (2018) also asserted that, while South Africans became less exclusive of people in other race groups during the early years of post-apartheid period, it has started to reverse this accomplishment over the last 10 years. Hino et al (2018:16) reveal that

incomes of the coloured group were squeezed from below from the Africa/black group, and, at the same time, pulled apart from above by the whites group. The disparity ratio analysis is interesting in showing that gains have only been made between the African bottom and the white bottom.

To implement affirmative action, various policies were adopted including the Employment Equity (EE) (1998).

8.2.1 Employment Equity

In the early years of the democratic South Africa, constitutional and legislative provisions had not made a significant difference. This was evident in the composition of the senior management in the public sector, among others. According to the data sourced from public service payroll information, by 1997 whites still composed the majority of managers in the public service at 59.92 per cent in 1995 which later decreased to 51.72 per cent in 1997 - see figure 8.50. In contrast, black senior managers in the public service were almost half the number of white senior managers at 30 per cent in 1995 and increased by 8.2 per cent to 38.17 per cent in 1997.

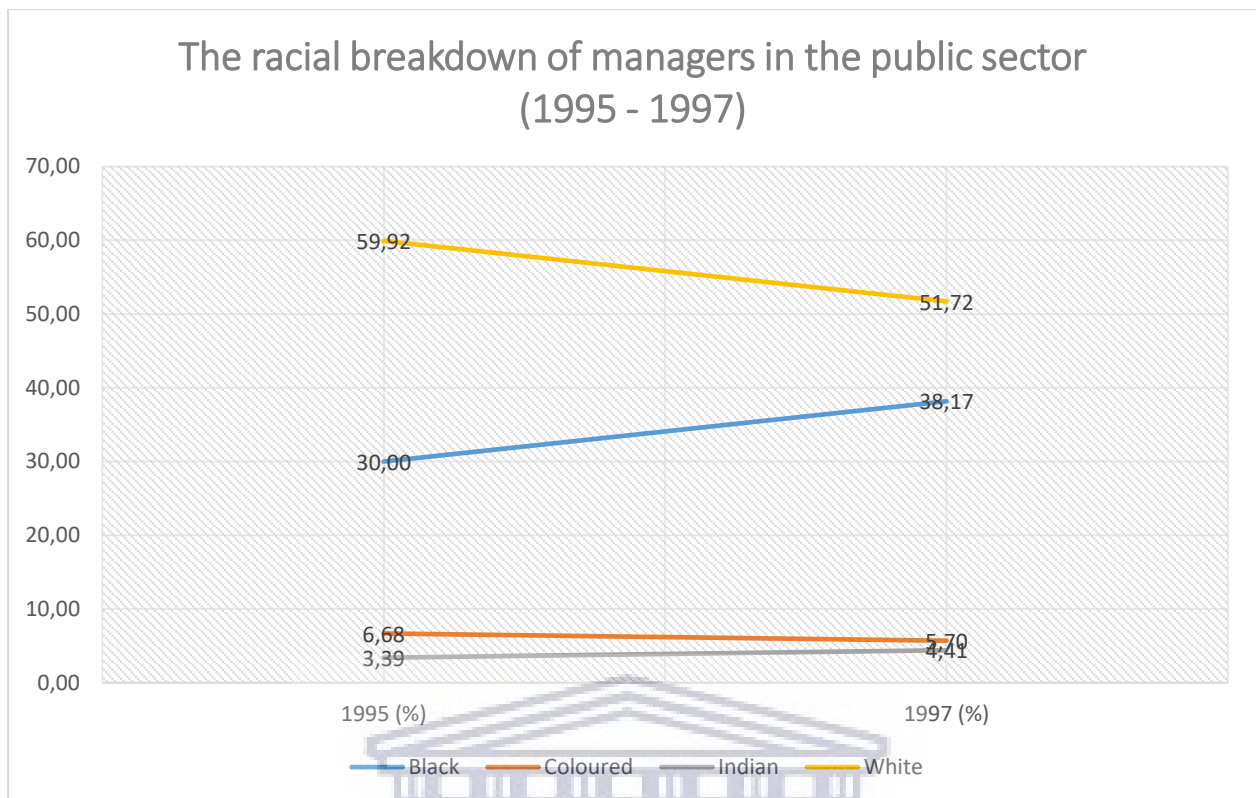


Figure 8.50: The Racial Breakdown of Managers in the Public Service (1995 – 1997) (Source: StatsSA, 2000)

Therefore, the Employment Equity Act adopted in 1998 aimed to give effect to the constitutional provision and the White Paper on Affirmative Action (1998). Employment Equity Act (1998) did so by aiming to achieve equity in the workplace by promoting equal opportunity and, in doing so, implement affirmative action measures to ensure designated group's equitable representation in all occupational categories and levels of the workforce. It focused on prohibiting discrimination in employment and, most significantly, introducing affirmative action programs to deal with the legacy of apartheid discrimination. The preamble of the act asserted that the discriminatory laws of apartheid had created such disadvantages for certain categories of people that "simply repealing those laws will not affect the constitutional right to equality and the exercise of democracy". Thus, the goal of the Employment Equity Act (1998) is fivefold and include to

eliminate of unfair discrimination in employment; implement Employment Equity to redress the effects of discrimination; [to] achieve a diverse workforce, broadly representative of the South African population demographics; promote economic

development and efficiency in the workplace; comply with the obligations for members of the International Labour Organisation.

More specifically, the Act aimed to address the specific question of equal opportunities and preferential employment of blacks. Section 5(1) of the act prohibited discrimination in employment on the grounds of “race, gender, sex, pregnancy, orientation, age, disability, religion, conscience belief, political opinion, culture, language and birth”. Additionally, it provided that individuals from designated groups (Africans, coloureds, Indians and people with disabilities) should get preferential treatment in terms of recruitment and selection.

The duty of monitoring compliance falls on inspectors from the Department of Labour and the Employment Equity Commission and the Gender Commission (Burger et al, 2016). The act also made provision that in addition to the employment addressing discrimination in the work environment, legislations such as the Skills Development (1998) and the Skills Development Levies (1999) put an obligation on employers to commit to the training and education of employees and to contribute 1 per cent of their payroll to the relevant Sectoral Education and Training Authority.

There is an evident improvement in the representation of blacks in the public service since the adoption of the Employment Equity Act. The 2017/18 Public Service Commission report reveals that, at an aggregate level, employment equity targets in terms of race have been successfully met, signifying progress between 2000 and 2017 (PSC, 2018) - see figure 8.51. In 2000, there was a 5.6 per cent gap in the black population and representation in the public sector, with population at 76.6 per cent and public service composition at 71 per cent. In contrast, whites composed 10.9 per cent of the population while composed 16.6 per cent of public service. This was obviously not equitable, as whites were overrepresented in the public sector and blacks underrepresented. This changed in 2017 whereby blacks population and composition in the public sector met the equity targets at both 80.8 per cent. Similarly, the percentage of the white population and composition in the public sector met the equity targets at 8 per cent.

EMPLOYMENT EQUITY IN THE PUBLIC SERVICE (2000 - 2017)

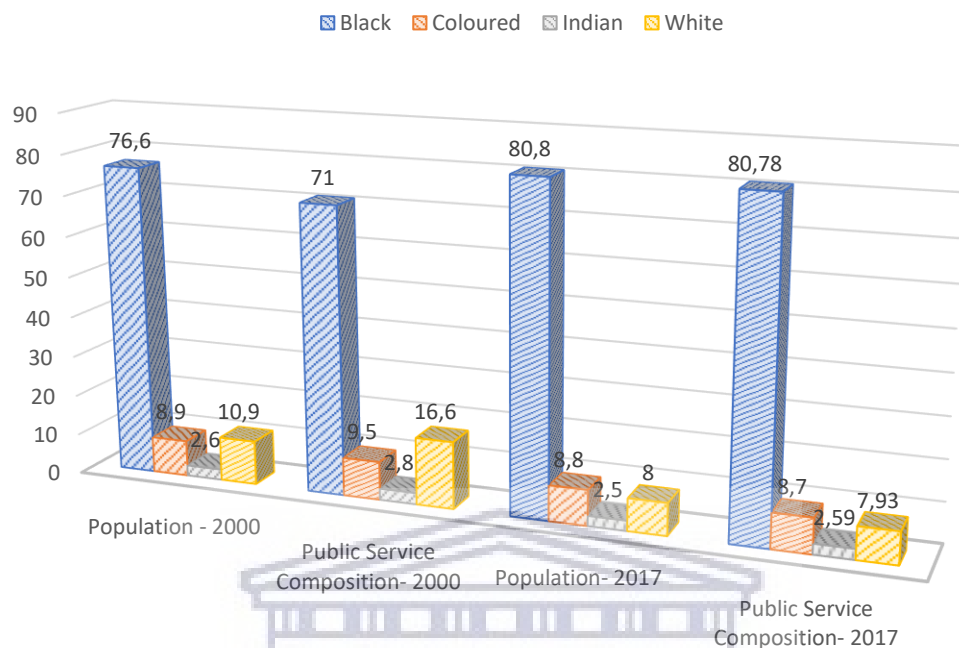


Figure 8.51: Employment equity in the public service (2000 – 2017) (Source: PSC, 2018)

Additionally, the Commission of Employment Equity Report (2019/20) revealed that at a top management level, blacks have the largest share of employees in the public sector with 76.7 per cent, 78.7 per cent, 77.4 per cent and 59.7 per cent at national government, the provincial government, local government and state-owned entities, respectively - see figure 8.52. However, the representation in the private sector, educational institutions, and non-profit organisations is relatively poor. Instead, whites have the largest representation at 68.6 per cent, 65 per cent and 42.8 per cent, respectively.

