

**THE ROLE OF CIVIL SOCIETY IN ADVANCING
EDUCATION RIGHTS: THE CASE OF GADRA EDUCATION,
GRAHAMSTOWN, SOUTH AFRICA**

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DEDICATION

For my mother whose value for education I observed in the early years of my life.

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Above all, Glory to God Almighty through Jesus Christ.

ABSTRACT

This thesis has identified and analysed the role of an NGO called Gadra Education in advancing education rights to the less advantaged people of Grahamstown in South Africa. Gadra Education's role has been identified as twofold. Firstly as an educational NGO, Gadra Education's initiatives directly impact on the lives of the less economically and socially privileged learners who, due to their previous learning environment in state schools, do not achieve academic results that ensure entry into tertiary level. Secondly its role is identified in its nature as an organisation that emerged due to the deficiencies in the state schooling system. It therefore stands *de facto* as a critical institution for critique of the state's education system. The thesis concludes that without confronting the Department of Education or collaborating with it, Gadra Education offers a significant alternative approach which can potentially influence the state to improve the state schooling system. Its strategy of non-confrontation to the state, informal and non-corporatist is advantageous as an NGO that focuses on the actual provision of education. It focuses on instilling *Ubuntu* values of sharing and giving that are of critical significance in teaching and learning. The context of the thesis is located broadly within socio-economic rights and specifically on education rights. In South Africa where the state has not adequately met the educational obligations for the economically and socially less privileged citizens, the emergence of educational NGOs that focus on providing education to the poor is of vital importance. Although other NGOs that confront the state are important in pushing the state to deliver especially on school infrastructure, teacher deployment and other educational challenges, Gadra Education model ensures academic success for the learner. Lessons can be drawn from Gadra Education which can be potentially useful to state schools and other NGOs that seek to advance education rights to disadvantaged communities.

LIST OF ACRONYMS

ACHPR	African Charter on Human and People's Rights
ABET	Adult Based Education Training
AMCU	Association of Mine Workers and Construction Union
ANC	African National Congress
APF	Anti-Privatisation Forum
ASIDI	Accelerated School Infrastructure Development Initiative
CBOs	Community Based Organisations
CESCR	Centre for Economic and Social Rights
CIE	Catholic Institute of Education
COSATU	Congress of South African Trade Unions
CSOs	Civil Society Organisations
DoBE	Department of Basic Education
DoE	Department of Education
DPs	Directive Principles
EC	Eastern Cape
ERP	Education Research Project
FRs	Fundamental Rights
GADRA	Grahamstown Area Distress Relief Association
GEAR	Growth Employment and Redistribution
IBP	International Budget Partnership
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICT	Information Computer Training
IDSA	Institute of Democracy for South Africa
IMF	International Monetary Fund
IHRDA	Institute of Human Rights Development in Africa
IO	International Organisations
LPM	Landless People's Movement

LRC	Legal Resource Centre
MDG	Millennium Development Goals
NAPTOSA	National Professional Teachers Association of South Africa
NATU	National Teachers' Union
NCHE	National Commission for Higher Education
NEDLAC	National Economic, Development and Labour Council
NEF	National and Economic Forum
NGOs	Non-Governmental Organisations
NMMU	Nelson Mandela Metropolitan University
NPOs	Non-Profit Organisations
NSC	National Senior Certificate
NSFAS	National Student Financial Aid Scheme
RDP	Reconstruction and Development Programme
SACP	South African Communist Party
SADTU	South African Democratic Teachers' Union
SAOU	Suid-Afrikaanse Onderweysunre
SECC	Soweto Electricity Crisis Committee
SEIDET	Siyabuswa Educational Improvement and Development Trust
SOCS	Save Our Schools and Community
TAC	Treatment Action Campaign
UDHR	Universal Declaration of Human Rights
UN	United Nation

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CHAPTER 1

Introduction and background to the study

1.1 Introduction

Article 26 of the Universal Declaration of Human Rights states that everyone has the right to education and that education shall be directed to the full development of the human being and the strengthening of respect for human rights and fundamental freedoms (Universal Declaration of Human Rights, 1948). With the end of apartheid, South Africa recognised and pledged to uphold human rights. In its constitution (Section 29), South Africa commits to the right to basic education for everyone, including adult education which was denied to the black majority during apartheid. Apartheid Bantu education marginalised black people and prevented them from accessing quality education which would have enabled them to acquire skills necessary to participate on equal footing with white people in the economy. However in spite of the new South African government's numerous initiatives since 1994 to address the inherited educational crisis, this has not helped improve the usually poor Matric results. In the Eastern Cape, this is worsened by the poor educational infrastructure. The quality of education continues to hinder opportunities for employment in a labour market that demands skills (Hofmeyr, 2011). Much of the poverty in South Africa is linked to lack of access to quality education. Failure to access quality education hinders many people especially from less advantaged communities to enter the job market.

The inclusion of socio-economic rights in the South African constitution demonstrates that, in theory, the government wants to ensure that these rights are accessible to all citizens. However constitutional, socio-economic rights are not easily enforceable and these to a large extent depend on the availability of state resources (De Wet, 1996; Ngcukaitobi, 2002). As a result citizens who are supposed to benefit from these rights often find themselves having to struggle and sometimes challenge the state using courts in order for these rights to be enforced. The right to education in particular has seen an increase in the number of NGOs that seek to provide educational services in order to help the less advantaged realise their education rights. A number of NGOs that focus on education are registered as Non-Profit Organisations and these include Section 27, the Legal Resource Centre (LRC), Community Media Trust, Educate Africa, Education Training Unit, Imfunda, Mindset Network and many others (ONE/Society/Initiative.org).

Activism and advocacy work around the area of education is on the rise in South Africa. Newspapers have reported a number of occasions where education activists have taken the government to court to challenge government on its obligation to provide basic education. In 2012 the *Mail and Guardian* newspaper in particular ran a series of articles on education activism in South Africa with Equal Education actively involved in taking the government and Minister of Education to court with the support of the Legal Resource Centre (*Mail and Guardian*, 2012). On 30 July 2014 in *The Daily Dispatch* an article was written by a law Professor, Sandra Liebenberg entitled “*Eastern Cape leads in Human Rights Litigation*”. In the article Liebenberg described how the Eastern Cape has been a pioneer in litigation on socio-economic rights ironically the province being one of the poorest provinces in the country. The Legal Resource centre was instrumental in litigation on behalf of 90 Eastern Cape schools most of them with vacant teacher posts that required filling. The schools also needed reimbursement of funds they had been forced to pay for teacher salaries. Prior to 2014 many articles appeared in the *City Press* (2012) and *The Mercury* (2012) with headlines “*Huge victory for education activists*” and “*Education activists to take government to court*”, respectively. The *Grocott’s Mail*, a Grahamstown based newspaper, has also carried reports on current activism in education in Grahamstown.

The inclusion of socio-economic rights in the constitution has been a subject of debate as it is argued that constitutional rights on social and economic needs only put pressure on state resources. They are not enforceable or self-executing; their implementation is subject to politics and not law; hence courts involve themselves in politics if these rights are included in the constitution (Seleoane, 2001). Their inclusion is also perceived as tampering with the independence of the judiciary, the executive and parliament (De Wet, 1996; Seleoane, 2001). What is crucial in this debate is not the question of their justiciability as evidence has shown through cases such as *Government of Republic of South Africa vs Grootboom and others* and *Soobramoney v Minister of Health* (Ngcukaitobi, 2002:53). In reality, as Roodt (2003) argues the real issue is how these rights which exist on paper, can be translated into tangible rights for ordinary citizens on the ground. The purpose of this thesis is to find out what role a Non-Governmental Organisation (NGO) called Gadra Education has played in order to have education rights translated into tangible rights that benefit the less privileged community members.

South Africa's history of apartheid places it in a unique situation. On the one hand it is necessary to have socio-economic rights in the constitution in order to redress past injustices and ensure equity and social justice (Ngcukaitobi, 2002). Yet on the other hand the government cannot sufficiently provide for socio-economic needs although these rights are embedded in the constitution. Particularly in the area of education the South African government has continued to increase its budget and yet the quality of outcomes in education does not match the input (Hofmeyr, 2011). South African education remains substandard relative to its African counterparts (Van de Berg, 2008; Taylor, 2011; Bloch, 2009). Good education is also generally more expensive, comparatively speaking and therefore inaccessible to the majority of the populace.

Several factors affect the state education system in South Africa. These include lack of administrative capacity, inadequate teachers and lack of good training of teachers, poor infrastructure, and lack of sufficient resources such as textbooks. Most critical is the failure to deal with the legacy of apartheid system of education which created inequality within the education system. Some of the challenges within the South African education have been arguably attributed to the market driven economic system that the new government adopted in the post-apartheid era (Lemon, 2004).

It is against such a background of failure by government to have education rights realised in spite of their inclusion in the constitution, that civil society in the form of NGOs make initiatives to have these rights realised. Some Civil Society Organisations (CSOs) such as the Legal Resource Centre (LRC) challenge government through courts in order for government to fulfil their constitutional duty. Others take independent initiatives to provide quality education to learners without having to engage in advocacy activity or rather without putting direct pressure on government. This research is interested in examining the second trajectory outlined above, to analyse an NGO in Grahamstown, namely Grahamstown Area Distress Relief Association (GADRA) Education. The Organisation offers educational services in form of bursaries for tertiary students, runs a Matric School that offers second chance to students who need to improve their marks in order to qualify for tertiary and a Foundation for Literacy programme that is meant to educate teachers and parents on how to teach children to read and write, as well as the commercial centre that offers courses in computers, English, Book keeping and Accounting. This second category of NGOs engage in initiatives that seek either to work together with the government and to advance state policies and meet the education needs of the

society or to distance themselves from what the state is undertaking and make independent education initiatives in an attempt to meet the education needs of the less privileged. By virtue of undertaking the provision of educational services, which are legally the mandate of government, NGOs become *de facto* critics of government. Gadra Education in particular has assisted students who matriculated from mainstream state schools but have not qualified for tertiary learning. Its Matric School offers an opportunity to upgrade Matric passes.

