> **Multi-stakeholder Consultative Meeting on nation building, social cohesion and racism**

Prepared for the National Convention on Social Cohesion and Nation Building on 01 February 2016

Introduction

South Africa's bloodless coup of 1994, that ushered a new dispensation, is hailed as one of the most significant achievements in the historical timeline. However, while the new era saw formal repeal of all racist and repressive laws, it was always apparent that given the nation's psyche and the lingering effects of racism on that psyche, the formal repeal of apartheid laws was not going to necessarily alter the texture of human relation relations or even expunge institutionalised racism *per se*. In fact, an inference of this reality is made in the ANC's Discussion Policy Document [1] on the national question, wherein it counselled that nation building will not be a linear process and that somewhere along the way, and even with the best intentions, there would be fault lines.

The events of the last few weeks had once again illustrated the extent to which the process of nation building is onerous, intractable and exceedingly complex. At the very outset, it would be erroneous to look at the overt forms bigotry of the last few weeks as cases of a few isolated and misguided bigots, with whom the rest of society has nothing to do. This shall be explained later, as we seek to contextualise the apparent spike of racist incidents. An attempt is made in the discussion document to speak to broader conceptual and theoretical issues around race and racism, within the context of South Africa and the continent. The paper foregrounds the different areas of national life, where racism has been conspicuously manifest. These include the media, higher education, the workplace, the economy, and the schooling sector. This discussion document will also explicate some of the institutional mechanisms available, as buffers in the fight against racism and as well as conduct a temperature check on the extent and nature of racism, citing some relevant empirical work on this. It would conclude by making a case for a multi-sectorial approach in combating racism.

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[1] This was a Discussion Paper on the National Question prepared by NEC member of the ANC, Pallo Jordaan, in preparation for the 50th national conference of the ANC IN Mafikeng, North West

"Race" and racism

As the starting point, the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia, and Related Intolerance [2]makes the following formulary on racism in the context of South Africa's socio-historiography. Racism, it is held, involves:

> The deep rooted prejudices of whites and the many recollections by blacks of the injuries sustained during legalised racism lie at the heart of different interpretations of non-racial democracy. The debate about racism is still constrained and polarised. There is still a long way to go before South Africans will enter into a balanced dialogue that deals with how to transform social and economic exclusion as well as how to transform our social relations in order to build a more reconciled nation.

It went on further to state that;

> Racism, racial discrimination and racial harassment persist and are commonly directed at blacks...and racism is still perceived to be widespread in the judiciary.

It will be a gregarious error nonetheless to confine racism to mere prejudices of whites over blacks. Racism extends far beyond prejudice since by its nature it is systematic and ideological. In debunking race, it needs to be stated that the concept of race, regardless of how it is understood and conceptualised, has always been subject to fierce contestations. In a country like ours, given our deep colonial and apartheid past, temptation always lurked to postulate race as natural or a fixed given and certainly, our colonial and apartheid experience can attest to this obscenity that set to essentialise human difference, premised fundamentally on bodily physical appearance. Sociologist Michael Banton borrowed formula from James Pritchard for his seminal work on the subject:

> *Races are properly successions of individuals propagated from any given stock; and the term should be used without any involved meaning that such progeny or stock has always possessed a particular character. The real*

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[2] The National Action Plan has been approved by Cabinet and the Department of Justice & Constitutional Development is the custodian in terms of implementation

import of the terms has often been overlooked, and the word race has been used as if it implied a distinction in the physical character of a whole series of individuals ... [3]

The brief history of the concept of race traces it within Europe itself as the "different" stocks of European dissent in that continent sought to interpret and package human difference from within Europe as well as make sense of the emerging new social relations. For example, the desire to distinguish between the English , the Irish and the Scots as subject of the British Empire. While this may account to the early seeding of the concept of race, this was a milder form of human difference and bordered more on culture, language, and matters idiosyncratic. To that effect, it can be argued that race became more apparent and pronounced as Europeans solidified contact with peoples of Africa in particular as the colonial scramble for Africa began.

As Europeans reached our shores, they stumbled into other variations of humankind and for Europe to entrench itself in an unknown territory to which it had no rightful claim, it had to acquiesce to an ideology that agitated for a ranking order of sorts, with superior races at the summit of that ranking order and those of an inferior stock at the bottom of the pile. While the act of racialising is grounded on ideology, there was also a ring of materialism to it for no one subjugates the other for the aesthetic joy of doing so[4]. Historically, the dominant white group imposed a racial hierarchy of sorts which would legitimise its dominant role, almost make it natural (commonsensical) in the black imagination. Consequently, the resultant socialisation processes lay primarily in the hands of the dominant white settler community, exercising its divine right to allocate roles and status between what it called the different races in the racial stratum.[5] There can be no denying the fact however that white Afrikaner nationalism gave much needed traction to more expression of white superiority.