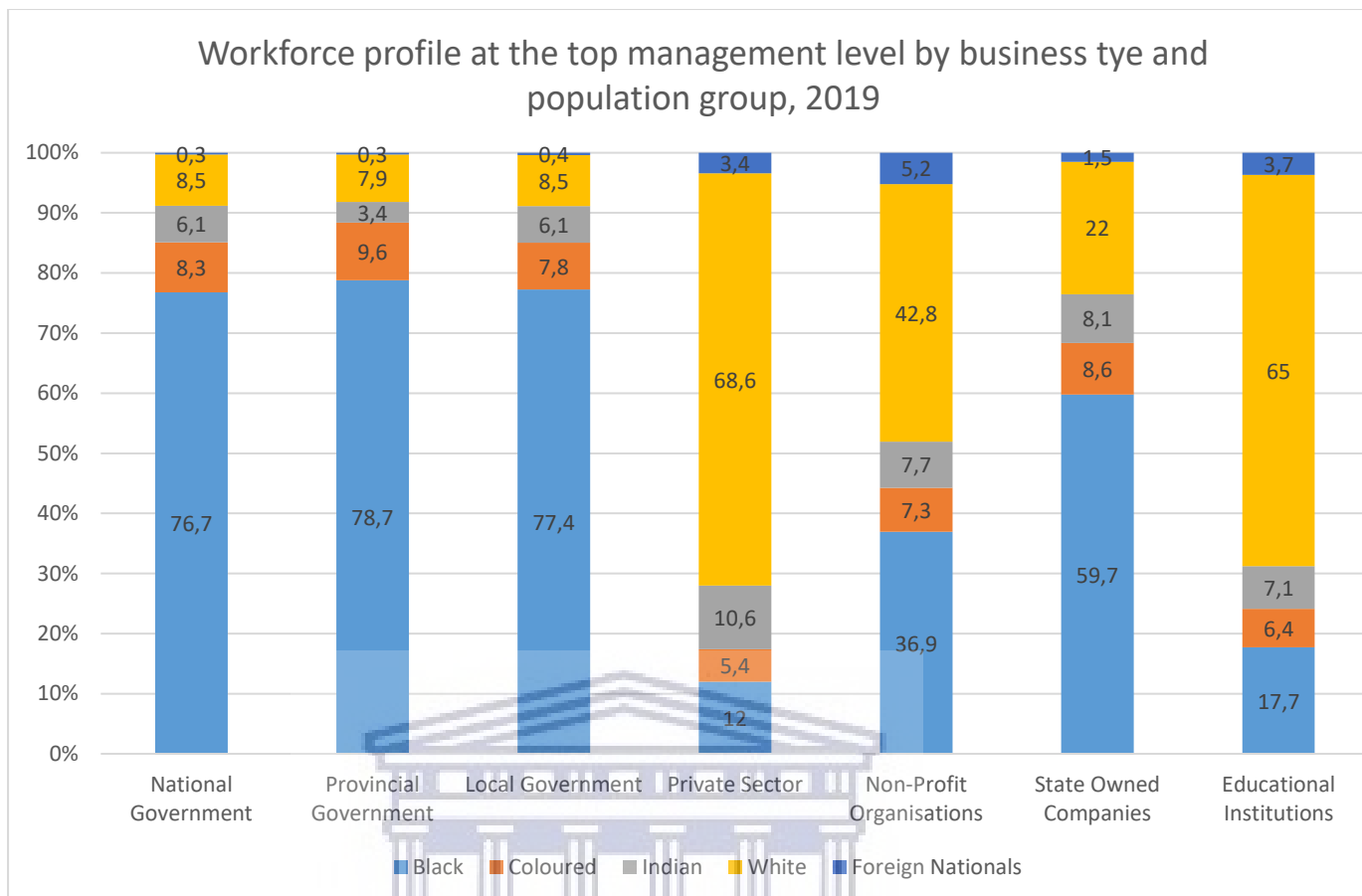


Figure 8.52: Workforce profile at the Top Management level by Business Type, Population Group and Gender, 2019 (Source: Commission of Employment Equity Report, 2020)

To conclude, affirmative action was adopted as legislation to increase the representation of the previously marginalised majority in the private and public sector. Especially in the public sector, affirmative action was giving effect to the constitutional provision that public service should reflect the population. affirmative action was implemented through policies such as the Employment Equity Act. Through these legislative and policy interventions, the post-apartheid government has managed to meet equity targets in terms of race to the extent that the public service is representative of the population. Additionally, blacks have the largest share in the public sector which include national, provincial, local government and state-owned entities. However, these improvements are partially achieved as blacks' representation is only in the public sector. In contrast, whites, have the largest share of employees in the private sector, NGOs and education institutions.

8.3 Black Economic Empowerment

The post-apartheid government adopted BEE in 2003, almost a decade after the birth of democratic South Africa. While Employment Equity focused on eradicating opportunity inequality, BEE focused on wealth inequality. Ponte, Roberts and Van Sittert (2007) argues that the urgency of BEE followed the former President Mbeki's "two nations" speech during a Reconciliation and Nation-Building debate in parliament on 29 May 1998. In his speech, Mbeki asserted that

We, therefore, make bold to say that South Africa is a country of two nations. One of these nations is white, relatively prosperous, regardless of gender or geographic dispersal. It has ready access to a developed economic, physical, educational, communication and other infrastructure. The second and larger nation of South Africa is black and poor, with the worst affected being women in the rural areas, the black rural population in general and the disabled.

At the time, the private sector was dominated by white people. The survey conducted by Breakwater Monitor in 1998 revealed that "whites occupied 87 per cent of private sector management positions, 93 per cent of executive management positions and 92 per cent of senior management positions" while only 6 per cent of all managers were blacks (Thompson, 2003: 7). In addition to the paucity of blacks in senior management positions, ownership distribution had not improved either.

In May 1998, the BEE Commission was established with the mandate "to develop an accelerated National BEE Strategy that would provide concrete recommendations for the future of black business" (Ponte et al, 2007: 5). The Commission submitted its Integrated National BEE Strategy report on 11 April 2001. In the main, the Commission recommended state intervention as, according to the report, "unregulated market forces reinforced the existing inequalities" (Ponte et al, 2007: 6). The state intervention would be in the form of "distribution of assets and opportunities" (Acemoglu, Gelb and Robinson (2007: 7). The BEE Commission report (2001: 2) stipulated that,

[BEE] is an integrated and coherent socio-economic process. It is aimed at redressing the imbalances of the past by seeking to substantially and equitably transfer and confer the ownership, management and control of South Africa.

The Commission's report led to the adoption of the BEE Act of 2003. Though formally adopted in 2003, scholars such as Acemoglu et al (2007: 6) argue that there was evidence of BEE-like approach as early as 1993. One of these cases is when Sanlam sold 10 [per cent] of its stake in Metropolitan life to a black-owned consortium led by Dr Nthato Motlana, a former secretary of the ANC Youth League. The BEE Commission report (2001) confirmed this assertion and that, by 1998, similar deals were approximately 231. Additionally, the report also indicated that by 1998, blacks owned 10 per cent of companies in the Johannesburg Stock Exchange (JSE).

In its adoption, BEE (2003) emphasised that a substantial change needs to occur in the racial composition of ownership and management structures of all organisations. Specific aims of the strategy include increasing black ownership and management of business and property. According to Gelb (2004: 2),

The first phase of BEE involved white companies selling a proportion of their unissued equity to a few pre-identified black purchasers. The sales were financed by loans which were often provided by the vendor and usually secured by future earnings flows of the company itself, meaning that loan repayments assumed rising dividends and share prices ... In many instances, the purchaser was a consortium assembled by one or two black individuals, usually with a high political profile but limited experience in business.

This approach was heavily criticised for its narrow approach as it focused on equity transfer through business transactions which had a handful of mostly politically connected individuals (Acemoglu et al. (2007). One of the respondents argued that,

while the adoption of BEE was noble with the aim of correcting the ills of the past, it had an unintended consequence of destroying the economy and the biggest victims are ordinary black South Africans and that a few elite benefits from the system.

The growing criticism and dissatisfaction with BEE policies led to a re-examination of the strategy and the meaning of black empowerment. As a result, BEE was renamed Broad-Based Black Economic Empowerment Strategy (B-BBEE), emphasising the need to embrace a more inclusive process aimed at involving black people in the economy, rather than simply transferring assets (B-BBEE, 2003). More specifically, B-BBEE was defined as

the economic empowerment of all black people including women, workers, youth, people with disabilities and people living in rural areas through diverse but integrated socio-economic strategies that include but are not limited to increasing the number of black people that manage, own and control enterprises and productive assets; achieving equitable representation in all occupational categories and levels in the workforce; preferential procurement; and investment in enterprises that are owned or managed by black people.

B-BBEE implementation was supplemented by institutions such as the National Empowerment Fund Agency (NEFA), established in 1998 to promote and support commercially sustainable businesses that are owned and run by black people to promote and facilitate black economic equality and transformation across a range of sectors. Between 1998 and 2019, the NEFA approved nine hundred and twenty-seven transactions worth more than R9.3 billion for black-owned and managed businesses across the country (NEFA, 2019). Such efforts, as noted by Southall (2006: 465), “constituted a major bid to shift government towards concerted intervention within the economy in favour of BEE”.

The B-BBEE Commission report (2020) indicates that in 2019, black ownership levels were at 29 per cent, an increase from 25 per cent in 2018. Of the 19 per cent, only 3.3 per cent are listed on the JSE, an increase from 1.2 per cent in 2018 and 1 per cent in 2017 (B-BBEE Commission, 2020). However, in 2015 the numbers released by government contradicted the numbers released by the JSE which indicated that, as at 2013, black South Africans held at least 23 per cent of the top 100 companies listed on the JSE while whites held 22 per cent of ownership (JSE, 20 February 2015). JSE later admitted that the 23 per cent included indirect holding, but the direct holding was 3 per cent as indicated by the government (Africa Check, 29 August 2017). The B-BBEE Commission report (2020) also revealed that the control of South Africa’s boardrooms remains similarly racialised. Black representation on JSE-listed boards is at 43 per cent.

As at 11 October 2016, 30 per cent of JSE-listed companies’ directorships were held by blacks (including coloureds and Indians) while 55 per cent held by whites and the remaining 15 per cent were owned by foreign nationals. The number of black directors in JSE-listed companies has increased between 2006 and 2016 (B-BBEE Commission, 2017). As illustrated in figure 8.53, in 2006 there were 485 black directors which increased to 1035 in 2011 and remained constant at 1035 in 2016.

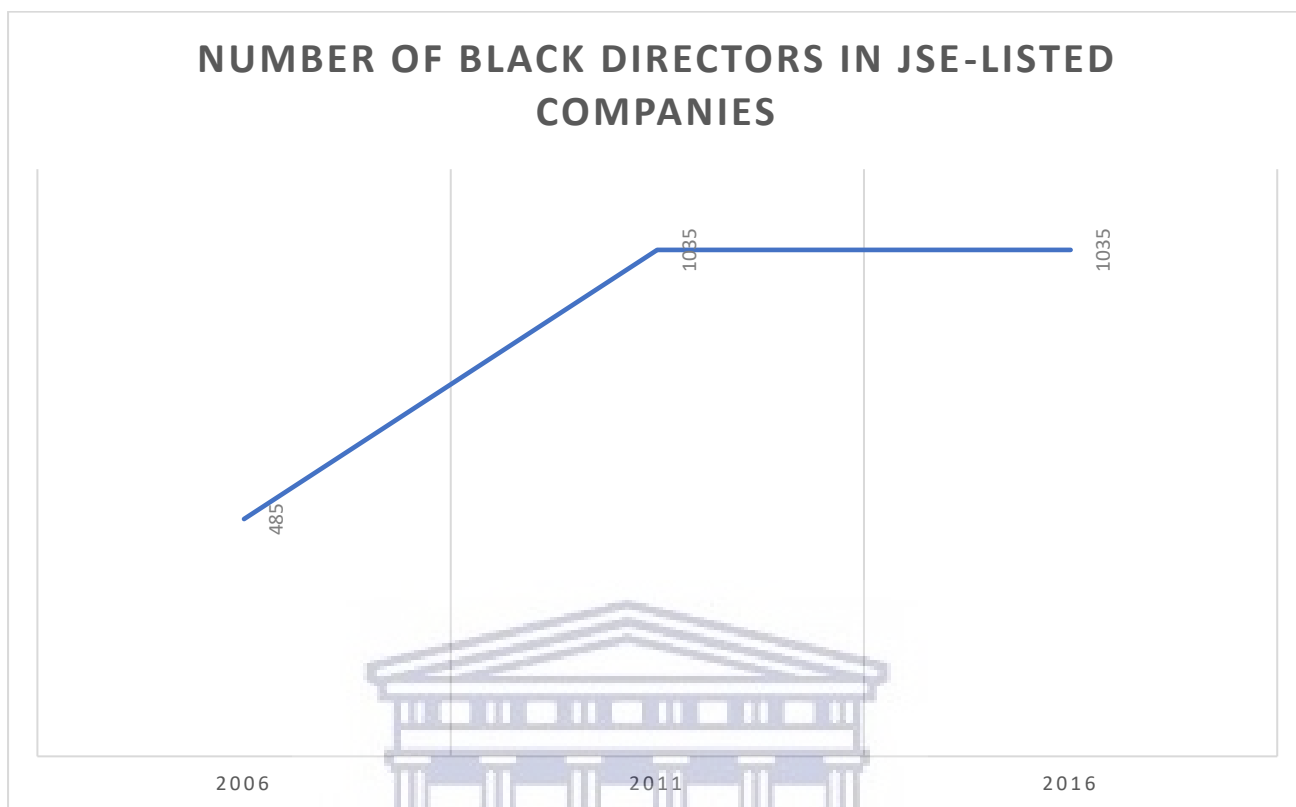


Figure 8.53: Number of Black Directors in JSE-Listed Companies (Source: B-BBEE Commission, 2017).