1.2 Research objectives

The primary focus of this research is to identify, analyse and discuss the role of Gadra Education in the realisation of education rights in Grahamstown, a small town in the Eastern Cape province of South Africa. This is made possible through identifying the educational initiatives that Gadra Education is undertaking and analysing to what extent these initiatives have resulted in the realisation of education rights to the less privileged members of the community. In this case it is not just the right to be in class (physical access) that matters as this has been generally achieved in South Africa. Rather it is the right to quality learning which enables someone to enter tertiary level or to secure a job. Analysis of Gadra initiatives reveals how quality learning is achieved by embracing *Ubuntu*/communitarian values that impact on the provision and reception of education. *Ubuntu* shapes the relationship between educator and learner and influence motives in teaching and learning. This research is underpinned by the view that NGOs and civil society in general are critically important in the realisation of education rights. First as they directly or indirectly contribute to the learning of the children through their services. Secondly as they represent a critical eye on what government is seen to offer.

This thesis makes use of a case study of a fairly small local based NGO which has however survived for over half a century and has contributed to the lives of the less privileged. An analysis of Gadra's role on the provision of education rights entails the identification of what resources (material or immaterial) Gadra Education make use of in order to meet their educational goals. Furthermore the research focuses on identifying, analysing and discussing the relationship of Gadra Education with the Department of Education (DoE), particularly the district office which is located in Grahamstown. The assumption is that as an NGO that focuses on education, it interacts in some way with the state. In order to understand what role Gadra plays in the realisation of education rights, one needs to know what sort of relationship exists

between the Organisation and the local DoE. Identifying that relationship helps us to discover how such a relationship contributes towards the realisation of educational rights. The context of NGO-state relationship here allows for analysis of whether the NGO seeks to bail out the state by offering educational services that are the state's obligation. In fact, the question is whether it is necessary at all for Gadra Education or other NGOs of the same kind to engage in what fundamentally is the state's obligation namely the provision of education. If Gadra Education operates at a distance from the state, what does such a form of relationship mean in terms of realising education rights? Do education rights become more realisable when civil society operates at a distance from the state or when civil society confronts the state? Can we possibly draw any conclusion in terms of how civil society or NGOs in particular ought to relate to government if they want to have education rights realised particularly for the less advantaged members of the community?

This research acknowledges the significant role played by NGOs in the development of the South African citizenry through education, complementing state initiatives. As stated by Ngcukaitobi (2002) civil society is significant in advancing socio-economic rights in South Africa. The research analyses the structure, nature and strategies of Gadra Education initiatives since its inception and what these initiatives reflect in terms of the Organisation's relationship with the state. The constitutional obligation on the state to provide education does not guarantee quality education as evidenced by the South African education system. The constitution is explicit on the right to basic education which is basically primary education. The element of quality education which is paramount to the realisation of education rights and the creation of employment opportunities is not explicitly expressed in the constitution. Independent initiatives by NGOs which seek to provide quality education are significant as they create a platform for innovation and implementation of new strategies in the education system.

The findings for this research should be able to contribute to the body of knowledge on civil society/state relations and how the relationship determines the outcome in terms of realising socio-economic rights in general and education rights in particular. The research also broadens the knowledge on NGO participation in advancing education rights in South Africa and within the Eastern Cape Province. This research will seek to elucidate the point of view of a local community with the intention to make findings that can be useful for the bigger community of NGOs and civil society, and also for the education system of South Africa as a whole. It is a microcosm of the bigger picture of the education scenario in South Africa. It is therefore

acknowledged at this juncture that Gadra Education is not unique as several NGOs have attempted to offer education to the less privileged. Successful initiatives such as the Siyabuswa Educational Improvement and Development Trust (SEIDET) in Mpumalanga province in South Africa have been documented in a book entitled “*Community-driven projects: Reflections on a success story. A case study of science education and information technology in South Africa*” (Phahlamohlaka et al., 2008). “The project is an initiative offering teenagers and adults with vital skills for participating in the modern economy although initially it was conceived as a remedy for shortcomings of science education at local schools” (Phahlamohlaka et al., 2008:v). SEIDET originated in the early 1990s (towards the end of apartheid) and therefore much of the information provided through the case study is within the post-apartheid era. Gadra Education is unique in that its existence dates back to the 1950s and therefore provides an opportunity to analyse its history over a longer period and also to compare its present way of operation with the past. A comparative perspective can be drawn within the different timeframes, during and after the apartheid era. This research therefore uses archival material for information that dates back to Gadra Education’s origin.

In Grahamstown some of the civil society organisations that focus on education include Save Our Schools and Community (SOSC), formed in 2008, the Catholic Institute of Education (CIE), Inkamva Youth, formed in 2003 and Upstart centre. Equal Education is one civil society organisation that has been instrumental in advocating for equal education for all. Formed in 2008 in Cape Town, in a working class area called Khayelitsha, Equal Education is now active in most of the provinces in the country (equaleducation.org). Equal Education, SOSC and CIE take legal action, with the help of the Legal Resource Centre in order to enforce education rights in Grahamstown, in fact to push government into action. The rise in activism and advocacy work in education is a response to the challenges that characterise the education system namely poor quality education, lack of sufficient resources and poor infrastructure.

Gadra Education has however not engaged in advocacy work for many years from the time it was formed. Since its inception until about 2011 Gadra education was focusing mostly on providing financial support and learning materials for learners (Gadra Annual Reports 1997-2011). Gadra Education worked with schools to identify those learners that are in need and have potential to pass well and provided bursaries for them. The Organisation has been offering bursaries for over half a century and started a Matric school in 1994 and currently offers business and computer studies. For over half a century Gadra education’s form of operation

could be described as welfarist as its major focus was to cater for the educational welfare of the poor students with no little payment from the beneficiaries. Currently the students have to pay some fees to contribute towards their learning. The history of Gadra is provided in detail later.

It is acknowledged here that there is a gap in the current literature on socio-economic rights in general. Studies on socio-economic rights quite often focus on the challenges that have to do with the enforcement of these rights in a much more legalistic manner; hence much of the literature focuses on their justiciability, including the role of courts in achieving this goal (Seleoane, 2001; de Wet, 1996; Mbazira, 2008). Such writings make reference to court cases directed at enforcing socio-economic rights such as Soobramoney case on access to health and the Grootboom case on access to adequate housing (Khoza, 2007). Although some of the studies acknowledge the role of civil society in the enforcement of socio-economic rights, little has been said as to how civil society can effectively help in the realisation of education rights in particular. Furthermore studies that focus on civil society and social movements have a strong bias towards democratisation of the state. In other words the presence of a strong civil society in a nation is seen as a viable condition for democracy. Greenstein studies civil society and state relations in the context of power, “analysing the extent to which the two create and shape rather than merely reflect pre-existing social identities and interests” (Greenstein, 2003:1). Greenstein’s line of thought brings about an important angle by which to analyse civil society since these institutions have the capacity to form powerful social groups that represent social interests in a remarkable manner. Moreover these organisations present a challenge to powerful institutions such as the state. Critical issues of inequality and poverty are confronted as civil society organisations challenge government on its obligations.

1.3 Education in the Eastern Cape Province

In the Eastern Cape Province education is currently in a ‘crisis’ (*Mail & Guardian*, 2012) with poor infrastructure, lack of qualified teachers, shortage of textbooks and consequently poor Matric results. The former Transkei and Ciskei homelands form part of the Eastern Cape Province and these were and remain the most disadvantaged parts of the provinces of South Africa (Cole *et al*, 2006). Eastern Cape education in post-apartheid South Africa has not improved much although government has channelled resources to the province. As a matter of fact government has failed to move beyond Apartheid in ensuring better education in the

Eastern Cape. Akho Ntanjana a legal intern with the Institute of Human Rights and Development in Africa (IHRDA) describes South African education in general and particularly Eastern Cape Education as “a blatant violation of the right to education” (Ntanjana, 2013:1). The Eastern Cape has lagged behind together with Limpopo and Mpumalanga provinces in the provision of quality education, (Chisholm, 2012). Administrative challenges, the general poor culture of teaching and learning, lack of qualified teachers and infrastructure remain the major problems (Ntanjana, 2013:1). The province has also been characterized by inconsistency in hiring temporary teachers to help with the teacher shortage, with these teachers being often hired and fired or going for months without getting their salaries. As a result the Eastern Cape Department of Education has suffered a lot of litigation as far as the demands for improved education services is concerned. In 2012 there were reports that 66% of schools in the Eastern Cape Province had unreliable to no access to water and 40% had unreliable to no access to electricity and there were nearly four hundred mud schools in the province (*Metro*, 5 march 2012).

The National Department of Education oversees education in South Africa and it has nine provincial education departments under it, which implement education policies made by the national department. When the province fails to fulfil their mandate as stipulated by the national executive, the national executive may intervene and take responsibility for the relevant obligation for that particular province (South African Constitution). In 2012 the National Department of Education had to take responsibility for education in the Eastern Cape shifting responsibility from the province following reports of poor administration and high failure rate in the province. Even after national government’s initiative to take over Eastern Cape Province Education, the education in the province has not improved much. Educational challenges continue unabated. Cases of litigation persist driven largely by the Legal Resources Centre. In a legal battle, the LRC sought to attach the assets for the Eastern Cape Department of education in order to pay the outstanding salaries for teachers (*Mail and Guardian*, 2013).