In the light of the above, the most potent perspective on race throughout the 16th and 17th century (and this still holds sway even today in conservative circles) is the

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[3] See Michael Banton, 1977

[4] N wa Thiog'o, 2003. Consciousness and African Renaissance: South Africa in the Black Imagination. At the 4th Steve Biko Memorial Lecture, Kenyan literary critic argued that relations between blacks and white were racialised so as to serve economic interests of the dominant white ruling class. Thus, racialisation and racism were a means to an end.

[5] See MP Mncwabe, 1990. Separate but Equal Education: South Africa's Education at the Crossroads.

biological model of race. This model invokes some kind of divine authority through which the different stocks of humankind then came into existence, thus making the idea of race as a given and natural almost beyond question. That is, this model invokes a certain kind of natural law into the race debate i.e. *ius naturale*. Arising out of the biological model then is the ideology that propagates the idea that humankind is divided into superior and inferior races. This idea was supposedly supported by "science" which then makes it appear to be an incontrovertible truth when adding the divine authority argument on human difference. To that effect, racism in our socio-historical context will then encapsulate quantum of ideas, thoughts, and practices that propagate inherent inferiority of those stocks other than white historically designated as such in the old Population Register. That is, our socio-historical context dictates that we look at racism from the point of view of white racism.

Racism is not just merely prejudices that whites will harbour against blacks. Rather, it is much deeper than that. For racism to have had this much impact, it had to be both ideological and systemic. In other words, since it was ideological, not only was it dependent on the sense of unquestioned propriety by whites but rather by blacks reciprocating the white imagination of blackness as inferior and subhuman. Racism was able to be systemic in South Africa given the way it manifested itself throughout almost all institutions in society; hence in our context, we could also speak of a history of institutionalised racism.

As a counter to the biological model of race, a new body of literature emerged that argued that race was a socio-historical and political construct which is culturally contextual and situation specific[6]. This perspective on race refutes the biologist-naturalistic model. It argues that race has no biological basis, neither is it natural nor given. Rather, it is a socio-historical and political construct – it forms part an everyday process of meaning-making. We need not on the basis of adhering to the social-constructionist model of race make any suggestion of the meaninglessness of race. Race, however constructed, will have consequences to the body that is so marked and such consequences may be positive or negative depending on the particular placing of that race on the social stratum. That is, even if we say it has no

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[6] See Jenny Reardon, 2004

scientific basis, it remains significant nonetheless given the social meanings attached to one's whiteness or blackness.

The legislative framework

South Africa is a full member of the United Nations, with certain entitlements and obligations and is signatory to various UN instruments aimed at bringing about world peace, prosperity, mutual cooperation among nations. This country also is bound by the 1948 UN Universal Declaration and here, it is apposite to cite it at length:

> Article 1. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood (sic)

> Article 2. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status...

It must be noted that the fledgling liberation movement had, before the 1948 UN Declaration, made declarative code that confirmed the ANC's belief to our common personhood, with full entitlements without regard of race, ethnicity, class, gender and other considerations. It was by no accident therefore that during negotiations for a political settlement between the progressive forces led by the ANC and the ruling white Nationalist Party, the core of the UN Declaration for Human Rights found expression in Chapter 2 in the Interim Constitution, of which was then followed through with the promulgation of the new Constitution in 1996. Accordingly, Section 9(3)b enjoins all state organs thus:

> The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

The constitution also imposes the same obligations to individuals as it does on the state as is evident under Section 9(4):

No person may unfairly discriminate directly or indirectly against anyone on one or more grounds, in terms of Section 9(3).

It could be further argued that racism and discrimination very directly impugn on the dignity of the person, itself guaranteed under Section 9 of the Constitution. Here, the Constitution makes no qualification in asserting this right. The only qualification that entitles one to assert this right is one's personhood i.e. by virtue of being human, all persons are entitled to their dignity being respected.