Despite the efforts to promote black empowerment, it is apparent that the economy remains widely dominated by the minority made up of the political elite and whites. Post-apartheid South Africa has not been successful in delivering on the vision of a de-racialised economy; “that delivers a greater share of control, ownership and wealth to its black majority” (Mail & Guardian, 1 September 2020). The B-BBEE Commission report (2020) noted the slow pace of economic transformation. In addition to the reported 29 per cent of black ownership, the report also revealed that there is no sector of the economy with more than 50 per cent black ownership. This especially so in historically dominated economic sectors such as finance and agriculture, where blacks hold 25 per cent and 12 per cent ownership, respectively. The progress was, however, noted in economic sectors such as construction, property and ICT where blacks hold 48 per cent, 42 per cent and 36 per cent, respectively (B-BBEE Commission, 2020).

As early as the 2000s, there were already concerns that BEE has failed to address transformation for a broad base of South Africans and may have deepened rather than alleviate inequality (Heese, 2003). The StatsSA’s Inequality Trends report (2017) revealed that, in

measuring wealth inequality, blacks still have a low average of asset scores compared to other population groups- see figure 8.54. Between 2009 and 2015, blacks' average asset score for blacks increased by 1.4 per cent while whites' score increased by 0.7 per cent between 2009 and 2011 but decreased by 0.8 per cent between 2011 and 2015. Nonetheless, the difference between black and whites score was 7.2 per cent, 6.8 per cent and 5.7 per cent in 2009, 2011 and 2015, respectively.

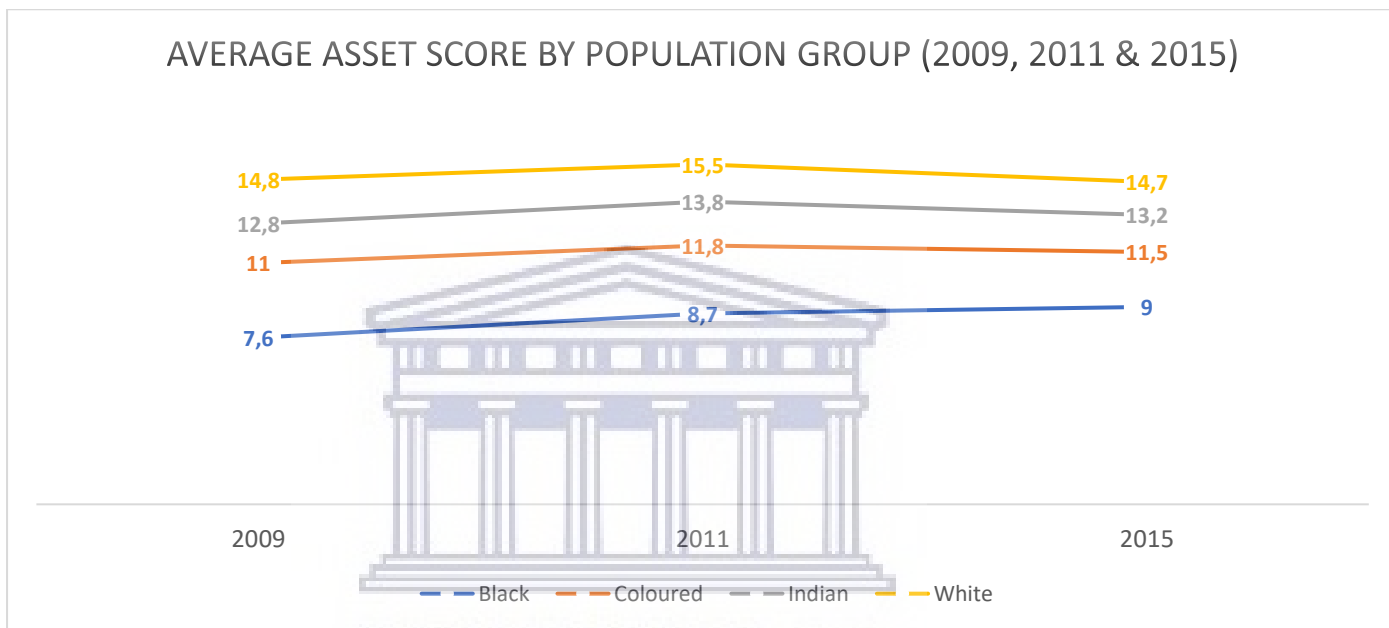


Figure 8.54: Average Asset Score by Population Group, (2009, 2011 and 2015) (Source: StatsSA, 2017)

To conclude, BEE was adopted to eradicate wealth inequality. A few years into democratic South Africa, the economy was still in the control of whites. Hence, the BBE Commission was tasked to provide concrete recommendations for the future of black empowerment in business. The Commission's recommendations led to the adoption of BEE that focused on equity transfer through business transactions which mainly favoured the politically connected. This approach was criticised and was replaced by B-BBEE. B-BBEE emphasised the need to embrace a more inclusive process aimed at involving the previously marginalised in the economy. These initiatives have led to an increase in black ownership, more black-owned businesses are now in the JSE and more have black directorship. However, despite these efforts, ownership and control of the private sector is still dominated disproportionately by whites and that blacks have not reached 50 per cent ownership in all sectors. Thus, this thesis argues that BEE has also

been relatively slow in reducing wealth inequality and to, ultimately, increase economic participation of the previously marginalised.

8.4 Land Reforms

Land reform in post-apartheid South Africa aimed to address the land question, which translates into the question of belonging to a majority of South Africans who were displaced and dispossessed during apartheid. White Paper on Land Policy (1997) summarises the land question in the post-apartheid government as that,

Land ownership in South Africa has long been a source of conflict. Our history of conquest and dispossession, of forced removals and a racially skewed distribution of land resources, has left us with a complex and difficult legacy.

More specifically, the post-apartheid South Africa aimed to redress these injustices brought about by the apartheid government through land reform (Lahiff and Li, 2012). This, according to the World Bank in Lahiff (2009), was a mechanism to ensure overall economic growth, poverty reduction, and enhancing food security.

Land dispossession in South Africa happened over a period of 300 years (Lahiff and Li, 2012). This process started with the European settlement began around the Cape of Good Hope in the 1650s. This process had one significant outcome namely that by the early 20th century, most of the country's land was reserved for the minority white population while the African majority was confined to the Homelands (Lahiff and Li, 2012). The introduction of legislation such as the Group Areas Act and the Reservation of Separate Amenities Act in 1950 and 1966 also presented another layer of repression on the blacks. Through these legislations, apartheid aimed to create politically and economically viable homelands each characterised by a particular ethnic identity. This was accompanied by laws on how blacks will be accommodated in urban areas while ensuring that there is minimal interracial contact as there were racially exclusive and unequal residential segments, educational, health and recreational facilities (Gutteridge, 1995). For instance, Natives (Urban Areas) Act (1945), was designed to house, at minimum cost, the migrant temporary urban sojourners whose cheap labour-power could not be dispensed with. Further to this, restrictions were in accordance with Natives (Urban Areas) Consolidation Act (1952), which governed the granting of permanent urban residence rights.

Consequently, by 1994, when the democratic era commenced, 87 per cent of the country's land belonged to white South Africans, which constituted 10 per cent of the population (Lahiff, 2009). In contrast, black South Africans in rural areas, representing about 30 per cent of the national population, had access to less than 15 per cent of all farmland typically held under informal or insecure tenure in racially segregated homelands (Wegerif, 2004). Besides, an estimated five million black South Africans lived and worked on white commercial farms, typically without access to the farmland of their own (Wildschut and Hulbert, 1998). More than two decades later, the 2018 Land Audit report revealed that whites still owned 72 per cent of more than thirty-seven million hectare farms and agricultural holdings by individual landowners; while coloured owns 15 per cent, Indians own 5 per cent, and Africans had the least share at 4 per cent (Rural Development and Land Reform, 2018).

Land reform is provided for in the 1993 Interim Constitution, RDP (1994) and the Restitution of Land Rights Act 22 of 1994. A significant shift occurred after the approval of the Final Constitution in 1996 thus amending land reform strategies and objectives in White Paper on Land (1997) and its tenets policies namely Land Redistribution, Land Restitution, and Land Tenure Reform (Klaus, 1999). The Interim Constitution (1993) recognised Restitution of Land Rights. Claim 121 (1) provides for matters relating to the restitution of land rights. More specifically, (2) provides for a

person or a community shall be entitled to claim restitution of a right in land from the state if-(a) such person or community was dispossessed of such right at any time after a date to be fixed by the Act referred to in subsection (1); and

(b) such dispossession was effected under or for under or for the purpose of furthering the object of a law which would have been inconsistent with the prohibition of racial discrimination contained in section 8(2), had that section been in operation at the time of such dispossession.

However, this Interim Constitution restricted to the period starting 19 June 1913 and did not apply to any rights in land expropriated under the Expropriation Act no. 63 (1975).

In 1994, the government adopted the Reconstruction and Development Programme (RDP) which stipulated that land reform aimed to “develop and support integrated sustainable rural development and rural local government models through land restitution, redistribution, tenure reform and settlement support to kick-start a wider land reform process” (RDP, 1994: 43). The RDP further provided guidelines on Land Restitution and Redistribution programmes. Initially,

land restitution aimed for implementation in ten communities from 1995 with an allocation of R62 million over three years. The objective of the programme was to

...support the restitution of land to communities with land claims to state land, support settlement planning and infrastructure development to ensure sustainable development processes.

The targeted 10 communities were Roosboom, Alcockspruit, Charlestown (KwaZulu-Natal); Zwelendinga/Zulukam-hornhill (Eastern Cape); Riemvasmaak, Smidtsdrift (Northern Cape); Goedgevonden, Bakubung, Zwartsrand (North West), Doornkop (former Eastern Vaal) (RDP, 1994).

On the other hand, the land redistribution programme aimed to provide settlement support to seven rural communities who acquired land in terms of the Provision of Certain Land for Settlement Act 1993 (Act 126 of 1993). The seven target communities were Buthelezi, Amaswazi, Thembalithe, Cornfields, Khumalo, Amahlubi and Mekemeke. The programme aimed to complete the settlement over two years and with an allocation of R32.8 million (RDP, 1994).

Two years later, the final Constitution (1996) was approved and presented a significant shift in land reform strategies and objectives. The final Constitution (1996) created the basis for liberal democracy, albeit with an emphasis on socio-economic rights and a clear mandate on the state to redress the injustices of the past. More specifically, the constitutional clause on property guaranteed the rights of existing owners, but also granted specific rights of redress to victims of past dispossession and set the legal basis for a potentially far-reaching land reform program. The principle of land reform in the final Constitution aligned to international standards set by the United Nations on ensuring equal rights to property (SAHRC, 2001).

Section 25 (1) of the Constitution (1996) is explicit in providing that no person, “may be deprived of property except in terms of the law of general application, and no law may permit arbitrary deprivation of property”. Section 25 on Property (the 'Property Clause') in the Bill of Rights sets out a wide-ranging mandate to the state to enact land reforms and other related measures. Among the three components of land reform is an injunction to redistribute land. Section 25 (5) stipulates that 'the state must take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis.'

In 1997, the government adopted the White Paper on South African Land Policy to inform land reform. The land policy was pronounced with four objectives namely “to correct past injustices; to engender reconciliation and stability; to promote economic growth; and to improve lives through the alleviation of poverty” (White Paper on Land Policy, 1997: 7). To meet these objectives, the White Paper on Land Policy (1997) had three guiding tenets, namely land restitution, land redistribute and land tenure reform.