The educational challenges within the Eastern Cape are not divorced from the challenges that education in South Africa is facing as a result of its apartheid history and the failure by the post-apartheid government to redress these challenges in a more radical manner. As Laurence Wright states, “the introduction of Bantu Education Act in 1953 eroded the quality of state education system, including that of white state schools, where National Christian Education held sway” (Wright, 2012:2). The effect of Bantu education however was felt much more

within rural areas which are characterised by worse infrastructural challenges, and the Eastern Cape with much of its rural population deeply felt the effects of the system.

1.4 Chapter Outline

Chapter 2 discusses socio-economic rights and the debates surrounding their inclusion in the constitution. Including socio-economic rights in the South African constitution was necessary in order to ensure redress of past injustice from the apartheid era and to assure citizens of the new government's commitment to meet the social and economic needs of the people. However the debate for the inclusion of these socio-economic rights in the constitutions continues as other democratic countries believe they can only be limited to Directive Principles (DP) and not constitutional rights. DPs are guidelines that are used by the state when making laws that govern the country and these are not enforced through the courts although they are in the constitution. They are however fundamental in making laws that govern the country.

Human rights place obligations on the state to meet socio-economic needs of the citizens. Chapter 3 discusses the nature of obligation on the South African State which has a past history of apartheid. The obligation to meet these needs is higher in a country that was characterised by racial inequality. The expected duty to perform in South Africa is high and yet the state still faces challenges of limited resources, lack of administrative capacity and corruption. All these factors generally hinder the realisation of education rights. In the same chapter I provide a brief explanation on the concept of 'education rights' as opposed to 'the right to education'. Education rights are not only limited to being in class but also include access to quality learning which opens up opportunities in the job market or opportunities for tertiary learning.

Chapter 4 provides literature on civil society explaining the different meanings that are attached to the concept of civil society. In the same chapter different forms of Civil Society/State relationship are explained namely corporatist/state centric and voluntarist/society centric. The role of Civil Society in South African education is discussed and also the role of NGOs. NGOs that focus on education differ in form and ways of operating. There are those which through courts put pressure on the state in order for the state to effectively meet its education right obligations. Others do not confront the state, but work in collaboration with it in an attempt to meet the education rights of the citizens. The latter complement the state. Gadr Education does not fit in either of the two groups. It operates independently, and does its own initiatives that are not influenced or guided by the state and does not confront the state either.

Chapter 5 is on research methods and it focuses on case study as a method. In the same chapter I explain why Gadra Education would be ideal as a case study for this thesis. Chapters six and seven are on data analysis with the main focus on Gadra Education's effectiveness as an organisation focused on making education rights real for the poor. In order to meet the needs of the learners Gadra Education has focused more on excellent teaching, instilling self-discipline and motivating the learner towards a specific goal of entering the university (in the case of Matric) and entering the job market (in the case of commercial school). A non-confrontational approach with the DoE adopted by Gadra Education ensures implementation of the NGO's strategy without the possibility of creating a hostile relationship with the DoE. On the other hand maintaining a less formal relationship with the DoE allows implementation of their own independent educational initiatives without being influenced by the DoE. Gadra Education offers a different approach, of being an example to the state and other educational NGOs. In conclusion, chapter 8 summarises the thesis.

1.5 Conclusion

This chapter has outlined the objectives of the thesis and provided background to the education crisis in the Eastern Cape Province. The core objective is to use Gadra Education case study to understand the role an NGO can play in the realisation of education rights. Such an objective requires an analysis of Gadra Education's relationship with the local department of education with an intention to understand how such a relationship contributes to or enhances the realisation of education rights. The thesis brings about an important shift in the literature of socio-economic rights from focusing on the legal questions of justiciability of these rights, to the question of how civil society can contribute to the realisation of these rights, with a particular focus on education rights. As we shall see in the following chapter the question of whether these rights can be legally enforced or not has been addressed through successful cases over the right to health and adequate housing in South Africa. What remains critical is the realisation of these rights by the claimants. The aim of this thesis as outlined in chapter one is not to find out what further legal action can citizens do or courts can do to help citizens realise their rights. Rather the focus is on what initiatives NGOs can engage in order to have education rights realised. Chapter two provides an in-depth discussion on socio-economic rights, the debates surrounding the inclusion of these rights in the constitution and the South African context on the subject of constitutional socio-economic rights. The discussion in the next

chapter paves the way to the subsequent discussions on state obligation and the role of civil society.

CHAPTER 2

Constitutional socio-economic rights: the South African context

2.1 Introduction

This chapter discusses the constitutionalisation of socio-economic rights as a way of attaining social justice and how this became a stepping stone for South Africa in its attempt to deal with the apartheid legacies of social injustices. Sunstein (2001:124) states that, “the basic reason for constitutional guarantees is to respond to problems that arise in ordinary political life”. Mureinik (1992) believes the reason for including socio-economic rights in a constitution is precisely to make them fundamental, hence their inclusion as directive principles is meaningless. The inclusion of socio-economic rights in the bill of rights is a critical step a government can undertake to address problems of social, economic and political nature in the society.

For South Africa including socio-economic rights in the constitution was necessary as the post-apartheid government needed to assure the citizens of its commitment to transformation and to redress past injustices. However not all countries that were previously under oppressive and unjust regimes included socio-economic rights in their constitutions due to concerns of their justiciability and the burden they pose on the state in terms of resources. More so countries like the United States, that have propagated human rights for many years and yet do not include socio-economic rights in the constitution, make the debate on their inclusion in the constitution an on-going one. Ireland, Namibia and India made constitutional provision for directive principles of state policy (De Villiers, 1992). Socio-economic rights in these countries are included in constitutions as Directive Principles (DPs) not as Fundamental Rights (FR). DPs are rules that are meant to guide the state when making laws that govern the country. FRs on the other hand are laws that are legally enforceable through courts (Ghai, 2007). South Africa includes socio-economic rights in the bill of rights in a similar manner with civil and political rights (Currie and De Waal, 2005). Hence civil and political rights, as well as socio-economic rights are fundamental rights in South Africa. The discussion on the inclusion or exclusion thereof here is not conclusive either but seeks to reflect on the significance of including these socio-economic rights as a stepping stone towards their realisation and how with strong support from civil society, the courts can be useful towards the realisation of these socio-economic rights. The nagging questions are firstly, why it would be necessary to make socio-economic

rights constitutional and not limit them to directive principles of state policy? Secondly when these socio-economic rights are included in the constitution, how can the state ensure that they benefit the ordinary person on the ground?

Much attention will be given to South Africa, whose constitution has been applauded and described as transformative (Sunstein, 2001) for it seeks the transformation of society from past injustices hence these socio-economic rights are embedded in the constitution. The analysis of other constitutions such as India and America are useful for comparison purposes. In India socio-economic rights constitute directive principles which, however “have been read by the courts into the definition and scope of the judicially enforceable fundamental rights” (Ghai, 2007: xi). Directive principles on social and economic rights in India are read by courts into fundamental rights, for instance the right to life is largely dependent on the provision of socio-economic rights, hence the supreme court argues that access to these socio-economic rights are paramount to the realisation of the right to life. As a result in India, “the right to life became the source of many entitlements beyond mere physical existence” (Ghai, 2007: xii). Socio-economic rights are therefore interpreted as part and parcel of the right to life, hence their violation; through deprivation is an attempt to violate the right to life. However the enforceability of these rights, as with the South African case, depends on the effectiveness of the judicial system, the availability of state resources and the strength of civil society/social movements as they challenge the state to provide for these rights.

2.2 Philosophical debates on human rights

Before indulging in the inclusion/exclusion debate, one needs to know and understand the philosophical debates around the subject of human rights. Studies on human rights are characterised by philosophical debates centred on their nature, scope and origin (De Wet, 1996; Fagan, 2009). The debates question their universality, whether they are natural rights or not and whether they are rights because of a legal status attached to them. Seleokane (2001) contends that the constitutions simply proclaim the rights which human beings already have. These debates help us understand the basis from which human rights in general have become valid instruments for expressing justice. Human rights claims have been the major drive behind organisations that advance social, political and economic justice. They provide the platform and context from which social justice can be explained and expressed. In other words we talk about social justice within a human rights framework and thus give meaning and legitimacy to

our claims. Although the subject of human rights is much contested, human rights claims continue persistently to be useful and legitimate claims to social justice internationally and in most democratic states. States that continue to violate human rights are castigated.

Human rights claims arose with the end of World War 2 and were meant to bar the authoritarian states from violating the lives of the masses as with the case of the holocaust (Fagan, 2009). The notion of human rights was formally given its legitimacy in 1948 with the Universal Declaration of Human Rights (UDHR). Human rights discourse has however evolved, expanded and ceased to carry with it only the notion of negative liberty, by which states should not interfere with individual freedom, but also positive liberty which requires state intervention in the provision of basic necessities for human welfare. In 1966 the International Covenant on Economic, Social and Cultural rights (ICESCR) was adopted and ushered in controversial debate on the need of such a division between socio-economic rights and the traditional civil and political rights (Mbazira, 2009). The western states commended such a divide for reasons that were to do with the different nature of these rights and yet the northern countries believed in combining these rights and attach equal value to them (Mbazira, 2009). The international discourse on human rights up to this day continues to make that division between socio-economic rights and civil and political rights. The different nature of these rights continues to influence policy making in different parts of the world. Much debate surrounds their inclusion in the bill of rights.