Prevalence and incidence of racism

The South African Human Rights Commission receives complaints on equality and at times refers matters to the courts. The following is a diagrammatical representation of the nature of equality complaints received by the Human Right Commission in 2014:

Category	Percentage Share
Race	53%
Disability	13%
Ethnic or social origin	10%
Religion	6%
Gender	4%
Sexual orientation	4%
Age	4%
Any other ground	3%
Marital status	1%

Notwithstanding the other areas through which violations equality are manifest, the statistics here still highlight the centrality of race and racism as a dominant factor around which there is tussle in the broader society.

In the 2014 Human Rights Commission Equality Roundtable Report, the role of the Equality Courts came under the spotlight. It needs to be emphasised however that given the nature of the equality imperative and violations in that regard, there is a mutually beneficial collaboration and interface between the South African Human

Rights Commission, the Commission for Gender Equality and the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (CRL Commission). In the Report, it is highlighted that for 2012/2013 alone, 310 cases were brought before the Equality Courts. Of the 310 cases, 57 were dismissed; judgements were handed down in 6 cases. 66 were referred to other courts and alternative dispute resolution forums and 6 were settled out of court. Of all the complaints received, 43% were on hate speech while 25% dealt with unfair discrimination.

As a way to decipher the racism temperature check, there is another important set of statistics worth consideration. The South African Reconciliation Barometer[7] published by the Institute for Justice and Reconciliation is an annual public opinion survey and assists in providing a nationally representative measure of citizen's attitudes to national reconciliation, social cohesion, transformation and democratic governance. As a starting point, the survey found that 59.2% of South Africans believe that the country has made progress on the road to national reconciliation, since the end of apartheid, and 69.7% of the total sample is convinced that the country has to continue to pursue it as a national objective.

However, while the broader objective of national reconciliation is supported, there is another set of statistics that should be of concern. Firstly, 61.4% of the total sample believes that race relations since 1994 have either stayed the same or deteriorated. In contrast, only 35.6% of the sample indicated that they experience no racism in their daily lives. Most concerning as well is the issue of trust among the racial groups, as historically defined. For instance, 67.35 of respondents noted that they have little to no trust in their fellow citizens of other racial groups. The level of social interaction among the different racial groups is extremely poor, with most of the social interaction happening in public spaces like at work, study areas and in shopping centres. Social interaction in more intimate spaces is almost non-existent, suffice it to mention that those who are in the high income bracket report some level of social interaction with people of the other racial groups than those at the bottom-end. However, the most comforting set of statistics on which to build a social compact are the following:

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[7] This annual survey by the Institute for Justice & Reconciliation is one of the few longitudinal surveys tracking opinions on race, reconciliation and social cohesion over an extended period of time

- Although South Africans primarily associate with their own language and race groups, 75.5% of the total sample reported that they regard being South African as a very important part of their identity; and
- Further, 71% of all respondents believe that it is important to strive for the creation of a united South African nation.

Racism and its manifestations in key areas of national life

The media and racism

In a normal democracy, the role of the media barely ever comes into scrutiny, as it is automatically presumed to be a neutral critic and arbiter of society, with little vested interest. As it is commonly held in arch liberalist circles, apparently, the role of the media is only to unearth or uncover the truth, irrespective of the subject matter and those involved. However, the role of the media as the fourth estate of the democratic project is layered with many interesting and contrasting social dynamics. This is particularly so, given its role during apartheid, with some sections of the media as willing and able propagandists of the apartheid order and its racism. This is to say, then, that, unlike it is commonly believed, the media, like any other institution of society, is a product of certain socio-historical processes and therefore, given the centrality of race and racism, the media could not have been sheltered away from this experience. It stands to reason therefore, that even in the new democratic dispensation, there will be some sections of the media, at times unwittingly, whose social analysis would be textured by notions of race and racism.

The role of social media in foregrounding some of the commonly held prejudices by journalists and media houses has become even more important. The recent examples around the Etv news senior anchor Chris Barnes, who indignantly mocked Basic Education Minister Angy Motshekga's pronunciation of "epitome", and thus unnecessarily detracting from the main story on Matric exams, comes to mind. The news anchor, an experienced white male news journalist, was summarily suspended and taken off air, pending an inquiry. Another example was the recent apparent defence of Penny Sparrow's racial bigotry as somehow protected speech in terms of Section 16 (1) of the Constitution as inferred by experienced white radio and tv personality Garrett Cliff. He owns a private station, CliffCentral, and was also employed by MMET, as one of the judges for a music reality show. Owing to the

public outrage at his comments, his employers at MNET felt compelled not to renew his contract, which was already due for a renewal. Of course, Ms Penny Sparrow, has since left the employ of the estate agency, Jawitz. The few examples mentioned point to the fact that seemingly, employers are becoming extremely being associated with the racial bigotry of their employees and are willing to take action. In other word, there seems to be signs that, perhaps into the future, it would be costly affair to be racist, at least overtly and brazenly.