8.4.1 Land Restitution

The White Paper on Land Policy (1997), as the Interim and Final Constitution, defines land restitution as returning land lost or government compensating individuals who had been forcefully removed since 19 June 1913. Section 25 (7) of the Constitution which states

a person or community dispossessed of property after 19 June 1913 as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to restitution of that property or to equitable redress.

The main objective of land restitution in the post-apartheid South Africa is to make provision for the restitution of land rights to people who were dispossessed in terms of or to promote the objectives of discriminatory race-based legislation, and to resolve restitution claims within the target period, through negotiated settlements that restore land rights or award alternative forms of equitable redress to claimants such as compensation of claimants at below-market prices (Klaus, 2009). The first target period since the restitution claims were lodged by 31 December 1998 deadline was set to be 2005, but this deadline was extended with the latest deadline being June 2019.

The Restitution of Land Rights Act (1994) provides the framework through which the right to restitution is given effect. The main objective was to provide equitable redress to victims of racially motivated land dispossession through providing people and communities who had been dispossessed of land after 19 June 1913 as a result of racially discriminatory laws or practices the right to restitution of that property or to fair compensation. The Restitution of Land Rights Act (1994) further provides guidelines on the process and establishes a Commission on Restitution of Land Rights in 1995 under the provision of Section 4 of the Restitution Act and Section 123 of the Interim Constitution. The Commission operated under a Chief Land Claims

Commissioner and seven Regional Land Claims Commissioners representing the nine provinces with the mandate to assist claimants in submitting their land claim, receive and acknowledge all claims lodged and advise claimants on the progress of their land claim.

The Restitution of Land Rights Act was amended in 1997, partly due to the slow process of handling claims as well as to bring it in line with the 1996 Constitution. This resulted in shifting the approach from a judicial one to an administrative one in 1999. Practically, this meant that instead of going through the Commission on Restitution of Land Rights, claimants were allowed direct access to the Land Claims Court and the Minister of Land Affairs was given more extraordinary powers to settle claims through negotiation.

Until 30 June 2014, the restitution programme was only available to those that had lodged their claims for restitution by the cut-off date of 31 December 1998. On 30 June 2014, former President Zuma acquiesced to the Restitution of Land Rights Amendment Act, 2014 (Act No 15 of 2015) which, inter alia, extended the period for lodging a land claim for five years, calculated from 1 July 2014 to 30 June 2019.

There is progress that has been registered in the restitution of land dispossessed under apartheid. By 2013, the Department of Rural Development and Land Reform reported that approximately 97 per cent of the initial restitution claims had been processed. The report also noted that more than 92 per cent of the claimants preferred financial compensation over land restoration (Rural Development and Land Reform, 2013a). As a result, between the period 1995 and 2013, the state spent R16 billion in which R10 billion was used to acquire land for restitution purposes, and R6 billion was paid out as financial compensation to claimants (Rural Development and Land Reform, 2013a). According to Department of Rural Development and Land Reform 25 Year Review report (2019), there were 3.5 hectares of land transferred through the finalisation of 62 475 claims, contributing 37 per cent of land transferred to previously Disadvantaged Individuals to date, for land restitution

8.4.2 Land Tenure

Post-1994, the Constitution (1996) recognised the right to security of land tenure, especially in the former bantustans. Section 7 of the Constitution mandates the state to “respect, protect, promote and fulfil” the rights contained in the Bill of Rights, which includes the right to tenure security for those whose tenure is insecure as a result of previous racially discriminatory laws

or conduct. Section 25 (6) (a) of the Constitution provides that these people are “either to tenure, which is legally secure, or comparable redress”. According to Klaus (1999), land tenure reform aims at people occupying land under a unitary, legally validated system of landholding. It, therefore, refers to the legal and practical ability to defend one’s ownership, occupation, use of and access to land from interference by others. The target of land tenure programme is the approximate 17 million people who reside in the former homelands.

The land tenure programme was initially signed into law in 1991 through the Upgrading of Land Tenure Rights Act of 1991. The objective of the Act was to “provide for the upgrading and conversion into the ownership of certain rights granted in respect of the land; for the transfer of tribal land in full ownership to tribes”. However, to give effect to section 25 (6), parliament approved the Interim Protection of Informal Land Rights Act (1996) (IPILRA). IPILRA served as a holding measure until legislation is developed, and it aimed to ensure temporary legal protection for people without formally recognised land rights. It, among others, defined informal rights of the land, including the rights to use, customary rights to land and rights of beneficiaries, among others (IPILRA, 1996). A year later, White Paper on Land Policy (1997) was signed into law and provided for land tenure reform as one of the tenets of land reform. According to the White Paper on Land Policy (1997), tenure reform aims to protect, secure and strengthen the rights that people have over land due to past discriminating laws. To this end, the principles guiding the policy development process include that

tenure reform must move towards rights and away from permits... all tenure systems must be consistent with the Constitution’s commitment to basic human rights and equality; a rights based approach and adjudicatory principles have to be adopted which recognise and accommodate de facto vested rights (ie those which exist on the ground).

To give effect to tenure reform, the Land Rights Bill (1998) was enacted in order to regulate communal tenure. The Land Rights Bill sought to upgrade customary land rights by giving them statutory recognition without altering their essential character. The Bill makes the then Minister of Land Affairs as the nominal owner of the land in communal areas, but to give protected land rights to individuals or groups whose control and management is in the power of the rights holders.

In 2004, parliament approved the Communal Land Rights Act (CLRA) (2004). The Act was, however, never implemented. In October 2008, the North Gauteng High Court declared fifteen

fundamental provisions of the CLRA invalid and unconstitutional, including provisions governing the transfer and registration of communal land, the determination of rights by the Minister and the establishment and composition of land administration committees. Ten years later, the Department of Rural Development and Land Reform published its Communal Land Tenure Policy (CLTP) (2014). The policy, like the CLRA, proposed to transfer the outer boundaries of tribal land in communal areas to traditional councils; granting traditional councils granted full ownership of land while individuals or families who occupy and use communal land would be granted institutional use rights (CLTP, 2014).

The most recent attempt by the government to create legislation that regulates communal land is the publication of the new Draft Communal Land Bill (CLB) (2016). The CLB provides that decision-making about land requires a resolution supported by 60 per cent of the households in a specific community (CLB, 2016). Clause 14(a) provides that the institution chosen by the community to manage their land cannot sell, lease or otherwise alienate their land unless this is supported by a resolution supported by 60 per cent of households in the community. Furthermore, on 25 February 2020, the Department of Rural Development and Land Reform published the Upgrading of Land Tenure Amendment Bill for public comment. The Bill seeks to amend two provisions of the Upgrading of Land Tenure Rights Act 112 of 1991 by providing for a constitutionally permissible procedure for the determination of rights of ownership and occupation of land, to remedy the constitutional invalidity of the sections.

It is quite apparent that attempts at land tenure reform have not been successful. In fact, the White Paper on Land Policy admitted that “tenure reform is a particularly complex process”. According to a Rural Development and Land Reform report (2013), the government’s focus has been primarily on securing the tenure rights of farmworkers and labour tenants. The land rights of citizens living in communal land areas remain fundamentally unsecured. The Presidential Advisory Panel on Land Reform (2019: 35) states that approximately 60 per cent of South Africans have no recorded land or property rights and that “approximately 80 [per cent] of the South African population in urban areas has “off-register” rights or no rights to land tenure that are recognised in law”.

8.4.3 Land Redistribution

Land Redistribution is, probably the most significant component of land reform in post-apartheid South Africa. It aims “to provide the poor with access to land for residential and productive uses to improve their income and quality of life” (Department of Land Affairs, 1997). This, it does by transferring formerly white agricultural lands to black South Africans to address the racially skewed distribution of land ownership (Lahiff, 2009). South Africa deployed a World Bank influenced the market-led approach of the willing seller-willing buyer (Cliffe, 2007; Lahiff, 2007). Section 25 (2)(a)(b)) of the Constitution (1996) states that

(2) Property may be expropriated only in terms of law of general application (a) for a public purpose or in the public interest; and (b) subject to compensation, the amount of which and the time and manner of payment of which have either been agreed to by those affected or decided or approved by a court.

To cushion the previously disadvantaged, the government has set up mechanisms to help finance and facilitate community initiatives to acquire land, to settle on it and, if possible, to make productive use of it (Department of Land Affairs, 1993). Before 1994, the apartheid government passed the Provision of Certain Land for Settlement Act (1993) (amended in 1998, 2008) which authorised the Minister of Land Affairs to provide funds for purchasing land for redistribution. The Act aims to

provide for the designation of certain land; to regulate the subdivision of such land and the settlement of persons thereon; to provide for the rendering of financial assistance for the acquisition of land and to secure tenure rights; and to provide for matters connected therewith (Department of Land Affairs, 1993).

To give effect to this provision, the White Paper on South African Land Policy (1997) made voluntary transactions at market-related prices the foundation of South Africa’s land reform policy. Secondly, the White Paper on South African Land Policy (1997) made it possible for poor and disadvantaged people to buy land with the help of a Settlement/Land Acquisition Grant to a maximum of R15 000 per household for the purchase of land directly from willing sellers, including the state. Between 1995 and March 1999, some 60 000 households received grants that they used to purchase a total of about 650 000 hectares (Lahiff, 2001).

In February 2000, a new policy was issued, setting out a new objective for the land redistribution program, namely, to create a class of black commercial farmers (Department of Land Affairs, 2000; Lahiff, 2001). This framework was elaborated in the Land Redistribution for Agricultural Development (LRAD) program, finalised in April 2001 (MALA, 2001). While LRAD continued the government's market-based approach to land redistribution, it introduced several changes (Lahiff, 2009). For instance, LRAD required that individual applicants contribute a minimum of R5 000 to qualify for the program (Lahiff, 2001). LRAD also introduced a sliding scale that offered grants from R20 000 to R100, 000 based on applicants' ability to contribute in kind or in cash to the land purchase (Lahiff, 2001). Additionally, in 2005/06, the government introduced the Proactive Land Acquisition Strategy (PLAS) in an attempt to accelerate land acquisition. Even though PLAS remained a 'willing buyer, willing seller' policy, it differed from SLAG and LRAD in that the state opted to purchase land directly from the seller without first having identified a beneficiary. In 2011, all grants for land purchase were discontinued, and redistribution was implemented only through PLAS.

There is evidence that the willing buyer, willing seller approach may not be the most suitable approach for South Africa; the process was slow and discriminated against the very poor it is meant to protect. First, the Rural Development and Land Reform report (2013), revealed that between 1994 and January 2013, only 4 813 farms were transferred to black South Africans through various redistribution programmes. Research by the Centre for Development and Enterprise (CDE) (2005) indicated that in certain provinces, land transfers through private land transactions is up to five times higher than the transfers through government programmes. Secondly, as early as 2007, scholars criticised the progress on land distribution. For instance, Lahiff (2007) argued that the market-led approach discriminated against the very poor it meant to protect. That, where land has been transferred, it has made a little positive impact on livelihoods or the broader rural economy (Lahiff, 2007). Over a decade later, Wilson (2018) argued that the

“Willing buyer, willing seller” was never going to cut it. The inequality left by apartheid was too great, and too structurally entrenched, for the market to be able to do much about it. Markets in any event create inequality; they do not ameliorate it.