Fagan (2009) argues that “the purpose of human rights and their existence lie in the essential contribution they make to human agency”. Human rights in general and socio-economic rights in particular allow humans to actively participate towards achieving their goals which are meant to enhance human welfare. Although human rights insure human life, ultimately they are meant to protect and promote a certain quality of life (Fagan, 2009). The quality of life enhanced by rights is not just limited to the meeting of certain basic rights, listed according to individuals’ understanding of human value or worthiness. In fact Jeremy Waldron (1993) warns against the canonical listing of rights as it is complex, controversial and difficult. Although Waldron does not approve a canonical listing of basic rights, he however admits that there are some rights such as the right to water and food that humans cannot do without (Waldron, 1993). Those rights that are deemed necessary for the enjoyment of other rights have been dubbed basic rights (Shue, 1980). Beitz and Goodin, (2011) argue that there are no rights such that their enjoyment is essential for the enjoyment of all other rights. These rights are significant in

their own right. The right to subsistence for instance is instrumental to the exercise of agency as much as security is, such that one cannot argue that security is basic and not food, shelter or clothing (Beitz and Goodin, 2011). Shue however considers security, rights to subsistence and liberty as basic rights (Shue, 1980). It is important to note that basic rights can be both civil-political and socio-economic and therefore it is critical for these rights to be realised in spite of their nature. The question of whether they are basic or not in this case is immaterial. Socio-economic, civil and political rights are equally significant for the achievement of human goals and the ensuring of a better quality of life. Strong views against the prioritising of civil and political rights over socio-economic rights have been expressed and many authors conclude that they carry equal value (Beitz and Goodin, 2011, De Wet, 1996, Mbazira, 2008).

The Marxist view considers socio-economic rights as unnecessary in a communist community since their realisation would be a logical element of such a society (De Wet, 1999). Marxists imagine a classless society without a state, as states perpetuate class and inequality through individualistic human rights (De Wet, 1999). According to the Marxist perspective, the state allows for individualistic rights to create a capitalist system whereby resources are controlled by a few and the majority of people are poor. In a society characterised by common ownership of resources, absent from inequality the Marxist view is that socio-economic needs are naturally distributed among the citizens and therefore there is no need to advocate for such rights. They exist by default within the communist system. In spite of all these disagreements on theoretical perceptions on the nature of human rights, what is paramount is that human rights proponents take cognisance of human inequalities that result from individuals' attempt to exercise their liberty in order to access those resources that are critical for their well-being (Fagan, 2009). When exercising human agency, there is bound to be those who for various reasons cannot personally meet their social and economic needs. These people need state support in order for them to realise those needs critical for their welfare, hence the need to include these in the supreme body of law of any country.

Wiles (2006:49), argues that "human beings are inherently social beings, socio-economic rights better reflect our experience of human existence than the individualistically centred civil and political rights". It is therefore absurd, Wiles (2006) argues, to omit these rights from being constitutionally representative. I argue here, there is no justification for the exclusion of socio-economic rights in a constitution either from an individualistic or social point of view of human experience. As individuals we realise that these rights are essential for our exercise of freedom

(Wiles, 2006). We cannot exercise freedom of speech without education and we cannot exercise the right to privacy without a house (Wiles, 2006). Socio-economic rights as much as civil-political rights are critical for individuals and for society as a whole. Recognising these rights as constitutional rights and especially coming to a point of realising these rights bring about the social bonds that knit society together. Failure to realise these rights can potentially result in societies that are characterised by conflict and disharmony. Poverty related crime characterise many societies where there is high levels of poverty and that on its own is a reflection of how significant these socio-economic rights for human existence.

2.3 Constitutionalisation: a question of necessity

When human rights are legalised or constitutionalised, they create obligations against the state (Shue, 1980). They become fundamental rights. Although such an obligation is often countered by the claim for lack of resources, when it comes to the provision of socio-economic rights, that obligation is however essential as a starting point for any country that takes the provision of socio-economic rights seriously. The nature of such an obligation on state can be described as ambiguous in the sense that on the one hand the state is expected to provide for the socio-economic rights, yet on the other hand the state is perceived with scepticism with regards to its capacity to fulfil its obligation (Shue, 1980). State initiatives can either be complemented by civil society as they cooperate in order to realise socio-economic rights or civil society can become a watchdog on the state observing state activities and ensuring that the state fulfil its obligation.

The state must make constitutional commitments to provide for socio-economic rights first as custodians of the electorate and second to fulfil the necessary obligation/duty derived from those rights. Socio-economic rights (rights to subsistence) create correlative duties on those from whom claims are made (Shue, 1980). Constitutional socio-economic rights are necessary for social and economic justice to be realised. Some states commit to social justice and yet socio-economic rights have been limited to directive principles or what can be called constitutive commitments (Sunstein, 2001). As much as such constitutive commitments are useful to a country whose leaders have political will to provide for these rights, constitutive commitments suffer from lack of legal backup in a case where political leaders lack political will to provide these rights. When socio-economic rights are entrenched in the constitution as directive principles they are made available as presumptions of statutory interpretation

(Mureinik, 1992:468). The danger is that, “a presumption of statutory interpretation can be ousted by a legislature careful enough to make its wishes explicit” (Mureinik, 1992:468). In other words directive principles are subject to legislative manipulation and political motives can potentially influence legislation on socio-economic rights. Constitutional socio-economic rights are important for both developing and developed countries in order to ensure social justice for all and limiting them to directive principles only make them of less worthy relative to civil and political rights.

Constitutionalism is a product of struggles by the citizens for the realisation of not only political and civil rights but also social and economic rights where the state is not actively allowing for their realisation. With reference to post-apartheid constitution making process, Andrea Lollini (2011) views contemporary constitutional making processes as an outcome of “authoritarian states and illiberal regimes that were responsible for large scale violation of fundamental rights.” This has been so, particularly with the constitutionalisation not only of civil-political rights in South Africa, but also of socio-economic rights. The deliberate attempt by the supreme court of India to read socio-economic rights into fundamental rights is also an attempt to stop an authoritarian state from violating these fundamental rights. Recognising socio-economic rights in the constitution is meant to ensure that the past does not repeat itself.

Constitutionalism ensures that government exercises its powers within the rule of law (Mbazira, 2009). The constitution is the highest legal body of law in a country that aims at protecting the rights of the people and all laws should be subject to the constitution. Political and social struggles have in the past shaped the drafting of constitutions and they have continued to do so within the democratic dispensation. It is therefore not guaranteed that those countries which do not have socio-economic rights in their constitutions will be so forever as economic and social struggles may influence constitutional processes and cause socio-economic rights to be included in constitutions that previously did not have these rights in their constitutions. Yet I believe once a country recognises socio-economic rights as constitutional it may be impossible to reverse such a decision, as it becomes a necessary commitment for exercising social justice and any attempts to reserve may be perceived negatively by the citizens. As Berger (2003:644) states with reference to South Africa,

“an attempt to abandon the bill of rights’ commitment to socio-economic rights will exacerbate the risks associated with such a commitment in the first place. It would also

relieve the government of any obligations to provide for the destitute masses still suffering from apartheid's lingering effects.”

In this chapter it is contended that socio-economic rights should be included in the constitution of any country that considers social justice of paramount significance. It is however true that an assertion of a right does not always lead to its realisation (Shue, 1980; Beitz and Goodin, 2011). The state should ensure that those who have the rights should be able also to enjoy the benefits of having those rights. Those rights on paper should translate into reality for the benefit of the ordinary people (Roodt, 2008). The use of courts to enforce human rights shows that government allows for democratic engagement with the citizens as they legally claim for their rights. To a certain extent it reflects on government's commitment towards the realisation of those rights. It is however naïve to think that everyone who takes human rights seriously will welcome their inclusion in the bill of rights (Waldron, 1993). The inclusion of socio-economic rights in the South African constitution was not an easy task as it was contested using the traditional arguments against the inclusion of socio-economic rights in the constitution (these arguments will be explained below). However the burden for redress meant the post-apartheid government would constitutionalise these rights to show its unwavering commitment to social justice. India, facing similar challenges for redress however limited these constitutional rights to directive principles for state actions.

Including socio-economic rights in the constitution puts pressure on governments using the judiciary in order for government to deliver. The realisation of socio-economic rights in that case depends on the independence and strength of the Court to act (De Wet, 1999). Sceptics of the inclusion of socio-economic rights in the constitution make reference to incapacity by courts as one of the reasons of their exclusion (Mbazira, 2008). Some sceptics argue that welfare states do not necessarily need constitutionalised socio-economic rights as the state already meet the social and economic needs of its citizens (Michelman, 1979). Countries like Sweden which have socio-economic rights in their constitutions have strong welfare systems in place and therefore do not have much litigation over these rights (Wiles, 2006). However Wiles acknowledges the fact that this does not invalidate the need for legally enforceable socio-economic rights. Swedish cutbacks on welfare attracted litigation as the citizens sought to have their social needs met (Wiles 2006). The Swedish experience reveals the need to include socio-economic rights in the constitution even in developed countries or welfare states. The vulnerable people should be legally protected in case the state fails to help meet their social

and economic needs. The inclusion of socio-economic rights is not an end in itself but a necessary commitment from the state and the beginning point in the process towards the realisation of these rights. When socio-economic rights are not included in the constitution they may remain as promises which the state make for the citizens which may not materialise if the state does not prioritise them.