The most relevant empirical work on race and racism in the media, especially in the press, is a study conducted by academics Melissa Steyn and Don Foster, at the time, professors at UCT. Their study concerned the repertoires whites employ in the safeguarding and maintenance of white privilege. In doing so, as was evident in this study, they employ seemingly more palatable discursive repertoires – especially those that appear to be in sync with the new democratic order nomenclature. Applying discourse analysis, the researchers downloaded articles by columnists Barry Ronge and Steven Mulholland. Both were columnists in the Sunday Times and the researchers specifically chose their articles to highlight the consistencies in the ideological patterning of *white talk* across seemingly unrelated domains i.e. literacy criticism and social commentary, on the one hand and on the other, financial and business analysis (with some tinge of moral certitude).

As an example, the study finds that both columnists would employ the "new South Africa speak" repertoire and conveniently employ such commonly shared values as democracy, non-racialism, non-sexism, reconciliation, equality and freedom. Nonetheless, the study concluded that this is only used to provide the rhetorical wherewithal for face work and positive self-presentation against possible attack or challenge – in the event that the recipients of their message uncover the face work, the deceit. In a stark illustration that racism in the media continues unabated, albeit that it has mutated and assumed a more palatable posture, the study concludes "face-presentation has never before been a factor for white South Africans within the borders of the country, but now many are learning to hone the skills of prolonging inequities without openly owning supremacist positions".

The workplace and racism

The Job Reservation regime[8] under apartheid ensure that white were reserved certain job categories, most on the high-skill end. The education and training was also designed to ensure that apartheid social engineering at the workplace succeeds. Black people, particularly, Africans, were to be found in the lower rungs of most job categories. There were also certain fields which were declared an exclusive preserve of whites, irrespective of job levels. For example, the broader field of Science, Technology, Engineering and Mathematics (STEM) was almost exclusively reserved for whites. With the promulgation of the Employment Equity Act no.55 of 1998, government deliberately set out to right the wrongs of the past, eliminate unfair discrimination, and achieve a diverse workforce, which is broadly representative of the demographics of this country.

All designated employers (i.e. those with workforce of 50 people and above) are compelled by law to have employment equity plans, implement this, and report on progress to ascertain whether the set targets in the plan are being met. Reports are due on the first working day in October. Given that progress towards workplace transformation and equity continues to proceed at a snarl pace, and in some cases, has even regressed, this then becomes fertile ground for breeding resentment among those advantaged by apartheid (and who want to maintain the status quo) and those who continue to lag behind owing to the legacy of the past. There has been fierce contestation, if not open hostility to the employment equity policy regime. The usual defence in the maintenance of the status quo is that there is not enough pool of blacks suitably qualified for appointment to some technical and professional occupations.

The Employment Equity Report [9]however paints a picture to the contrary. For instance, the period 2002 – 2012 has seen an upward appreciation for Africans in the two categories, namely, *professionally qualified* and *technically qualified*. In 2002, there were only 16.2% of Africans in the category of *professionally qualified* while in 2012, the number almost doubled to 34.0%. A related indicator on

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[8] The Job Reservation Act forced coloured and black people into the 'cheap labour' category, and they were only able to undertake unskilled labour
[9] This is an annual comprehensive report on workplace equity, as per the prescripts of the Employment Equity Act of 1998

technically skilled also shows similar trajectory, if not even more instructive. For instance, in 2002, there were only 35.8% of Africans in the category of *technically skilled* among the Economically Active Population (EAP) compared to a 55.3% in 2012.

While the numbers look seemingly positive, as they are part of the basket of factors that should translate into positive workplace transformation and equity, the reverse is currently the case. It is noted, for example, in the 2012/2013 Employment Equity Report that the domination of whites remains, as they maintain more than two thirds majority in terms of representation in the top management tier. This is so, despite the fact that their share of the total Economically Active Population (EAP) is only at 11.3%. And there is an institutionalised and coordinated effort to rationalise why white domination should continue in the workplace. The Institute of Race Relations post-apartheid in South Africa has been the most vocal against workplace transformation and equity. The following excerpt is an apt illustration of such opposition:

> EE Act partially recognises the difficulties firms face in meeting racial targets by allowing employers who fail to do so cite the skills deficit in their defence. However, these provisions, which would at least offer some level of protection to employers against unrealistic expectations of the EE Act are to be removed under the EE Amendment Bill ...