To conclude, the objectives of the land reforms in the post-apartheid South Africa were, in the main, to address the “Land Question” which dates back to 300 years; it is a response to land dispossession that left the majority of blacks taking up 8 per cent of the land while 87 per cent

of the land belonged to the white minority. The land reform in South Africa, therefore, was to ensure the redistribution of land from whites to blacks. It opted to do so through three tenets, namely restitution, tenure and redistribution. Initially, the post-apartheid government vouched that, by the year 2000, 30 per cent of the land will be distributed from whites to blacks, a target that was missed by 22 per cent. Despite a plethora of legislation to give effect to the constitutional provision, of the three tenets of land reforms, only one has partially succeeded, namely the restitution reform. This success is partial as the majority of claimants opted for financial compensation instead of obtaining actual land and security of tenure. Similarly, with the other two tenets, tenure reform and redistribution, successes have been quite limited. Lahiff and Li (2012) argue that there is no evidence to suggest that land reform has led to improvements in agricultural efficiency, income, employment or economic growth.

The challenges facing land reforms have led to calls for more radical land reform, to expropriation without compensation; a radical move from the willing seller-willing buyer. Of great significance is a proposal to amend Section 25 of the Constitution (1996) to give effect to expropriation without compensation. Politically, the EFF led the call to give effect to one of its cardinal pillars of the party's manifesto namely to "expropriation of land for equal redistribution, without compensation" (Mbeti, 2015: 39). This call was echoed by the ANC at its 54th conference in Johannesburg in December 2017 where a resolution to allow expropriation of land without compensation, subject to certain conditions, was adopted. The ANC's conference declaration reads,

the conference resolved that the ANC should, as a matter of policy, pursue expropriation of land without compensation. This should be pursued without destabilising the agricultural sector, without endangering food security in our country and without undermining economic growth and job creation.

Parliament has appointed a Joint Constitutional Review Committee to recommend whether section 25 of the Constitution (1996) should be amended to allow for expropriation without compensation, and if so, how this should be done. According to Vorster (2019:2-3), it became apparent during the Committee consultations that

black experiences are generally pervaded with a sense of being dispossessed, displaced and alienated from the right to land and ownership; while many white landowners

exhibit existential anxiety about the possibility of land grabs and the looming prospect of being disowned and uprooted.

The notion of expropriation without compensation has not been welcomed by all. For instance, Afriforum, termed expropriation without compensation “a disaster in waiting” in their 2019 memorandum. Their main argument is that “the great risk in pursuing land justice in South Africa is that it is done by weakening property rights and with a “final solution” mindset rather than a trade-off mindset” (Afriforum, 2019: 4). The arguments of the groups such as the DA, the IRR and rights organisation DearSouthAfrica are opposing the amendment arguing that Constitution in its current form does not hinder land reform and redistribution. The blame is laid on the government’s inability to ensure successful reform.

8.5 Concluding remarks

The economic reforms in post-apartheid South Africa amounted to a key form of radical nation-building as they aimed to deracialise the economy to include the previously marginalised majority. The objective was to reduce opportunity- and wealth-inequality inherited from apartheid. To realise these objectives, the post-apartheid government adopted Employment Equity to increase black representation in the public sector, Black Economic Empowerment to increase black ownership in the private sector, and land reforms to achieve economic justice in rural areas.

These reforms have enabled the inclusion of some of the previously marginalised people in the economy, thereby creating a sense of belonging for the previously marginalised majority in the Rainbow Nation. Through Employment Equity, which focused on equal opportunities and preferential employment of blacks in the labour market, affirmative action has been successful in ensuring that the public service is representative of all races in proportion to the population. This is evident in the increase of black employees in the workforce of the private and public sector, as well in the dominance of black leaders in top management in the public sector. Through the policy of B-BBEE, black business ownership has increased, and more black-owned companies listed in the JSE. Additionally, there is more black representation in JSE-listed boards. Land reforms were partially successful in delivering restitution, secure tenure and redistribute land to the some previously marginalised black majority.

However, it is apparent that the economy is still polarised. While black people have been successfully included in the public sector, other races are concentrated in the private sector, NGOs and educational institutions. White people still dominate top management positions in the private sector. Furthermore, land reforms have not managed to redistribute or secure tenure for the majority of the previously marginalised. Only four thousand, eight hundred and thirteen farms were transferred to black South Africans through various redistribution programmes. Secondly, approximately 60 per cent of South Africans have no recorded land or property rights and that “approximately 80 [per cent] of the South African population in urban areas has “off-register” rights or no rights to land tenure that are recognised in law”.

Thus, this thesis argues that economic reforms have contributed to nation-building to some extent by ensuring the inclusion of more black people in some aspects the economy, especially public sector jobs. However, the inclusion of black people into the public service, and to a lesser extent the world of business, had not been matched by the inclusion of the poor and marginalised into the world of work. This is most clearly evident in the unemployment statistics that have dopped back to levels of the 1990s. Recently, these challenges have led to calls for reforms such as the RET and Expropriation without Compensation, which threaten to further divide the nation along racial lines. At the same time, it is evident that the inclusion of black people is perceived to require the exclusion of other races such as coloureds. These twin realities pose a threat to the Rainbow Nation.

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Chapter 9 Conclusion

This thesis is a qualitative study of ‘rainbow’ nation-building in post-apartheid South Africa. Drawing from experiences of post-colonial African states, it uses an analytical framework to identify the various ways in which rainbow nationalism was propagated, and to evaluate the degree of success of implementation. The demise of apartheid presented South Africa with an opportunity to create a nation that is home to all those who live in it. Thus, the post-apartheid nation was affectionately termed the ‘Rainbow Nation’ where the rainbow represents the cultural and linguistic diversity of South Africans, but united in one magnificent natural phenomenon, a rainbow – the symbol that the storm is over. Thus, rainbow nationalism refers to a unique national identity which embraces multiculturalism as well as a democratic civic nationalism so as to create a national identity, overcome divisions inherited from and address the history and legacy of apartheid.

The very idea of nation-building emerges from a shift in theories of nations and nationalism from primordial to modernist views. In the 1990s both views were challenged by the notion of ethno-symbolism that advanced that nations are neither an enduring essence of a deliberate construction, but a context specific re-interpretation of pre-existing cultural motifs and of earlier ethnic ties and sentiments. However, the multicultural nature of post-colonial African states means that political rather than cultural nationalism is the logical choice for nation-building projects – made all the more urgent by the recent and imposed character of colonial state lines. This largely political process of nation-building was done by applying banal and radical techniques or forms of nation-building. This thesis, therefore, used the nation-building experience of post-colonial Africa as a framework to analyse the nation-building in post-apartheid South Africa.

The thesis describes how the Rainbow Nation was created using a mix of banal and radical forms of nation-building, as in the rest of Africa. Banal forms of nation-building entailed the use of symbols such as the Father of the Nation, Mandela, who led nation-building, the Constitution, and national symbols like the anthem, flag, sports and transitional justice. Radical techniques of nation-building entailed reforms in institutions of power to address the history and legacy of apartheid. These included political, social and economic reforms. In addition, the thesis evaluates the success of these initiatives, arguing that the objectives of the Rainbow Nation have not been fully achieved. Thus, the evidence suggests that banal forms have been

largely successful in creating a national identity and a shared sense of belonging. However, radical techniques have not succeeded in addressing the socio-economic conditions of the previously marginalised majority.

This thesis concludes, therefore, that rainbow nationalism works as a banal nationalism, as there is an acceptance for symbols that make up the national identity. However, there are mixed results for rainbow nationalism as a radical nationalism as the institutions of the post-apartheid order have not fully transcended the racial divisions of the past. The real challenge of the Rainbow Nation, therefore, is to overcome racial legacies especially in terms of social and economic conditions for the previously marginalised majority.

9.1 Application of Theory and Analysis of African Post-Colonial Experience to Construct a Framework for Analysis

In contemporary political systems, especially post-World War II, nation-building came to signify an evolution in theories of nations, nationalism and nation-building. Nation differs from the state, as a nation refers to a community of people unified by a sense of purpose while the state refers to a sovereign and legal entity. Thus, a nation consists of a group of people linked by unifying traits and unified by a sense of purpose. Different theories of a nation have advanced explanations of how nations came to be. Primordialist theory argued that a nation is organic and enduring part of the human society; the Modernist theory argues that a nation arose as a response to the requirements of modern systems; and ethno-symbolist theory that a nation is a modern imagining of a pre-existing ethnic group under modern conditions. Notwithstanding these theories, there is evidence that, particularly in post-colonial Africa, nations took a form of civic nationalism.

Primarily, the shift from primordialist to modernist theory was significant to understanding contemporary nations, that they are created synthetically in a process called nation-building, rather than existing organically. Nation-building is defined as a process of integration in historically divided societies and a process, which aims to overcome and heal divisions as well as to effect redress. It integrates and reconciles the regional, social, political and institutional divisions of peoples within a community, fostering national identity and a sense of belonging to a particular community. There are at least three indicators of nation-building. Nation-building aims to reconcile historically divided societies and uniting them under a common

national identity. More specifically, it aims to create a national identity, overcome divisions of the past and redress the history and legacy of the past. This kind of nation-building is aimed at producing a form of civic nationalism.

Nation-building can be pursued either through cultural or political nationalism. Cultural nationalism refers to building the nation culturally with a focus on building a common culture, language, rituals, symbols. It is led by cultural elites and draws from myths and symbols. On the other hand, political nationalism, driven by political imperatives, involves a central role for the state and political actors, focuses on a common political history and objective. More significantly, one of the forms of political nationalism is civic nationalism. Civic nationalism entails conscious efforts to create a national identity based on common human values, rejection of oppression and affirmation of democracy.

Civic nationalism was evident in post-colonial Africa. Having inherited the state, political elites were faced with the problem of creating national identity by reconciling civic identities based on inclusive citizenship. In Africa, nation-building took place in the 1950s and 1960s during the decolonisation era. With the colonisers gone, these states had to redefine their essence and identity. This was particularly significant as post-colonial Africa was characterised by the absence of national identity and, more importantly, the existence of fragmented multi-ethnic groups. The process was led by the 'founding fathers' such as Nkrumah, Nyerere and Kaunda. These leaders advocated for 'African personality', 'Ujamaa' and 'humanism', respectively, in independent Africa. In essence, the source of nationalism in Africa was a shared history and political actors whose aim was to create a national identity. Thus, in the nation-building process, banal and radical techniques of nation-building were used. Banal techniques included the everyday representations of the nation which built a shared sense of national belonging within a particular nation. These techniques included the use of symbols such as national cuisines, changing the name of states and cities, renaming and changing national currencies, flags and anthems as well as transitional justice. On the other hand, radical techniques refer to nation-building policies that are anchored on institutions of power. These included language reforms, the introduction of a one-party state, land reforms, and obligatory military conscription.

The experience of nation-building in post-colonial Africa, especially civic nationalism and the use of banal and radical forms of nation-building, are similar to those of nation-building in post-apartheid South Africa. Post-apartheid South Africa set to build a nation from a segregated

and fragmented history of apartheid. South Africa nation-building took the form of civic nationalism. Outcomes of the negotiations included the adoption of a democratically inclusive Constitution and that South Africa was reinvented as a non-racial 'Rainbow Nation' that is home to all those who live in it. This notion was avowed in the preamble to the constitution which states that 'South Africa belongs to all those who live in it, united in their diversity'. To achieve the objectives of the Rainbow Nation, banal and radical forms of nation-building were adopted.

Banal nationalism is evident in the use of symbols to create a national identity and overcome divisions inherited from apartheid. This was done by building a multicultural civic nation, named the Rainbow Nation. The multicultural aspect refers to the promotion and embracing of the diverse people of different races while the civic aspect is enshrined in the constitution wherein the objective included building a national identity through common citizenship and equal rights. Through the leadership of the Father of the Nation and the first democratic president, Mandela, the Rainbow Nation aimed to give effect to the constitutional commitment that South Africa belongs to all those who live in it, united in their diversity. Nelson Mandela played a conciliatory role evident in his approach which was characterised by a preparedness to let bygones be bygones. In so doing, he made diverse people feel included in the new nation; that both whites and blacks are welcome in the new South Africa. His presidency, marred with racial imbalances, introduced new symbols, which were harmonized to illustrate an inclusive national identity, such as the GNU, the TRC, the Constitution, sports and various symbols of unity such as the anthem and the flag.