When socio-economic rights are embedded within a constitution, they are legally enforceable through the courts. As Seleoaene (2001) expresses, the law becomes a medium through which these rights can be enjoyed. Including these rights in a supreme body of law of the country is a reflection of the effective use of law and an appreciation of the critical needs of the ordinary citizens. Socio-economic rights are as critically important as political and civil rights, without which citizens can exercise complete freedom. The right to vote for instance will not make any sense to people without shelter, food and clothing. Without education it is not possible to exercise freedom of expression. Socio-economic rights certainly require state action, are costly and pragmatic in nature, incapable of immediate realisation (Seleoaene, 2001). Mbazira (2009) admits the fact that comparatively speaking socio-economic rights require extensive state action than civil and political rights. States cannot justify lack of constitutional commitment to socio-economic rights on the basis of costs and lack of resources or the perception that these rights cannot be realised immediately.

A commitment to include socio-economic rights in the constitution amounts to institutional commitments that defy all potential reasoning against the provision of these rights. In any case governments that make such commitments do not underestimate the challenges that come with the attempt to make constitutional provision for them. For instance the problem of lack of sufficient expertise by courts to adjudicate cases of socio-economic nature can be present (Mbazira, 2009). What matters for all constitutional commitments is the legal protection arising from such commitment and the assurance that state actions cannot potentially undermine the needs of the needy and less vulnerable people in society. Those countries that constitutionalise socio-economic rights value most the benefits that follow such commitments, if not so, their social and economic environment make such commitments necessary. A serious need for social and economic needs by citizens demands serious commitment from the state which extends to constitutional commitments. Tara Usher (2008) contends that contextual factors play a role in shaping the constitutionalisation of socio-economic rights and she mentions three important factors namely, the level of available resources relative to the needs of the people; the political

consensus on wealth distribution and the degree of legitimacy popularly accorded to judicial rights adjudication as opposed to legislative and executive action. Although Usher argues that South Africa has some level of legitimacy towards judicial rights adjudication as compared to India whose judiciary system is marred by corruption, certainly one could not have judged the legitimacy of the South African judiciary system the period (end of apartheid) it included socio-economic rights in its constitution. For South Africa the inclusion of these rights in the constitution as justiciable rights was necessary, right from the start of a new political dispensation. However the availability of resources is always a huge challenge in any developing country. What was critically important for the inclusion of socio-economic rights is political consensus on wealth distribution which determined the drafting of the constitution and the inclusion of socio-economic rights thereof. The availability of resources and the degree of legitimacy on rights adjudication would not have equal priority compared to the need for wealth distribution.

Socio-economic rights have been described as second generation rights, first generation rights as civil and political rights and third generation rights as the right to a clean and health environment (Roodt, 2003; Kende, 2003; Seleane, 2001). Socio-economic rights have not been included in most constitutions as these are arguably not enforceable and interfere with the doctrine of separation of powers (De Wet, 1996). Second generation rights are seen to have consequences on the state budget and having them in the constitution means the courts will decide on matters that are supposed to be the state's responsibility (De Wet, 1996). Below is an extensive explanation of the objections to constitutional socio-economic rights and how these have been countered by some authors. There are merits and demerits for the inclusion and non-inclusion thereof, hence the proponents of inclusion pick on the merits of inclusion and the critics of inclusion pick on the demerits of inclusion. The United States of America strongly oppose the inclusion of socio-economic rights in the constitution. This is in direct contrast to South Africa which included these rights in the constitution soon after the end of apartheid.

2.4 The United States and Constitutionalisation of Socio-economic rights

The United States upholds a "theory of liberty that presumes subsistence" (Kende, 2003:137). In other words, when an individual attains liberty it is assumed he/she can exercise the liberty in order to attain not only socio-economic rights but all other rights that are basic to human

welfare and he/she can be self-sustained. The USA stands out in its rejection of constitutionalised socio-economic rights, yet in 2010, the Centre for Economic and Social Rights (CESR) described the US as having “the poorest records of economic and social rights achievement of all high income countries, with high child poverty, infant mortality and inequality between ethnic groups” (Centre for Economic and Social Rights, 2010:1). Primacy is given to negative liberty over positive liberty by the US. Negative liberty and positive liberty are concepts that were coined by Isaiah Berlin as essential to human freedom (Berlin: 1958:7-19). The former describes the basic entitlement of an individual to personal autonomy and freedom from external domination (Fagan, 2009; O’Cinneide, 2009). As Berlin indicated, “one is normally said to be free to the degree that no human being interferes with his or her activity” (Berlin, 1958:7). Any form of interference on the other human being as a deliberate attempt to hinder him or her from what he or she wants to do is taking away his/her freedom. Negative liberty came to be given primacy during the post-world war period as a way of protecting individuals from authoritarian regimes (O’Cinneide, 2009). Negative liberty is basically freedom from interference by individuals or states. Therefore no law should be put in place in order to hinder individuals from achieving their goals.

According to Berlin (1958:16), “the positive notion of liberty comes from the individual’s desire to be his own master, to have his life and decisions depend on himself and not on external forces”. When one has negative liberty, he/she needs to actualise the condition for his liberty and positive liberty provides for such actualisation (Fagan, 2009). Individuals need to be free from interference (negative liberty) in order to be active and participate towards the realisation of their goals and positive liberty provides conditions for such action. In Berlin’s terms, “positive freedom seeks for one to be able to decide and not to be decided for; to be somebody and not to be nobody; to be self-directed and not to be acted upon by external nature or by other men” (Berlin, 1958:16). Conditions for positive liberty require initiative by not only members of society but primarily by governments. These conditions are a result of what O’Cinneide describes as “the external provision and support humans obtain from their membership in society” (O’Cinneide, 2009:11). Whereas negative liberty creates the condition for non-interference, positive freedom allows an individual to take action and participate in the realisation of his goals. Governments have the mandate to ensure that citizens are able to actively participate towards the realisation of their social and economic needs. Negative freedom prevents interference and positive freedom allows self-recognition and self-mastery.

Singh (2007) sees a divide between the industrialised west and the less industrialised states, the former strongly adhering to negative liberty (non-state interference) and the latter with strong imperative towards positive liberty (state action). Positive liberty in the context of states requires states to deliberately provide for the social and economic needs of their citizens. Western states as opposed to southern states are assumed to be welfare states which provide citizens with socio-economic needs more liberally than the south; hence constitutionalisation of these rights may be thought to be unnecessary. I argue that legal protection of these rights are bound to be necessary as the state's capacity to effectively deliver social and economic needs to all the citizens is not guaranteed, not even in developed nations.

Michelman (2008:674) argues that there could be a “political” case for including these rights in the constitution and it is based on what he terms “social cooperation in the form of legal ordering, and the demands for general compliance with the laws that a legally ordered society directs to everyone”. Michelman's political case appeals to all sorts of laws, constitutional or not which are products of social consensus over legally binding norms. The political case according to Michelman (2008:264) “bypasses speculation about a moral duty to aid others rooted solely in the facts of suffering and common humanity”. If any nation finds no moral base for including socio-economic rights in the constitution based on the needs of the citizenry, then it can do so on the basis of social cooperation that characterise all processes of making law. Laws are legally binding norms which society sets up to guide every member and they are agreed to be legally binding and demand compliance from all citizens. The inclusion of socio-economic rights in the constitution provides precedent and contributes towards the making of new law which of course may not have been predictable. There has to be independent democratic institutions that function effectively and ensure adherence to the rule of law and the constitution for these rights to be realised (Kumar, 2007)

2.5 India's directive principles

India's directive principles are goals and duties of the state and not necessarily fundamental rights which the citizens have legal claim on government. However, “India's commitment to transforming past injustices means the state has a serious commitment to these directive principles to the extent that they do resemble the normative framework of the South African constitution” (O'Cinneide, 2009:22). The struggle for the recognition of education rights in India dates back to 1895 as India demanded from its colonisers, Great Britain, the inclusion of

education rights in the Bill of Rights (Singh, 2007, De Villiers, 1992). The supreme court of India has been instrumental in the expansion of fundamental rights to make the socio-economic rights justiciable (Kothari, 2004). Lack of commitment to the provision of socio-economic rights undermines the realisation of civil and political rights, making the latter meaningless where the former is not present (De Villiers, 1992). These rights are not separable; they are interdependent and complementary and having realised this, the supreme court of India engaged in judiciary activism in order to have socio-economic rights realised (Kothari, 2004).

India's constitution, adopted at independence in 1947 is characterised by Fundamental Rights (FRs) and Directive Principles (DPs) with the latter being non-justiciable and the former justiciable (Singh, 2007; Thiruvengadam, 2007). However, prior discussions that gave birth to the Indian constitution did not distinguish between negative and positive rights (Thiruvengadam, 2007). Rights were demanded without distinction right from the beginning of independence. The supreme court of India was central to the harmonisation of FRs and DPs and also the widening approach to FRs (Singh, 2007). The right of life for instance would include the right to adequate nutrition, shelter and other necessities that pertain to human life. The right to education in particular saw a lot of judicial activism in the seventies in India which led to the right to primary education being declared a fundamental right, and which came to be effected in 2002 (Kothari, 2004). Fundamental rights to education were made possible in India through a long period of struggles and judicial activism (Kothari, 2004). The Indian experience shows that the struggles for the realisation of socio-economic rights, to a certain extent came along with the struggles for constitutional recognition of these rights. However as with the South African scenario having these rights realised is subject to availability of resources, a fact which proponents for constitutionalised socio-economic rights cannot run away from.