In analysing the caption above, the Institute of Race Relations seem to rationalise the lacklustre progress in terms of workplace transformation and equity, by lobbying for retention of provisions that provided a window of opportunity to intransigent companies and organisations, to subvert policy intentions for narrow sectorial interests. Troubling also is the insinuation of a perpetual black skills deficit, even when, as has been already illustrated, there has been an upward appreciation in the number of blacks, particularly Africans in the categories *technically skilled* and *professionally skilled*.

Economic transformation and racism

Until recently, racism was deeply institutionalised such that it was not possible to have black people playing a role in the mainstream of the economy. Interestingly, the Afrikaners had experienced some marginalisation by the British, playing a very

insignificant role in the economic mainstream. Until the pact to form the Union of South Africa in the early 20th century, the Afrikaners were essentially an agrarian community. Through direct schemes and positive measures put in place specifically by the British, the Afrikaners are now, in the main, a sophisticated people, who play a significant contribution in almost all areas of national life, including ownership and management of larger corporations listed on the exchange market. Therefore, ironically, the Broad-Based Black Economic Empowerment (BBBEE) policy regime has a precedence hence the total opposition in some quarters of the white community is almost bizarre, troubling and hypocritical.

After more than two decades experimenting with the policy of BBBEE, government has noted a number of valuable lessons which then necessitated a serious legislative review in dealing with current challenges around BBBEE. The review came through the passing of the BBBEE Amendment Bill of 2012. The Amendment Bill set out to deal with some of the blatant acts of subversion and to criminalise these. Among those identified were:

- *Fronting* (entering into a legal relationship with a black person for the purposes of enhancing BEE compliance without granting the individual the economic benefits that are reasonably to be expected from his/her holding that status or position).

- *Introducing penalties for fronting* (any person that knowingly engages in fronting will prosecuted and upon conviction will be liable to a fine not exceeding 10% of the entire business turnover).

- *New BBBEE Commission* (the Commission is established to principally investigate any suspicion of malpractice by companies, including fronting and any other complaints involving BBBEE, with the power to issue summonses, subpoena documents, and interrogate witnesses and alleged offenders).

- *Priority elements* (ownership, management control, skills development as well as enterprise and supplier development). For example, skills development target for blacks is to double i.e. from the current 3% of payroll to 6%.

However, opposition to the BBBEE, including the new set of moderate reforms to the existing policy is palpable. The following excerpt from a researcher at the Institute of

Race Relations captures the essence of the opposition, need I add, from white section of society that benefited from similar schemes under a different dispensation:

> Far from providing redress for apartheid's wrongs, the pending shifts employment equity and BEE rules will damage the poor majority by introducing fines, potential prison terms, and overall compliance costs which are high to drive many small firms out of operation. This will reduce jobs, add to the crisis of unemployment, and deter entrepreneurship and investment. Like other affirmative action policies around the world, the tightening up of the rules is being pursued by a narrow elite which is effectively using the suffering of the truly disadvantaged to garner increased preferences for itself. However, even this elite would benefit far more from rapid economic growth and the huge demand that this would generate for their scarce skills. The poor majority who suffer the most from the ongoing effects of apartheid injustices, would also be far better served if the ruling party were to abandon its fixation with redistribution and racial engineering – and focus single-mindedly on promoting economic growth for the benefit of all. Athea Jeffery (2013)

In their analysis of "white speak", Melissa Steyn and Don Foster [10]decipher this almost innocuous white talk most succinctly. While the face-work here gives pretence to notions of freedom, equality, rationality and the general concern for the poor, this is clearly a thinly veiled defence of the status quo. It needs to be said upfront, that any inclination towards the maintenance of the status quo – with its unjust socio-historical inequities, premised mainly on race, is itself racist. And then, like the Institute of Race Relations researcher in the caption above, racist attacks on the redress project often employ the notions of "black elite" and "black middle class" as a decoy to shift attention away from white obligations. The following excerpt from Steyn and Foster on *white speak* merits a fuller quotation in this regard:

> The emerging black class of successful and moneyed black people is often the target of indignation, even resentment. African advancement is often construed as the consequence of tokenism, or even corruption; the ascribed incapacity to handle their new status, or indeed their actual blunders, are taken to demonstrate the folly or even derailment of transformation. In South Africa, as elsewhere, black politics tends to be equated with extremism and or corruption or with incompetence, empty showmanship or bluster. As if there is something inherently wrong about being black