To redress the history and legacy of apartheid, radical forms of nation-building were implemented. In the main, the aim was to include the previously marginalised majority into political, social and economic national life. Post-apartheid South Africa adopted democracy as a political mechanism to build the Rainbow Nation. It was established as an alternative and legitimate political regime to the apartheid regime as it ensured inclusion of all South Africans regardless of race. This was complemented by a reconceptualization of citizenship from apartheid's notion of racial exclusive citizenship to the one in which everyone would have equal rights, thereby democratic citizenship. To give effect to democratic citizenship, institutional reforms that took place include universal adult suffrage, PR electoral system, the GNU, decentralisation were implemented.

Social policy in post-apartheid South Africa was adopted as one of the radical techniques of nation-building to create unity. Its intention was also to build inclusive citizenship and a shared sense of belonging suitable for the Rainbow Nation. Thus, social policy, anchored in the Constitution, aimed to include the previously marginalised majority by ensuring equal rights in the provisions of social services and ensuring a 'better life for all'. This was to assist in alleviating racial inequality by adopting pro-poor policies that aimed at improving socio-economic conditions of the poor, in which the previously marginalised majority was in the majority of. At a policy level, social policy was influenced by the RDP whose objective was to address the problems of poverty and the gross inequality evident in almost all aspects of South African society at the beginning of the democratic term of government. Thus, the social policy had three functions, namely social as evident in the welfare system, economic function evident in education reforms and political evident in language reforms.

Reconstruction of the economy in post-apartheid South Africa entailed a deliberate effort to deracialise the economy by addressing unequal opportunities and the income available to racially defined groups. The aim was to eradicate historic opportunity and wealth inequalities. Thus, economic reforms became a significant component in the creation of the Rainbow Nation. The post-apartheid government undertook legislative and policy interventions to include the previously marginalised majority. This was done by adopting affirmative action, employment equity, black economic empowerment and land reforms. Consequently, there has been an evident rise in levels of income of the black population, generally, and specifically in various levels of income categories. However, while progress has been made in this regard, the black majority is still sitting at the bottom of the income scales and carry the overwhelming share of poverty.

9.2 Evaluation of Banal Techniques of Nation-Building in Post-Apartheid South Africa

Banal nationalism consists of national symbols and refers to the everyday representations of the nation that build a shared sense of national belonging within a nation. It was established that in post-colonial Africa some of the common symbols used as a form of banal nationalism include national cuisines, changing the name of states and cities, renaming and changing national currencies, flags and anthems as well as transitional justice.

This framework was applied to post-apartheid South Africa's nation-building by reviewing six symbols used as a form of banal nationalism. These symbols include the role of the Father of the Nation, Mandela, the Constitution, the flag, national anthem, and sports. Additionally, as part of the banal nationalism, post-apartheid society underwent a form transitional justice expressed in the TRC, termed pursuing restorative justice.

9.2.1 Symbols of the Rainbow Nation

Mandela is one of the leaders who championed the idea of a Rainbow Nation dating back to the 1940s with the formation of the ANCYL. Under the leadership of Mandela, South Africa embarked on a peaceful transition from apartheid to democracy. It is believed that without Mandela, the history of South Africa would have taken a different turn, and not necessarily a good one. This was attributed to his preparedness to let bygones be bygones and forgiving whites to be part of new South Africa if they turn their back on racism and embrace the values of the democratic constitution. Thus, Mandela became the name that was synonymous with the liberation struggle and reconciliation. This was an embodiment of his personal values and beliefs that he dedicated his life to, the one of a democratic and free society in which all persons live together in harmony with equal opportunities.

As the first president of democratic South Africa, he presided over racial imbalances inherited from apartheid. Significant to his term of office was how he made diverse people feel included in the new nation. His administration was responsible for the introduction and promotion of symbols such as the GNU, the TRC, the Constitution, flag, national anthem and sports. Almost a decade since his death, Mandela remains a celebrated symbol of the Rainbow Nation. His image is used on South Africa's national currency, his statue erected in national key points, public institutions are named after him and an international day set aside to honour him. These have made Mandela to not only be the champion but a symbol of the Rainbow Nation.

The new constitution adopted in 1996 also became a symbol of unity and reconciliation. This was so because it became a foundation for the new national identity through common citizenship and equal rights. It was used to establish a rights-based culture based on inclusive and democratic citizenship. The process of its compilation was inclusive, considered the largest

public participation programme ever carried out in South Africa. This way, the constitution appealed to all races as it contained ideals and aspiration of the nation. In addition to that, the constitution also became a symbol of reconciliation. Mandela signed the Constitution in Sharpeville, one of the townships that was a site of apartheid brutality. It acknowledged and provided for human rights violations of the past. Most significantly, the constitution promoted equal civic rights which, in turn, promoted and embraced diversity. Thus, the constitution is one of the celebrated symbols of the Rainbow Nation.

The flag, through its consciously chosen five colours, reflected multiculturalism. Its multiple colours invoked a sense of accommodation of both Western and African traditions. This was to ensure that all groups felt reflected in the flag, thereby forging unity. On the other hand, the flag also served as a symbol of reconciliation. The process of designing a flag was negotiated, as one of the objectives of the flag was to promote national unity. Though the flag was not initially accepted by all, it has become one of the celebrated symbols of Rainbow Nation.

The creation of the national anthem followed the same principle of compromise in that it is a combination of the old apartheid anthem and a song that was used to be sung as an act of defiance in the struggle against apartheid. Initially, two anthems were proclaimed as a symbolic gesture for reconciliation. The insistence that both anthems must enjoy equal status aimed to accommodate whites and blacks. This was later changed a few years into democratic South Africa, the two anthems were later emerged. The emergence of these anthems still reflected diversity as, in addition to multi-colours, the anthem comprises of five languages. Despite the lingering, small pockets of resistance, the anthem remains one of the celebrated symbols of the Rainbow Nation.

Sports is one of the symbols to unite previously diverse South Africans. This was evident especially in events such as the 1995 Rugby World Cup, 1996 African Cup of Nations and 2010 Soccer World Cup, which were described as the wave of nationalism that swept through the nation. the use of sport, especially the support for national teams on sporting codes that were previously identified with different race groups, was a turning point in the transformational role of sports to nation-building. thus, sporting events became a demonstration of bolstering patriotism and nation-building. At the centre of this was the role played by Mandela in using sports to unite. Especially, in the 1995 Rugby World Cup, Mandela aimed to restore the Springboks as a team of national unity. His approach was that Springboks

must not be taken away from the Afrikaners, as they are no longer the enemy and, if taken away from them, they stood a risk of not being able to make them part of the new nation.

However, beyond these memorable events and moments, there was a need for transformation that will be meaningful and contribute to nation-building, a move beyond the '90-minute patriotism' to a more radical transformation of sports by introducing quota systems. This was especially in sporting codes previously reserved for the minority to encourage the participation of black people. However, the quota system is not welcomed by all. It is claimed that it undermines the potential of sport as a nation-builder and detrimental to the ability of teams to compete successfully. More so, it has been argued to disadvantage others because of their skin colour; thereby reversing the apartheid system. The resistance on the quota system is evident in the current national teams. The make-up of the Springboks, Proteas and Bafana Bafana is far from a reflection of the nation's demographics.

9.2.2 Restorative Justice

The success of constructing the Rainbow Nation also depended more on reconciling contending groups. The post-apartheid government embarked on a reconciliation process to heal the divisions of the past. The objective was to carry out restorative justice to address the legacy of past conflicts, so both victims and perpetrators can find space in the reconciliation process. Restorative justice, rather than retributive justice, was considered suitable and was entrusted for its ability to promote healing and forgiveness. More significantly, restorative justice was consistent with rainbow nationalism in trying to affirm a new form of post-racial belonging as culturally diverse but politically equal members of a new democracy. To achieve this, the responsibility to execute restorative justice was given to the TRC.

The TRC professed a linear view of healing which suggested that there is a direct relationship between the public, truth-telling, healing and reconciliation. Notwithstanding these, the TRC focused on three aspects, namely truth-telling, granting amnesty to perpetrators and reparations to victims. Truth-telling entailed disclosing the truth about atrocities committed between 1 March 1960 and 1994. The truth was believed to be the path to restoring the human and civil dignity of victims by granting them an opportunity to relate their accounts of the violations of which they are victims. At a national level, the truth was believed to be a predeterminer for reconciliation, that only truth could put the past to rest and that forgiveness for past atrocities

cannot occur if the truth has not been revealed. The TRC created a legitimate social space for the victims to be heard through storytelling and special institutional hearing.

This thesis established that the truth-telling process was successful in letting families know what happened to their loved ones. However, one of the defects of the truth-telling process was that it let down a lot of victims due to the lack of capacity of the commission to handle the number of victims of apartheid crimes. Secondly, the notion that truth-telling will automatically lead to a reconciliation was challenged, that there was more to reconciliation than truth-telling. Reconciliation had to also consider the complex human dynamics in which people experience post-apartheid realities.

Granting amnesty to perpetrators of apartheid crimes was in fulfilment of the resolutions adopted during the negotiations and provided for in the interim constitution. Advocates of granting amnesty claimed that it was necessary to get the truth, and to ensure a smooth transition to democracy. The latter was claimed to be possible as the security services had been placated with guarantees that they would not be prosecuted after the 1994 elections. Additionally, granting amnesty was considered to be good for nation-building as it became a gesture that South African transition was based, not on the defeat of either side, but rather by a joint decision to end hostilities.

Granting amnesty was a criteria-driven process in which each violation was assessed in its merit, and it was predicated on the exchange for full truth disclosure of crimes committed. In the end, only 11.8 per cent of amnesty applications were approved. However, the amnesty process was criticized for limiting the definition of human rights to direct act of political violence and exclude suffering caused by apartheid acts such as forced removals, pass laws and poor education. It was also argued that while granting amnesty may have worked for politicians in trading justice for peace, victims often rejected it in favour of retributive justice. This view was supported by various studies that amnesty was unfair to victims and only favoured the perpetrators.

Reparations to victims was an acknowledgement of what happened to victims of apartheid. It aimed to respond to the impact the crimes had on the victims' lives. Thus, it was considered a significant component of the recovery and healing of victims; without reparations, it was believed that healing and reconciliation were not possible. More than 21 000 victims of apartheid crimes came forward to testify. The committee entrusted with reparations

recommended that reparations must have three components, namely interim reparations, long term financial support and policy to address the plight of the victims.

Ultimately, the government only accepted one recommendation, namely the interim reparations, albeit it accepted this quite late and at a significantly lower amount than recommended. Instead, what is evident is that the government was for broader and inclusive reforms which included the provision of housing and other free basic services as a way of reparations to the poor. There was a positive view that the TRC did well in awarding compensation to victims. Despite this, there was a view that the government's rejection of the committee's recommendations left many victims wanting and, in the process, compromising the victims' opportunity to reconcile. The disappointment was expressed by individual victims, civil society as well as the Chairperson of the TRC that government's response to the recommended reparation strategy let victims down.