In both South Africa and India the drafting of the constitution was critical to the addressing of past racial and class inequalities of the colonial era. The discussion on the inclusion of socio-economic rights in the constitutions was therefore unavoidable as this meant the previously disadvantaged people could possibly remain in their dire social and economic conditions (Mbazira, 2008). For South Africa the constitution was meant to uphold human dignity which for many years of apartheid was denied the majority of the South African citizens (Currie & De Waal, 2005). The South African constitution does not distinguish between positive and negative rights. All rights are meant to be respected, promoted, protected and fulfilled (Thiruvengadam, 2007). As Mbazira (2008) states the constitutional court of South Africa

believes that socio-economic rights are justiciable as civil and political rights and their justiciability does not continue to raise more complex problems relative to civil and political rights. Socio-economic rights are embedded in the bill of rights as civil and political rights. The inclusion of socio-economic rights in the constitution and successful adjudication of some court cases in South Africa legitimises the inclusion of these rights in the constitution, which for years some democratic countries have objected to.

2.6 Debates on inclusion vis-a-vis exclusion

The arguments against inclusion range from the question of justiciability; the incapacity of the judiciary to adjudicate these rights; the need for positive action from government; it is costly therefore affect state budgets and courts effectively determine the appropriation and application of the budget; imprecision; their implementation being political and not legal and that means courts involve in politics (Seleoane, 2001; Thiruvengadam, 2007; Sunstein, 2001; Mbazira 2009). When socio-economic rights are constitutionalised, they are thought to undermine the constitution, bringing it into disrepute as these rights are not enforceable (Mureinik, 1992). It is argued that if the constitution must contain fundamental rights that are justiciable, the inclusion of socio-economic rights that are not justiciable undermines the whole purpose for the existence of the constitution and the whole idea of having enforceable rights in the constitution is trivialised (Mureinik, 1992).

Scholars have successfully delineated the invalidity of some of these arguments. It has been proven that civil and political rights are not necessarily self-executing as they require the state for further action (Seleoane, 2001). Legislation on equality for instance will require the state to intervene and such intervention may involve budgetary allocations. Civil and political rights are not self-executing as the police and defence force require finance to provide security to the citizens, hence positive action is required from the state (Shue, 1980). On the argument that socio-economic rights will temper with the principle of separation of powers, Seleoane (2001) argues the courts do not legislate these rights but they only enforce these rights that have been legislated as a result of political choices made by those in power. The executive and the judiciary ensure their enforcement. The argument of separation of powers is also based on a false premise that makes failure by states to meet socio-economic obligations a norm (Seleoane, 2001).

The question of their justiciability has been more critical. It has been described as having two dimensions namely the 'legitimacy' dimension and the 'institutional competence' dimension (Scott and Macklem, 1992). The legitimacy dimension considers the nature of these rights and questions the legitimacy of conferring constitutional status on these rights in light of their subject matter (Scott and Macklem, 1992). It is argued for instance, that it is not possible to seek litigation against lack of provision of education or food. The nature of these rights is such that it's considered inappropriate for humans to make claims against the state. The bearer of such a right should under normal circumstances find means to have the need for food met. The state stands as last resort in the obligation for food provision. The question of justiciability comes in against the backdrop of civil and political rights being assumed indubitably justiciable, aimed simply at stopping interference with individual freedom (negative liberty). They are said not to require positive action from the state, a view that has been dismissed since positive action is present with civil and political rights. The institutional dimension looks at the incapacity of courts to adjudicate cases of socio-economic nature (Scott and Macklem, 1992). Scott and Macklem offers a further distinction on the legitimate dimension, namely conservative and progressive visions of social justice. The former considers constitutionalisation of socio-economic rights as illegitimate in the sense that these rights interfere with the role of markets in wealth distribution (Scott and Macklem, 1992). The later vision of social justice questions the legitimacy of having the judiciary overrule the popular will of the people (Scott and Macklem, 1992). Proponents of exclusion seem to be at pains to find legitimacy in the justiciability of civil and political rights and seek to disapprove inclusion of socio-economic rights on the basis that justiciability is not possible with socio-economic rights. The arguments are more to do with maintaining the view that socio-economic rights are not justiciable *relative to* political and civil rights. The arguments are to some extent meant to maintain the status quo as opposed to challenging it.

It has been, however realised that the question of whether these rights are justiciable has lost its validity, as successful litigation on socio-economic rights have been made in South Africa on education rights, health and housing. As a matter of fact both the South African and Indian legislation on socio-economic rights has proven that these rights are justiciable. The challenge remains as to how these rights can be enforced or realised so as to benefit the majority of ordinary citizens and those who were less privileged as a result of oppressive political regimes (Roodt, 2003). Mbazira (2008) identifies the weakest link to the realisation of these rights as

‘the effecting of court orders’. Progressive judgements have been made in respect of housing in South Africa for instance and yet the effect of these judgements have not materialised as the people who are supposed to benefit through litigation continue to live without proper housing (Mbazira 2008). The majority of South Africans live under squalid conditions without proper housing in spite of the provision for the right to shelter in the constitution.

Although the inclusion of socio-economic rights in the constitution is indubitably important and central to the provision of socio-economic needs of citizens, it is however important also to note that simply including these rights in the constitution does not guarantee their successful implementation. As a result these rights that should be able to provide social guarantees against standard threats as Shue (1980) puts, do not successfully do so. Mbazira (2008: vii) proposes that, “a culture of constitutionalism and respect for rule of law; inter-institutional trust between the courts, the government and civil society and increasing social mobilisation after successful litigation” be central to the implementation of socio-economic rights. By implication Mbazira’s suggestion shows that the duty towards the realisation of these rights does not fall on the state only. It requires legal apparatus, political apparatus and civil apparatus. The active participation and cooperation of the government, the judiciary and civil society is paramount. Such participation can however be present when the initial step of having these socio-economic rights in the constitution has been put to effect. The government has obligations to fulfil of which failure to do so invite litigation via the courts and where civil society is strong these rights can materialise. Civil organisations can therefore check on government and be watchdogs of the state.

2.7 South African constitution on socio-economic rights

Embedded in the South African bill of rights from section 25 to 29 are socio-economic rights. Section 25 guarantees the right to equitable access to land; Section 26 guarantees the right to adequate housing; section 27, the right to access adequate health services, sufficient food and water and social security; section 28 (1) (c) guarantees children’s rights to shelter and basic nutrition, social services and health care services; Section 29 guarantees the right to education (Currie and De Waal, 2005). It is stated that, “the state should take reasonable legislation and other measures, within its available resources to achieve the progressive realisation of each of these rights (Currie and De Waal, 2005). Such a formulation in the bill of rights echoes the obligation on states expressed in the ICESCR (Mbazira, 2009). Although such an obligation

calls for respect and has been adopted both international at national level, commitment to it has not been expressed through the constitutionalisation of socio-economic rights in most of the countries. South Africa is unique in that the end of apartheid ushered in an explicit expression of constitutional socio-economic rights.

The new constitution of South Africa was born out of the ills of the apartheid regime and it was meant to impede any possibility of repeating the sort of social, political and economic injustice that existed then. The post-apartheid government was under immense pressure to redress past injustice. Including socio-economic rights in the constitution was one serious decision which the new government undertook against all seemingly reasonable arguments against their inclusion. Socio-economic constitutional guarantees became “an indispensable way of expressing a commitment to overcome the legacy of apartheid” (Sunstein, 2001:4). The apartheid system in South Africa created dehumanising conditions for its populace more than other colonial systems in Africa. More so South Africa endured the colonial system longer than any other colonial systems, hence the social, political and economic challenges the government in 1994 were huge. It therefore made sense to include socio-economic rights in the constitution to provide legal backing on these rights.

The following section gives a brief description of court cases that gave meaning to the constitutionalisation of socio-economic rights in South Africa. Although it is not disputable that adjudication of these court cases has not translated immediately to the realisation of these rights, it is however important to realise that including socio-economic rights in the constitution created a socio-political and legal platform for negotiation between state and society with regards to the provision of social and economic needs. Successful litigation of these court cases proved that these rights are actually justiciable. The citizens of South Africa make legal claims on health, housing and education. In 2012 the *Daily Dispatch* (Eastern Cape Newspaper) made a series of reports of NGOs taking the Eastern Cape department of education and the minister of education to court concerning mismanagement (*Daily Dispatch*, 2012).

The case of the *South African government vs Grootboom 2001 (1) SA 46 (CC)*, on the right to housing, the court ruled that the needs of the poor have to take priority above any progressive measures that government take to provide for the right to housing (Kende, 2003). The Grootboom family had been evicted from the private land earmarked for low cost housing (Kende, 2003). Their informal houses were destroyed and they had to construct temporary

plastic shelters to protect themselves from the harsh weather conditions. The court ruled that the urgency of the case was supposed to be taken into consideration and therefore government was supposed to find shelter for the displaced people. The government's housing programme was seen to have been unreasonable for failing to meet the needs of those that are in desperate conditions (Mbazira, 2009). There was need for government policy directed at emergency needs similar to Grootboom other than sticking to the housing programme which government was undertaking without taking into consideration the urgency matter of the evicted families. Government was challenged based on section 26 (right to adequate housing) and section 28 (children's right to shelter). Court action in this case would not just influence policy makers, but also set precedence for future judgements thereby make law with regards to the provision of socio-economic needs. The constitutional court can be a powerful tool for social justice where the political system fails to respond to demands for socio-economic transformation (Mbazira, 2008). Through constitutionalisation, socio-economic rights are translated into concrete legal entitlements that can be enforced against the state and society by the poor (Brand, 2005). The Grootboom case set precedence on the justiciability of socio-economic rights.

When socio-economic rights are limited to directive principles, commitment to their realisation does not depend on what people need but on what government prioritise and where government lacks political will on providing the socio-economic rights, the people are not protected. Most importantly, is the fact that the state continues to wield complete power on decision making processes over the needs of the people. Constitutional law becomes a powerful medium through which the poor express their socio-economic needs. As Brand (2005) states, to constitutionalise socio-economic rights is to make use of collective power to ensure the advancement of human welfare as opposed to the use of collective power to bar state interference on individual liberty which is achieved through the inclusion of political rights within the constitution. When these rights are constitutionalised, court action can potentially lead to political mobilisation which ensures state action (Mbazira 2008). Most importantly however is the creation of a negotiation platform between the state and the citizens via the court and civil society. Such a platform is made possible as governments make good sense of the obligations placed on them through these rights.