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[10] Melissa Steyn and Don Foster (2008) published an article on this in the journal *Ethnic and Racial Studies* entitled *Repertoires for talking white: Resistant whiteness in post-apartheid South Africa*

and wealthy, the rising black middle class is seen to be shocking, even obscene. Moreover, different standards are applied for black and white elites: white elites are regarded as showing exceptional character if they pay attention to the plight of the poor. Yet, the essentialising logic constructs black people who comfortably become middle class as self-serving opportunists who are betraying their people. In effect, black elites are a decoy, drawing attention away from where the bulk of the country's wealth is still to be found: middle and upper middle class whites.

Clearly, the logic above, as laid bare, also implies some kind of resentment and even hostility to blacks, who are in the higher stratum of society. The black elite that the researcher at the Institute of Race Relations refers to are also presented as unkind, uncaring, and self-possessed. This is all part of the general *white speak* that is at work, in the maintenance of the *status quo*. To make it worse, the attention thus becomes less so on white privilege and but rather on the black elite and black middle class – used here as a decoy to divert attention. This is all done through face work that pretends to have genuine interest in the poor and their general welfare. This is among the many more subtle manifestations of racism, which often go unrecognised.

Basic education and racism

Given the legacy of the past, particularly the lingering effects of Bantu Education[11], racism continues to be most manifest as well in the sector and this happens through a number of areas in the schooling environment, including learner admissions, institutional culture and employment of educators. In the only study commissioned by the Human Rights Commission as far back as 1999[12], it was found that of the total sample of schools that were surveyed in the research, 62 % of those schools reported in the affirmative, to the question of racial incidents at the school. Most of the cases reported involved incidents between learners, while a significant minority was between learners and educators. Racial incidents were typically described as derogatory. Racial name-calling and various forms of racial harassment were also reported, which often resulted in physical altercations. The report also highlighted numerous examples of institutional racism in schools. This is where most of the

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[11] This was the cornerstone of apartheid ideology. The Bantu Education Act of no.47 of 1953 maintained that blacks were to be offered an education that was only meant to commensurate with their role as servants and second class citizens

[12] See for example, the report entitled Racism, Racial Integration and Segregation in South African Public Secondary Schools (1999)

subtle racism occurs. For instance, the school admission requirements may be tailored in such a way that most black learners may, in all likelihood, find it impossible to meet. As an example, the school may impose a language policy that might make enrolments of black learners almost impossible. The school might also propagate an institutional culture, to deliberately alienate other learners from taking an active part in the life of the school. It is this collection of symbolism, mores, attitudes, and traditions that may further alienate.

Racism and higher education

While racism in higher education got most of its traction during apartheid, it is herein argued that colonialism provided the foundation that buttressed apartheid racial thinking. In other words, and at the risk of overstating the obvious, racism in higher education did not first emerge with the advent of apartheid in 1948. South African society was already racially regimented at this time, although racial segregation as a formal program of government had not, as yet, been institutionalized. In understanding the problem of racism and discrimination in general at most of the higher education institutions, this socio-historical context must be brought to bear.

There has not been much work in the sector that dealt specifically with issues of discrimination in general or even racism in particular. The most compelling piece of work sector-wide is perhaps the so-called Soudien Commission[13]. In its report, it was intimated that discrimination, especially racial discrimination, in some of the higher education institutions was rife. Given that the investigation was a qualitative inquiry, it is not possible to cite corroborative statistical data in this regard. In view of the worrying discrimination on the basis of race and gender, it recommended a transformation compact between higher education institutions and the then Department of Education. Such a compact, it was argued, must be premised on the general commitment to the development of a culture of human rights, with clear targets to be achieved, as well as on identified unique challenges of each institution.