This thesis, therefore, established that symbols such as of Nelson Mandela, the constitution, the flag, national anthem, sports and restorative justice were used as forms of banal nationalism. More significantly, in the application of these symbols, there is an evident theme of compromise and mutual recognition that attempts to transcend racial divides and affirm a common civic and multicultural nationalism which makes the Rainbow Nation. In recent times, there is evidence of some growing discontent with such symbols such as the anthem, constitution, sports team representation, and all in terms of the enduring significance of race and the incompatibility of rainbow nationalism with racial exclusion. Additionally, this thesis also established that restorative justice was partially delivered, the victims got to know what happened, the amnesty prevented the anticipated blood bath and victims got to be compensated for their suffering. However, this was only partial. As a vehicle of restorative justice, the TRC failed to reach the majority of victims. Thus, to a certain extent, the lack of retributive justice has undermined the appeal of the Rainbow Nation.

9.3 Evaluation of Radical Techniques of Nation-Building in Post-Apartheid South Africa

Radical nation-building refers to policies that are anchored in institutions of power, which seek to have a long-lasting economic, political, and social impact on the lives of the citizenry. In

post-colonial Africa, these changed policies included language reforms, land reforms and the creation of one-party states.

9.3.1 Political Reforms

Political reforms were anchored in the idea of democracy as a political mechanism to build the rainbow nation. The plan was to include the previously marginalised majority into political life through establishing new democratic systems and institutions, starting with re-conceptualisation of citizenship, these entailed the extension of the adult suffrage, PR electoral system, a temporary form of power-sharing the Government of National Unity, as well as forms of decentralisation of government to bring government 'closer to the people'.

Universal adult suffrage in post-apartheid South Africa was adopted on a non-racial and non-sexist basis. It meant that unlike during apartheid, the right to vote was extended to all citizens regardless of race. Besides, a system is democratic to the extent that all the eligible adult population can vote. Universal adult suffrage was first applied in 1994 in the first democratic elections and was further provided for in the Constitution of the Republic. In 1994, the national voters' roll increased by almost 200 per cent and has been on the rise since then. However, the increase in the national voters' roll has not meant that people exercise their right to vote. This is evident in the decline of the voter turnout of the Voting Age Population (VAP). The lower turnout suggests voter apathy, especially among youth, and mistrust in political processes. As a result, there is an emerging preference for alternative methods of political expression and engagement such as public protest. This is also influenced by the growing lack of trust in the ability of a right to vote to influence the conditions of government.

The PR electoral system was adopted to further entrench the inclusion of the previously marginalized majority. It did so by ensuring that voter representation is proportional to their electoral support. More significantly, the inclusive nature of the PR system promoted, or at least the intention in its conception, reconciliation and cooperation between competing parties and forced parties to campaign beyond racial and ethnic bases. The electoral system is designed in such a way that at the national and provincial level, the electoral system is strictly PR. At a municipal level, a mixed-method electoral system is used whereby citizens vote directly for a ward councillor and vote for a party.

Evidence suggests that democracy in South Africa enjoys relatively high levels of support even though there has been an evident decline in trust recently. The declining levels of support for democracy were attributed to the expectations that the majority had for the post-apartheid government. More specifically, citizens committed to constitutional democracy with the hope that, in no small part, it will lead to improved socio-economic conditions for the previously marginalised majority. However, this promise is being compromised by the inability to address the racial and social disparities of the past.

There is general satisfaction with the way political representatives are elected and that elections are free and fair. Indeed, the electoral system is hailed for its inclusivity and fairness especially for its allowance of even the smallest parties' seats in various spheres of government. As a result, the number of registered parties has increased by approximately 200 per cent over a period of twenty years. However, while the number of political parties competing has increased, the number of parties that have won seats have not increased with the same vigour. There has only been a slight increase of parties winning seats in parliament over a period of twenty years. What is evident, however, is one-party, the ANC, dominance since 1994. Nonetheless, while it retains its dominance, its support has been declining over the years. In addition to the concerns over one-party dominance, there is an evident decline in the trust in the ANC and political parties, to an extent that political parties are considered one of the top three sources of divisions in the country. More significantly, the electoral system has been criticized for its inability to allow interaction between leaders and voters and to allow electorates to hold individual representatives accountable which has led to calls for electoral reforms.

The GNU was adopted as a power-sharing system of government for the first term of democratic South Africa. It was considered one of the key instruments of reconciliation and peace in the rainbow nation. The GNU was formed by three parties which were considered political rivals and had previously locked in violent conflicts. It, therefore, aimed to find ways to build trust between former enemies with divergent interests. The GNU was considered to be a successful transitional government in Africa especially for its ability to avoid a much-anticipated coup. Successes of the GNU included bringing together contentious and distrustful political factions, integration of the fragmented apartheid legal structure and integrating a single public service from fragmented government bureaucracy. However, GNU did not finish the term with all its partners as the NP pulled out two years into the term of office and the other was constantly threatening to pull out of the GNU for the duration of the term of office.

Decentralization was adopted as a mechanism of democracy which transformed the way government works and to bring government closer to the people. The process was preceded by the abolishment of homelands and entailed a shift from a tier-structure to sphere-structure of government. Three spheres were created namely national, provincial and local government. Provinces were re-demarcated and increased from four to nine. Local government was empowered to dismantle the hierarchical system of apartheid at a local level. The intention of moving to the sphere system was to facilitate efficient service delivery. However, there is evidence that the majority of citizens are not satisfied with government performance, especially at a local government level. This dissatisfaction has led to some parties calling for reforms which including the scrapping of provinces.

This thesis, therefore, argues that the challenges faced by democracy may have less to do with reforms on political systems and institutions but more with a promise the democracy brought, namely that there will be an improvement on socio-economic conditions of the previously marginalised black majority. These failures have led to citizens abandoning or losing trust and confidence in the systems and institutions of democracy. Hence, there is evidence of citizens who are willing to give up elections for service delivery or preference for alternative political expression and engagement, the bedrock of democratic citizenship of the rainbow nation.

9.3.2 Social Reforms

Social reforms in post-apartheid South Africa aimed at fulfilling the constitutionally provided socio-economic rights of all South Africans. Social reforms had three elements namely, social aspects, evident in welfare policy; political aspects, evident in the language policy, and economic aspects, evident in education reforms.

The welfare policy, with a pro-poor focus, was adopted to alleviate poverty and provide social security. The state, obligated by the constitution, did this by redistributing wealth and income through public social welfare programmes. The welfare system is a safety net for those to whom economic growth does not trickle down to; those who live in poverty. Thus, the welfare system focused on the provision of services such as social grants, housing, health and education. Government expenditure on social services is the second highest category in the national budget and has been accompanied by improvement in the provision to and access to social services by the previously marginalised majority in all categories. Key here are the Child

Support Grant, pensions, and most recently the Covid-19 grant. Consequently, levels of absolute poverty have decreased significantly. However, there is a concern of sustainability in the provision of these social services considering stagnant economic growth. To exacerbate this factor, there are calls to expand the welfare system by including BIG.

The economic function of the social policy was implemented through education reforms. The objective was to include the previously marginalised majority in the economic growth process through empowering with knowledge and skills. More specifically, education reforms aimed to address the legacy of an education system which systematically excluded and subjected the majority of blacks to poor quality of education. Thus, the efforts of the post-apartheid government entailed the creation of a single, non-racial and equitable education system, to increase access to education and to improve quality of education. These objectives were realized by increasing expenditure dedicated to infrastructure building and cost of admission for students and by adopting a different curriculum. Despite these efforts, however, there is still evidence of poor infrastructure and there are individuals of school age who do not attend school. Reasons attributed to this non-attendance include having no money for school fees and poor academic performance, among others. Thus, this thesis concludes that despite efforts to provide an equitable education, increase access to education and improve quality of education, the education system has not successfully included the majority of blacks in the economic growth process.

The political function of the social policy was implemented through the language reforms. Language reforms were implemented to afford African languages a legitimate space in the new South Africa. This was significant as apartheid used language used as a barrier to reinforce and maintain racial prejudice and racism. Hence, only two languages, English and Afrikaans, were made official while African languages were deliberately underdeveloped. The post-apartheid government, through structures such as PANSALB and LANTAG, gave effect to the constitutional provision to adopt multilingualism wherein 11 languages were made official languages. Multilingualism was also extended to the education system whereby students have a right to learn in the language of their choice. This was argued to promote national unity, and to entrench democracy and to promote multilingualism and respect for and tolerance towards linguistic and cultural diversity. In essence, language reforms promoted multilingualism and were reflective of the spirit of a Rainbow Nation.

However, it is evident that, while language is considered to be a primary form of identity, multilingualism is not taking off as envisaged. English and, to a lesser extent, Afrikaans still retain their dominance. This is argued to be caused by the value attached to these languages. They are considered by many to be languages of the economy hence most blacks still prefer them as a medium of instructions. This is exacerbated by a lack of political will in government evident in the general disregard for the principle of language equity. Additionally, African language speakers themselves are not showing much interest to protect and promote their languages in the same vigour that Afrikaans speakers have demonstrated.

Therefore, this thesis concludes that the rights-based social policy has made a tremendous contribution to the inclusion of the previously marginalised majority and to address the inequalities through the provision of social services, education reforms and language reforms. However, these challenges highlighted in these reforms pose a challenge as they point a segment of the population, namely black people, that remains not fully included in the Rainbow Nation as envisaged in the Constitution.

9.3.3 Economic Reforms

Economic reforms entailed a deliberate effort to address the unequal opportunities and the income available to racially defined groups. This was done through legal and policy measures such as Affirmative Action (AA) and implemented through policies such as Employment Equity (EE), Black Economic Empowerment (BEE) as well as land reforms.

Affirmative action was adopted as legislation to redress discrimination in the labour market, thus promoting equal opportunities for previously marginalized race groups. Affirmative action was aligned to the equality provision in the constitution which provided for both preventions of unfair discrimination and establishment of legislation such as affirmative action where fair discrimination is necessary. The constitution further provided that such legislations be used to ensure that the public sector is representative of the population, and that employment in the public sector is underpinned by principles of equity. To implement affirmative action, an employment equity policy was adopted. It aimed to achieve equity in the workplace by promoting equal opportunity and ensuring designated group's equitable representation in all occupational categories and levels of the workforce. More than two decades into democratic

South Africa, there is evidence that there has been an increase of black employees in all levels of occupation in the public and private sector.

However, the affirmative action was not welcomed by all. Some argue that, while it promoted black people, it has developed a sense of marginalisation by people of other races, challenging the very essence of the rainbow nation. Recent reports reveal that the employment equity targets in the public sector terms of race, at an aggregate level, have been successfully met. Additionally, at a top management level, blacks occupy the majority of positions. However, the impressive record is only in the public sector as representation in the private sector, education institutions and non-profit organisations is poor. Instead, these are sectors where there is an over-representation and even concentration of whites and other race groups.

The policy of Black Economic Empowerment (BEE) was adopted much later than affirmative action and employment equity. It was a response to the stagnant wealth inequality and persisting white dominance in the economy. Therefore, BEE became state intervention to regulate market forces to alleviate inequalities through the distribution of assets and opportunities. Initially, this entailed an equitable transfer of ownership, management and control of the economy by whites to pre-identified black buyers. However, this approach was criticised for its narrow approach and was replaced by a more inclusive Broad-Based BEE (BBBEE). Recent reports indicate that there is an improvement in levels of black ownership, JSE listings and directorships. However, ownership, management and control in the private sector remain racialised. This is evident in the, despite the efforts and improvements realised, whites and political dominance. Thus, it is concluded that post-apartheid South Africa has not been successful in delivering on the vision of a de-racialised economy that delivers a greater share of control, ownership, and wealth to its black majority.

Land reforms aimed to redress injustices brought about by apartheid particularly displacement and land dispossession of the majority of blacks. The purpose of land reforms was to ensure overall economic growth, poverty reduction and enhancing food security. These reforms were an integral part of the transition and were provided for in the constitution. The constitution provided that no person may be deprived of property and no law may permit arbitrary deprivation of property. However, the constitution also states that the state must take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis. Thus, the latter provision was implemented through three tenets, namely land restitution, redistribution, and tenure reform.