Court judgements are made for the provision of socio-economic rights and yet the needy do not get to a point of realising these rights. Does this mean constitutionalisation of these rights is not necessary? With reference to land redistribution in South Africa Roodt contends that the

inclusion of property clause in the constitution hampered the process of redress as the market driven nature of land restitution opposed “demand-driven and the developmental aspects of restitution as land reform” (Roodt, 2003:2). A supply driven redistribution process would be more ideal in redressing inequalities in land ownership still present in post-apartheid South Africa yet the property clause in the constitution meant land could only be distributed through market processes. Willing buyer willing seller would be used for land redistribution in a country where the majority of people are poor and cannot afford to purchase the land. The result is that land remains in the hands of those who own the capital. Constitutionalisation, however important is insufficient in creating a just society where ordinary citizens have access to the necessary elements that are crucial for their wellbeing.

2:8 The role of the state in providing socio-economic rights

The last section of this chapter acknowledges the fact that the constitutionalisation of socio-economic rights is made possible when government approves it. The state is therefore instrumental in the process of making constitutional laws. The state is an internationally recognised institution meant to advance and realise human rights. It is the primary duty holder for the provision of socio-economic rights and not private institutions such as the family or capital. The post 1994 government of South Africa was responsible for the inclusion of socio-economic rights in the new constitution.

Historically socio-economic needs were left for individuals to struggle on their own for their realisation (Robertson, 1994). The evolution of representative governments saw the shift on the duty to provide subsistence. Although citizens continue to have the liberty to self-sustain, the state has a duty to provide for those citizens that fall short of self-sustenance. It will be contended here that states are powerful insofar as cooperating with constitutional bodies towards the inclusion of socio-economic rights in the constitutions is concerned. However when it comes to their realisation they are inadequate as state actions are depended not only on will power, but also the availability of resources. Lack of political will, unclear priorities, inadequate resources, poor policies and failure to implement right policies, all these contribute towards state failure in the realisation of socio-economic rights. It is therefore paramount that states do not work as lonely entities in order for these rights to be realised. As Robertson, 1994:698 mentions, states must “let flourish people’s movements, campaigns, and initiatives aimed at satisfying citizens’ needs”. Social movements which use constitutional rights to

campaign for socio-economic rights make what Wilson (2004) describes as the “politics” of rights which is contrasted to the “myths” of rights, the latter describing a scenario where citizens place all the confidence on successful litigation by judges for the realisation of the rights without backup from social movement. The “politics” of rights is participatory as citizens engage in processes that lead to the realisation of their rights. Without civil society participation the process of having socio-economic rights realised remain at the level of a myth. Civil society organisations which are not limited to social movements only, but also include NGOs, Community Based Organisations (CBO) and religious organisations play a critical role in the realisation of these socio-economic rights. Governments should allow them to flourish.

Constitutional Socio-economic rights to a certain extent limit state power on policy making, as courts review policy choices made by the state (Mureinik, 1992). Governments are made to justify programmes they make to meet socio-economic needs and whether they have done so reasonably enough. Government accountability and transparency is therefore enhanced through constitutionalised rights (Wiles, 2006). Engagement with the court over socio-economic rights helps increase precision in diagnosing problems and prescribing future developments (Wiles, 2006). Democratic endeavours require states to engage with the citizenry and allow active participation with the people. Including socio-economic rights in the constitution is one way the state allows for active engagement with the people using court activism. Such state action is a revelation of a serious commitment on the state’s duty on socio-economic rights, as the state does so in spite of its powers being limited.

2.9 Conclusion

This chapter outlined the need for including socio-economic rights in the constitution in any country whose agenda is to create a just society. Constitutionalised socio-economic rights are an indication of the government’s commitment to have these rights met with legal backup where necessary. Constitutionalising these rights is the most effective way of using collective power to enhance the welfare of the people as opposed to using collective power to attain individual liberties. Socio-economic rights are proved to be justiciable, contrary to the old arguments of non-justiciability and South Africa has been an example in that area as successful litigation has been implemented with regard to socio-economic rights. The state is instrumental in having these rights recognized as enforceable constitutional rights. Realising these rights however, requires cooperation between the government, the constitutional court and civil

society. State resources are not always sufficient for their realisation, a fact which cannot be an excuse for inaction on the part of government for the provision of these rights.

CHAPTER 3

State obligation and education rights in South Africa.

3.1 Introduction

The previous chapter has shown the necessity to include socio-economic rights in the constitution especially for South Africa which needs to redress past injustices. Evidence has shown that these rights are justiciable. However the inclusion of these rights in the constitution comes with obligations on the state which the state sometimes does not adequately meet. Chapter 3 makes a detailed discussion of the obligation of the state and how the expected duty to perform is also determined or influenced by the past history of colonialism and racial segregation rather than just inadequate/adequate resources. Inadequacy in the provision of education rights by the South African state is not only a result of lack of resources. It is a result of several factors which include poor policies, poor management, bureaucracy and corruption. The government is expected to play a major role in the provision of socio-economic needs, yet government has got limitations which society is quite conscious of. As a result civil society initiatives are undertaken to try and meet the needs of the people. Some of these Civil Society Organisations (CSOs) demand provision from government and take the legal route for their enforcement. Some NGOs which have interest in the provision of socio-economic rights seek to engage with governments, forming critical and sometimes complex relationships with government. An analysis of the state-civil society relationship will be made later in chapter 4 with particular attention given on state-civil society relationship in South Africa and how it impacts the realisation of education rights. A preliminary discussion is presented below on the obligation of the state on the provision of socio-economic rights in general and later specific focus is made on education rights in South Africa.

3.2 State obligation on the provision of socio-economic rights

It is common knowledge that the state is the primary holder of socio-economic obligations and human rights in general. International law on human rights places this obligation first and foremost on states (McBeth, 2004). States are therefore expected to make initiatives within their capacity in order to have education, health, housing and security assured to the citizens. The Universal Declaration of Human Rights (UDHR) of 1948 marked the beginning of human rights recognition at an international level, with states being primary institutions for upholding these rights. State obligations on human rights emanate historically from an attempt to

internationally uphold fundamental human rights and these rights were and are still believed to be the core of international law of which all states should adhere to (Kapindu, 2009). Protection of human rights after World War 2 became a matter of international concern as opposed to previously when state sovereignty was believed to be central to international relations which meant total non-interference in individual state matters, including on matters that would jeopardise human welfare (Kapindu, 2009). Today states have the responsibility to safeguard the rights of citizens using international human rights principles. In fact international law on human rights has influenced the development of domestic and regional law on human rights especially in the area of socio-economic and cultural rights (Kapindu, 2009). The obligation on the state is therefore derived from international law and neglecting such an obligation by the state amounts to violation of human rights.

The International Covenant of Economic, Social and Cultural Rights (ICESCR) marked the beginning point of the significant recognition of socio-economic rights at an international level. The obligation to meet socio-economic rights is primarily upon states in a much similar manner with the other fundamental rights. The basic obligation is stipulated as the maximum use of available resources in a progressive manner in order to fully realise the rights. This has to be done through all appropriate means including legislative measures (Currie and De Waal, 2005; Robertson, 1994). The obligation on states for the provision of socio-economic rights is positive as it requires positive action. There has to be legislative measures put in place plus other measures and programmes meant to assist individuals in realising their rights (Currie and De Waal, 2005). These other measures include, “provision of judicial or other effective remedies and financial, administrative, education and social measures” (Chenwi, 2010: ii). Indeed education is one important measure through which a government can ensure that its citizens have access to other rights. States are therefore obliged to ensure that there is an enabling environment for all citizens to have the right to education realised. In South Africa post 1994, laws had to be put in place in order to do away with any form of segregation in terms of access to education.

Member states are assessed in order to see if they comply with their obligations and the UN Committee on Economic, Social and Cultural rights was set up in 1987 for that purpose (Currie and De Waal, 2005). The states should do everything in their power towards realising citizen’s socio-economic rights. Such an obligation has legal backing and if states deliberately neglect the advancement of programmes meant for the provision of these rights and expose the citizens

to social risks, they can be legally challenged at an international level. Millennium Development Goals (MDGs), also United Nations' attempt to address socio-economic needs at an international level, have been used to measure states' progress in realising socio-economic rights. MDGs are much more specific in that the progress on health for instance is assessed in terms of child mortality rate, HIV and AIDS, and maternal health. MDGs give teeth to the right to health and progress can be assessed easier using these goals. The goal of universal primary education is also a very specific one and therefore can be measured through assessing enrolment of learners in primary school from time to time. As much as these MDGs are essential for measuring progress on meeting socio-economic needs, if states do not meet their goals they are not legally challenged based on MDGs. The obligation on the state with regards to socio-economic rights is derived from the recognition of socio-economic needs as rights which demand a duty of action from the duty bearer towards the right holder.