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[13] This was a committee established by the Minister of Education and chaired by Professor of Education at UCT, Crain Soudien. The brief of the committee was to investigate incidents of discrimination and in particular, racism in higher education as well as conduct a temperature check on the same, and report to the Minister, including making pointed recommendations. The Committee completed its work and submitted its report to the Minister in November 2008. The report was entitled: Report of the Ministerial Committee on Transformation and Social Cohesion and the Elimination of Discrimination in Public Higher Education Institutions – 30 November 2008

Racism: arts, culture and heritage

The National Heritage Resources Act (1999) makes a poignant point on the efficacy and the importance of safeguarding the national estate and its role to social cohesion and nation building. Nowhere is this made more succinctly, than in the preamble of the aforesaid Act, wherein it is stated:

> Heritage helps us to define our cultural identity and therefore lies at the heart of our spiritual well-being and has the power to build our nation. It has the potential to affirm our diverse cultures, and in so doing, shape our national character. Our heritage celebrates our achievements and contributes to redressing past inequities. It educates, it deepens our understanding of society and encourages us to empathise with the experience of others. It facilitates healing, as well as material and symbolic restitution.

Symbolism is an important aspect of life in all human communities. It is through symbolism that people can assert their identity, sense of place, sense of belonging, and in fact, a sense of being. Symbolism tells a story about people's shared history. At times, symbolism can be a source of division and polarisation, depending on the particular meanings ascribed to that symbolism by a section of the community. The symbolism that is most relevant and can strike some resonance in the current debate is that pertaining to the heritage landscape, including heritage resources and infrastructure. When, for example, students at UCT rallied around *"Rhodes Must Fall"*, at the very heart of that tussle were the various negative interpretations of indignation, enslavement, dispossession and conquest which most black people, particularly Africans, detest. As a way to mitigate some of the racist slant associated with certain components of the national estate, it would be important to recognise and acknowledge some of the harm and to make a proper determination as to the appropriate spaces to move some of the heritage resources into, be it either for display or for storage / archival.

Government's programme of action to promote social cohesion and nation building – the current state of affairs

The National Development Plan envisions a South African society in 2030 that would embrace its diversity rather than reify observable differences along the contours of race, class, gender, religion, culture and other social constructions. Such a society will have a common set of values that it shares, an inclusive economy, increased interaction among South Africans of different social and racial groups, as well as strong leadership cadre across society buttressed by a mobilized, active and responsible citizenry. Consequent to the bold vision in the NDP, the Department of Arts and Culture was assigned by government to coordinate Outcome 14, articulated in the MTSF as concerning: *a diverse, socially cohesive society with a common national identity*. Through the approved Program of Action (PoA) for Outcome 14, government has made great strides in bridging past socio-historical divisions, even though a lot still needs to be done in fostering social cohesion and nation building. There are various government departments and entities with reporting responsibilities to the Outcome.

The program of action has the following five sub-outcomes, against which progress is reported on particular performance indicators and targets:

- Fostering constitutional values
- Equal opportunities, inclusion and redress
- Promoting social cohesion across society through increased interaction across race and class
- Promoting active citizenry and leadership
- Fostering a social compact

Summary of progress in implementing the five sub-outcomes of the government's program of action for Outcome 14

(a) Bill of responsibilities

The Bill of Responsibilities is a mirror image of the text in the Bill of Rights. It is an interpretation of the constitution in a simple and plain language that children would understand. However, unlike the Bill of Rights, it puts more emphasis on the corresponding responsibilities in the enjoyment of rights. The material on the Bill of Responsibilities has reached many learners and since the introduction of workbooks,

it has reached millions of learners as an integral part of the Life Orientation curriculum. The actual poster is also part of the promotion in the workbooks.

(b) DBE and IEC democracy program

As a way to inculcate democratic values in leaners, the Department of Basic Education have a collaboration with the IEC and are jointly working together on a school democracy program. This is important in terms of engendering a patriotic sense among young people.

(c) National symbols

As the lead department, the Department of Arts & Culture continued to take the lead in the promotion of our national symbols, including the national flag. The booklet on the national symbols has been widely distributed in most schools and national symbols have become an important component of the Life Orientation curriculum in schools. The Deputy Minister's Schools Project continues to be an important and interactive vehicle through which learners creatively engage with the national symbols. The Department has completed installations of the national flag to more than 80% of the schools since the commencement of the project. Learners in most schools have been taught in the protocol involved in terms of the hoisting of the flag.

Symbolism continued to be an important element in promoting social cohesion and nation building. It is in symbols and objects that a nation's collective sense of self, its history, trials and trepidations, as well as victories can be best captured. This then implies why the national heritage landscape is so important. When the debate resurfaced at the University of Cape Town around the Rhodes Must Fall campaign, this was a frank and abrupt reminder of the deep divisions in our society, with the traditional benefactors of institutions of exclusion such as the University of Cape Town pleading for Rhodes to stay and for those to whom this symbolism represented oppression and subjugation, wanted Rhodes out. Without getting into the merits of this particular case, the broader lesson is that divisions still remain along the contours of race. Secondly, while the symbolism of the heritage landscape can be a source for patriotism and national pride, it can also have a polarizing effect, and thus deepen the socio-historical divisions. With the raging war against apartheid heritage and its symbolism, it was then important for the Department to mediate and offer

leadership in terms of the necessary and applicable legislative framework. Further, this historical moment hinted at the fact that perhaps it might be time that there be a reappraisal of both the legislative environment and the heritage landscape. This will be part of our continued dialogue.