Land restitution aimed to provide equitable redress to victims of racially motivated land dispossession as a result of the Group Areas Act of 1913. This was done by either returning land lost or compensating individuals who were forcefully removed. A majority of applicants, approximately 92 per cent, chose financial compensation. The process was relatively successful as, by 2013, a majority of the initial claims, approximately 97 per cent, had been processed. Land tenure focused on the right to security of land tenure, especially in the former homelands. This was done by upgrading customary land rights by giving them statutory recognition. The intention, as evident in a policy proposed but never implemented by parliament in 2014, was to transfer the outer boundaries of tribal land in communal areas to traditional councils. This would grant these councils full ownership of land and families who occupy and use communal land would be granted institutional use of rights. Two years later, the government proposed changes in the 2014 legislation, to provide that decision-making about land requires a resolution supported by 60 per cent of households in a specific community. However, efforts at land tenure reforms have been unsuccessful; the government has admitted that this is rather a complex process. Consequently, the rights of citizens living in communal land areas remain unsecured, approximately 60 per cent have no recorded land or property rights and that approximately 80 per cent of the population in urban areas has “off-register” rights or no rights to land tenure that are recognised in law.

Land redistribution focused on addressing the racially skewed distribution of land ownership by transferring formerly white agricultural lands to black South Africans. This was done through the market-led willing seller- willing buyer model. To aid the previously disadvantaged, the government helped to acquire land, to settle on it and to make it productive. Between 1994 and 2013, only four thousand eight hundred and thirteen farms were transferred to blacks through the redistribution programme. Thus, the redistribution programme has proved to be unsuccessful. Instead, there is an evident preference for land transfers through private land transactions as they are five times higher than those of governments. The main criticism was that the willing seller- willing buyer model discriminated against the very poor it intended to protect.

This thesis, therefore, concludes that economic reforms have contributed to nation-building to some extent by ensuring the inclusion of more black people in some respects the economy, especially public sector jobs. However, the inclusion of black people into the public service, and to a lesser extent the world of business, had not been matched by the inclusion of the poor and marginalised into the world of work. These challenges have led to recent calls for reforms

such as RET and expropriation without compensation which, if implemented, threaten to further divide the nation along racial lines.

9.4 Overall conclusion and insights

To conclude, using the theory and framework, this thesis established that the process that was undertaken in South Africa as part of the transition from apartheid was a multicultural civic nation-building. This thesis forms part of the theories of a nation, nationalism and nation-building. In essence, the shift in these theories, especially from Primordialist to Modernist theories had a significance on the understanding of how nations come to be. This was a shift from the notion that nations are organic to that they are synthetically created through a process of nation-building. The more relevant explanation of how nations come to be in places like post-colonial Africa is civic nationalism. Post-colonial African nation-building, driven by a political elite, aimed to reconcile divisions inherited from the harmful past of colonisation and create a national identity. This framework fits the process undertaken during the transition from the apartheid regime in South Africa.

South African nation-building was as a result of compromise and mutual recognition at attempting to transcend racial divides and affirm a common civic and multicultural nationalism. Its objective was to build a Rainbow Nation whose national identity was built not only through common citizenship and equal rights, but it also embraced diverse cultures. The process of nation-building, as was the case in post-colonial Africa, used both banal and racial forms to achieve objectives of the Rainbow Nation. Nation-building has largely worked at a symbolic level, and they have achieved their objective of contributing to reconciliation and national unity. However, South Africa is still deeply divided, reforms effected have not been successful in improving the socio-economic conditions of the previously marginalised majority. In essence, it is with the radical transformation that the Rainbow Nation struggles much more to deal with racial exclusion.

The construction of the Rainbow Nation was as a result of conscious efforts with objectives to build a South Africa that belongs to all those who live in it. This process started with the demise of apartheid and the negotiations that aimed to create an inclusive South Africa in which all races are equal. These efforts were evident in both banal and radical techniques used to create the Rainbow Nation. During the negotiations, three objectives were agreed upon, namely, to

bring about an undivided South Africa with one nation sharing common citizenship, to work to heal the divisions of the past and to strive to improve the quality of life of all people. More significantly, these were to be done in the spirit of unity, where South Africa belongs to all those who live in it, united in their diversity.

Banal forms of nation-building gave content to the Rainbow Nation and the symbols that form part of banal nationalism were an embodiment of the objectives of the Rainbow Nation. The objectives of banal nationalism included to create a national identity and to overcome divisions inherited from apartheid. To achieve these objectives, banal nationalism entailed the use of symbols such as the Father of the Nation, Nelson Mandela, the constitution, anthem, flag and sports. Additionally, there was a process of transitional justice in the form of Restorative Justice. It is concluded that these symbols have been relatively successful in the construction of the Rainbow Nation especially in the promotion and embracing of the multiple, diverse cultures. However, in recent times, several of these techniques such as the anthem, constitutions and especially in sports have faced challenges. More especially, all symbols faced challenges in terms of the enduring significance of race and the incompatibility of rainbow nationalism with racial exclusion.

Radical national-building techniques gave content to the Rainbow Nation by ensuring the inclusion of the previously marginalised majority into the political, social, and economic national life. This was done through radical institutional and systemic reforms. More specifically, reforms on the political system included reconceptualization to democratic citizenship, universal adult suffrage, PR electoral system, transitional GNU and decentralisation. Reforms on social national life were rights-based and entailed social, economic, and political functions evident in the welfare system, education reforms and language reforms, respectively. Reforms on economic national life aimed to deracialise the economy and make it inclusive. This was achieved through the introduction of the affirmative action and employment equity, Black Economic Empowerment as well as land reforms.

Radical nationalism has been successful in certain aspects. Political reforms have resulted in the establishment of legitimate political order, democracy, and reconceptualization of citizenship to democratic citizenship, which was realised by ensuring that citizens have equal rights, including the right to vote and choose representatives, even if temporarily, a transitional government that was inclusive and reflective of the population and there is a single government that is accessible and closer to the people. Social reforms have been successful in eradicating

social disparities and inequalities between racial groups. Levels of absolute poverty have been reduced through the provision of a bouquet of social services, and equitable race-blind education system has been created with increased levels of access and quality especially by the previously marginalised majority, and African languages have been afforded a legitimate space as official languages of the Rainbow Nation. Economic reforms have enabled the inclusion of the previously marginalised blacks in the economy. This is especially evident in the public service that is representative and reflective of the diverse population, increase of the black workforce in public, including its management, and private sector, improvement in black business ownership, control and management and partial success in land restitution, secure tenure and redistribution to some of the previously marginalized black majority.

Nonetheless, radical nationalism is facing challenge firstly, political reforms have not been successful in sustaining the level of support for democracy. This is due to the inability of democracy to bring hoped-for improvements in socio-economic conditions through effective service delivery and holding elected officials accountable. More specifically, failures of democratic institutions include that there is a perpetual decrease in the VAP voter turnout in national, provincial and local government elections, many political parties struggle to obtain seats and there is one-party dominating, the GNU was only for one term of office and therefore the government is no longer inclusive and reflective of the population and, despite the government being closer to the people, the government is not performing at the expected level resulting into ineffectiveness in service delivery.

More specifically, failure in radical nationalism is mostly evident in the failure to improve socio-economic conditions of the previously marginalised majority. Failures of social reforms suggest that there is a segment of the population, namely poor black people, that remain not fully included in the Rainbow Nation as envisaged in the Constitution. More specifically, the cost of social services has been escalating over the years and proved to be unsustainable amid stagnant economic growth, there is still a portion of the previously marginalised majority with no access to education and good quality of education, and the African languages are still underdeveloped and under-utilised leaving English and, to a lesser extent, Afrikaans, to retain their dominance. Furthermore, failures of economic reforms are evident in the polarized economy as blacks are concentrated in the public sector and whites are concentrated in the private sector including its ownership, control, and management, and land reforms especially in securing land tenure and redistribution have failed.

Therefore, this thesis has contributed to at least three areas, namely the theories and studies of nation-building, providing answers to causes of divisions plaguing the post-apartheid South Africa as well as developing a model of studying nation-building. Firstly, the study forms part of the theories of nations and nation-building. It is the first attempt to frame the South African nation-building and measure it against the theory of nation-building. In addition to the three contending theories of a nation, this thesis has established that recently formed nations, as evident in post-independent Africa as well as post-apartheid South Africa, are an example of civic nationalism, which is a form of political nationalism. Secondly, this thesis has contributed to understanding the challenges facing post-apartheid South Africa especially, the evident racial divisions. Studies have been conducted on various indicators to understand, for instance, problems facing the electoral system, economic reforms, or the social reforms. However, there has not been a comprehensive outlook at the root cause of these challenges. This thesis has concluded that these challenges are due to, despite the efforts to unite South Africans of all race groups, the failure of nation-building especially radical techniques of nation-building. Ultimately, this thesis has established a model in which nation-building can be analysed. This model suggests that there are two approaches to nation-building namely banal and radical nation-building. Legislative and policy interventions employed in nation-building can be categorised into these two typologies.

More significantly for future studies, it is recommended that other legislative and policy interventions be assessed to determine their contribution to nation-building. This study made use of a selection of interventions for each indicator. This was but a small sample of government interventions and mostly adopted and implemented in the first two terms of democratic South Africa. Therefore, and taking into consideration that this research design was one of its kind, there is a need to assess more interventions to corroborate the findings of this study. Additionally, as indicated in the problem statement, challenges facing nation-building are not going away. Tutu has exclaimed that the nation is “splitting at its seams”. Restoring the Rainbow Nation to a nation that is home to all those who live in it, is a priority. Therefore, there is a need to explore alternative legislative and policy interventions to replace those that have been ineffective in nation-building.

Appendix A The Call of South Africa

*Ringing out from our blue heavens, from our deep seas breaking round;
Over everlasting mountains where the echoing crags resound;
From our plains where creaking waggons cut their trails into the earth
Calls the spirit of our Country, of the land that gave us birth.
At thy call we shall not falter, firm and steadfast we shall stand,
At thy will to live or perish, O South Africa, dear land.*

*In our body and our spirit, in our inmost heart held fast;
In the promise of our future and the glory of our past;
In our will, our work, our striving, from the cradle to the grave
There's no land that shares our loving, and no bond that can enslave.
Thou hast borne us and we know thee. May our deeds to all proclaim
Our enduring love and service to thy honour and thy name.*

*In the golden warmth of summer, in the chill of winter's air,
In the surging life of springtime, in the autumn of despair;
When the wedding bells are chiming or when those we love depart,
Thou dost know us for thy children and dost take us to thy heart.
Loudly peals the answering chorus: We are thine, and we shall stand,
Be it life or death, to answer to thy call, beloved land.*

*In Thy power, Almighty, trusting, did our fathers build of old;
Strengthen then, O Lord, their children to defend, to love, to hold -
That the heritage they gave us for our children yet may be:
Bondsmen only to the Highest and before the whole world free.
As our fathers trusted humbly, teach us, Lord, to trust Thee still :
Guard our land and guide our people in Thy way to do Thy will.*

Appendix B Schedule of Interviews

No.	Name of the interviewee	Reference	Category	Date of Interviewee
1	Prof. Adam Habib	Responded AH	Academic	9 September 2015
2	Mike Moriarty	Responded MM	Politician, part of DP negotiating team	24 August 2015
3	Douglas Gibson	Responded DG	Former politician, DP negotiator	2 September 2015
4	Herman Mashaba	Responded HM	Business	8 October 2015
5	Prof. Steven Friedman	Responded SF	Academic	28 August 2015
6	Trevor Manuel	Respondent TM	ANC politician, former Finance Minister	8 October 2015

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