(d) Community Conversations

The Department of Arts and Culture hosted the National Social Cohesion Summit in Kliptown, Soweto on 04 – 05 July 2012. The aim of the summit was to provide a platform for individuals and organisations from all sectors of society to come up with resolutions that would ensure that there is a social compact between the state and the broader society in the furtherance of the social cohesion and nation building project. Extrapolated from the 2012 social cohesion summit is that the nation needs to be engaged in a social dialogue on matters of critical national importance. In 2014/2015 financial year, the first series of community conversations was conducted, with communities interrogating the state of South African affairs in terms of rights and responsibilities, social cohesion and national identity, active citizenry and volunteerism. 30 community conversations with diverse groups were held in the 2014/2015 financial year across the country. The Department will continue with the dialogues till the end of the Medium Term Strategic Framework (MTSF). A new methodological approach has now been sought in ensuring that the dialogues are self-sustaining and that they yield the desired level of impact. It is critical that South African society remains critically engaged in finding levers from within communities that would promote social cohesion and nation building so as to guard against complacency. One critical lesson from the events of the last few weeks, particularly as they relate to racism in the social media, is that racism continues to be part of the lived experienced for many and it cannot be dealt with by simply pretending that it does not exist any longer. If anything, a critical engagement is required, and at times, if needs be, confrontation.

(e) Moral regeneration

The Department has an existing memorandum of agreement with the Moral Regeneration Movement (MRM), with the Deputy President of the Republic as the patron of the MRM. The object of the relationship is to support various programs that are aimed at rekindling the moral fabric of South African society. Among the many

campaigns the Department supports is the campaign around the Charter of Positive Values (CoPV) and the national dialogue on "my ideal South Africa".

> (f) The National Action Plan to Combat Racism, Xenophobia and Related Intolerances

The National Action Plan came about as a result of the Durban UN Conference resolution that compelled state parties to develop national action plans to tackle racism. Before the adoption of the NAP, institutional mechanisms and legal instruments to tackle racism were already in place. Since Section 7(2) had placed particular obligations on the state to protect, promote and fulfill the rights codified in the Bill of Rights, this saw the promulgation into law the Promotion of Equality and Prevention of Unfair Discrimination Bill into law, with the establishment of Equality Courts.

The Equality Courts since their establishment have been dealing with cases specifically concerning infringements of the right to equality, unfair discrimination and hate speech. The South African Human Rights Commission has remained an important player in the value chain in ensuring that victims of racism, unfair discrimination and hate speech are ably assisted. That role in terms of institutional arrangements has also been extended to the Clerk of the Court, who must assist victims when lodging cases with either the High Court or the lower courts. As an indication of progress, it is noted, for example in the NAP, that in 2013/2014, 638 cases were lodged before the courts, and thus representing a 3.2% increase from 2012/2013. In terms of the prevalence of racism and prejudice in traditional and social media, the South African Human Rights Commission noted that in February 2015, hate speech cases in social media had registered an increase of 22% compared with an increase of only 3% same period in 2014. It is within the context that the Penny Sparrow and other matters need to be understood.

Making a case for a multi-sectorial approach to combating racism

It is most apparent that government on its own will not succeed in combating racism given the many spheres at which racism may find expression. There clearly are spheres of national life that may be outside the locus of control of the state. These private and semi-private spaces, though regulated by law not to fuel bigotry,

transgressions may still happen. Further, while social partners need to ensure that they exponentially increase the costs of racial bigotry, it would be important that preventative measures are also mooted, including deliberate promotion of the values of the constitution at the work place and in the home environment. In the case of the former, organized business has a bigger role to play as part of its normal employee wellness offering. In the case of the latter, civil society organizations, faith based groups, community based organizations, Non-Governmental Organizations and others all have an important role to play and the state can intermittently assist where possible. As a parting shot, this point needs to be restated: it is going to take a multi-sectorial approach to deal effectively with the scourge of racism and no one sector will on its own succeed.