State obligation towards socio-economic rights as indicated by Robertson (1994) represents what is ideal vis-à-vis what is real. What is ideal in the sense that states are required to use 'maximum' resources and what is real in the sense that states work within the limits of the 'available' resources. The qualifier available resources places limitations to what states can do, however it does not alter the state obligation to progressively meet its obligations through the maximum use of what is available. There has to be reasonable measures that states undertake towards the realisation of these rights and these measures are subject to the constitution (Currie and De Waal, 2005). The real challenge on state obligation is not necessarily on the use of maximum available resources, but on what criteria to use in order to allocate those available resources in order to meet various social and economic needs of the citizens. For instance what justifies allocating more resources towards education and not health, housing or security? These sectors are all crucial for human survival and of equal priority. Issues of state policy and budget allocation processes come to the fore and these determine choices made particularly on financial resource allocations. Administrative capacity and political will also influence what the state can potentially do in order to meet its obligations.

The obligation on the state can also be explained as a political matter and the allocation of resources thereof of political significance. States or governments seek to fulfil their promises to the electorate and therefore they commit to the provision of these socio-economic needs. In other words it is the duty of these politicians to ensure that performance of what they promised is carried out. Neglecting socio-economic needs of the citizens can affect any democratic

prospects as government would be neglecting the core values of human well-being. Human rights' core values aim at advancing human well-being, creating equal opportunities for the citizens, eradicating poverty and improving the general welfare of human kind (Fukuda-Parr and Greenstein, 2012). Where governments fail to take into account these values and fail to progressively meet them, they face potential loss of support from the very people who placed them in power. Perpetual negligence may result in social and political instability. State obligation emanate from respect for international, regional and domestic law to a greater extent. To an extent it is also a result of the need to retain political support to those in power and to advance democratic values.

3.3 South African state obligation contextualised

The post-apartheid government in South Africa was meant to bring about transformation to a system that was previously characterised by segregation along racial lines. For South Africa democracy meant the adoption of a constitution which valued the social and economic plight of its citizens. As Liebenberg (2010:34) states, “a transformative constitution made provision for ordinary people to challenge exercises of private or public power to undermine the rights underpinning the transformative agenda”. In a transformative constitution government can be held accountable of all its actions by ordinary citizens. Constitutional socio-economic rights in South Africa would transform society from a state of deprivation to a state of economic provision (Mbazira, 2009). In that sense (as mentioned earlier on), South Africa's need to address challenges emanating from the apartheid system required a deliberate attempt to place obligations on the state for the provision of socio-economic rights. For Liebenberg (2010) inclusion of these rights in a constitution was an attempt to create space for dialogue between civil organs and policy makers and move towards building a society that ensures dignity for all. Democracy in South Africa required participation by civil society.

The South African constitution from which the obligations of the South African state are derived upholds democratic values of dignity, equality and freedom and these are the central values upon which the constitution was founded (Liebenberg, 2010). Liebenberg (2010) applauds the constitution for its conception of democracy and rights. Democracy is understood in the South African constitution as allowing for public engagement. It is not just about majority rule through votes. Democracy in South Africa allows for public participation and engagement with several bodies and multiplicity of forums as they discuss and justify the

values and meaning of their constitution (Liebenberg, 2010:64). The building up of the new constitution in South Africa involved public institutions, private institutions and civil society and it was based on what values the people of South Africa stand for. Democracy meant the advancement of dignity, equality and freedom. Human rights in South Africa are conceived as, “resonating the relational dialogic model, which contrasts with the protection of strict boundaries between the individual and the community” (Liebenberg, 2010:64). Human rights are therefore meant to help create and establish important relationships among members of the community based on important values the community uphold. They are not meant to simply protect individual interest and bar human interference. In order to ensure democracy, the South African state thrives to meet its obligations with regards to socio-economic rights. The South African state has the obligation to “respect, protect, promote and fulfil the rights as stipulated in the Bill of Rights”, including socio-economic rights (Currie and De Waal, 2005).

The obligation on the state means that the state must make initiatives to provide for these rights and not only that, but also to create an environment that is conducive for the attainment of these rights by citizens. As Cottrell and Ghai (2004) state, the obligation to promote the right to housing meant that the state must create enabling environment for the realisation of that right. Individual citizens, family, corporate organisations, NGOs and civil society organisations can all participate in the provision of socio-economic rights, but these can only do as a matter of moral obligation and not necessarily as a legal mandate. The legal mandate falls on the state. The right bearers can therefore make claims on the state which they cannot similarly make on civil societies/NGOs or the family. A child whose parent cannot help the child realise his right cannot take the parent to court as the duty of the parent is a moral one and not legal.

3.4 State obligation and the legacy of colonialism in Africa

The obligation to (progressively) meet socio-economic needs within (maximum) available resources is not the same as the obligation in those countries that have legacies of colonialism (Fukuda- Parr and Greenstein, 2012). The challenge to meet these socio-economic rights is much more pronounced in these countries due to legacies of racial inequalities and systems that undermined the progress of the majority of the poor citizens. The legacy of colonialism continues to haunt most of the African countries. The apartheid legacy of inequality and poverty for the majority of the black population remains a huge challenge in South Africa. As Fukuda –Parr and Greenstein (2012:3) indicate,

...progress in these countries requires building institutions and infrastructure, behaviour change, as well as significant resources, and no matter how much priority is given to socio-economic rights, governments face resource limitations.

Progressive realisation of socio-economic rights is highly dependent on the ability of the state to come up with the correct measures and relevant policies that can potentially lead to the realisation of these rights (Chenwi, 2010). Progress is seen through every initiative that a state undertakes to advance the realisation of socio-economic rights and also to redress social and economic injustice that characterised the colonial era. These initiatives as Chenwi (2010:10) states “must be effective and not of negligible impact and should not take any unreasonable amount of time to create effects”. The speed of progress and the urgency to meet socio-economic rights in the former colonies is higher in comparison to those countries that have not experienced colonial domination and racial segregation. State obligations for former colonies come with the burden of the past; hence the expected duty to intervene becomes more as compared to the countries that have never experienced colonialism. More so, in a globalised world where the market seems to detect economic outcomes, the obligation to protect, promote, and fulfil socio-economic rights as outlined within international law become more challenging in those countries that were characterised by political, social and economic injustices.

Mechanisms have been put in place at international and regional level in order to assess the progress towards realisation of socio-economic rights. At regional level, the African Commission on human and people’s rights called ‘The Commission’ was set up to specifically protect and assess the progress towards realisation of human rights in Africa (African Charter, 1981). Article 62 of the African Charter on Human and People’s Rights (ACHPR) states that “each state party shall undertake to submit every two years a report on the legislative or other measures with a view to giving effect to the rights and freedoms recognised and guaranteed by the present charter” (African Charter, 1981:9). Human and people’s rights include socio-economic rights as the charter places emphasis on the universality and indivisibility of socio-economic and civil-political rights (Mubangizi, 2006). In its preamble the African Charter appreciates that satisfaction of economic, social and cultural rights guarantees the enjoyment of civil and political rights (African Charter, 1981). The obligation to provide for socio-economic rights is equally significant to the obligations on civil and political rights. African states ought to lead in enforcing socio-economic rights as the only means to eradicate the dire socio-economic conditions of the citizens (Agbakwa, 2002).

For South Africa the obligation to progressively meet socio-economic rights does not only arise through international or regional law on human rights. The South African constitution recognises the progressive realisation of socio-economic rights. Inclusion of socio-economic rights in the constitution is a significant legal measure, albeit a progressive one towards realising these rights. A lot of lessons could be learnt from South Africa (Mubangizi, 2006). With the history of apartheid which undermined the dignity of the majority black South Africans it was vital to explicitly express socio-economic rights in the constitution. In order to restore the dignity of the majority of South Africans which had been denied them through an oppressive regime, the obligation on the state had to be clearly defined in the constitution through recognition of socio-economic rights. It was a radical but necessary progressive measure forming part of transformation. As Agbakwa (2002:181) states, “the greatest benefit of guaranteeing enforceable rights is the assurance it gives to people that effective mechanisms for adjudicating violations of their rights are available”. South Africans needed such assurance in its new political dispensation and hope for these rights coming to be realised was stirred amongst the South African citizens. However as we noted failure by government to have these rights materialise resulted in a lot of activism by civil society organisations.

State obligation on the progressive realisation of socio-economic rights requires other measures other than legal measures and these include establishing critical institutions aimed towards socio-economic rights, building infrastructure and creating an enabling political environment. Education rights, when not supported by good learning institutions with the right infrastructure, well trained educators, sufficient learning material and the creation of a culture of learning, remain idealistic and out of reach of many. Although these rights are clearly stipulated in the bill of rights and citizens are expected to make legal claims, their realisation remains a challenge. As Spreen and Vally (2006:352) have argued, the payment of user fees and other educational related costs in schools have “rendered abstract the idea of education as a right”. When the poor cannot afford to pay fees, their right to education become meaningless. The right to education remain an idea which the poor cannot realise. In such a scenario, a progressive measure by government might mean regulating the fees which schools charge and ensure that everyone has access to education (McBeth, 2004). McBeth, (2004) explains this with reference to state obligation in the face of privatisation of socio-economic rights. Where private services are provided for in education or health, the state is required to monitor such provision so that it does not undermine access to these services especially for the ordinary

citizens (McBeth, 2004). As McBeth (2004:133) states, “the nature of the state obligation is altered where necessary from a duty of action to one of supervision”. Measures to curb capitalistic tendencies on socio-economic rights and especially on education can be seen as progressive when the state undertakes them. The challenge posed by attempting to counter free market system cannot be underestimated especially in a world where the market seems to be the major determinant of economic systems globally. The state in Africa has a duty to monitor or regulate the learning environment in order to ensure that everyone has a chance to get quality education. Clearly the expected duty to have socio-economic needs met is high for countries with a history of colonialism. The burden to meet socio-economic needs is much more on South Africa which was not only colonised but endured a long period of racial segregation under the apartheid system.

3.5 “Maximum available” resources

Governments are expected to use “maximum available” resources in order to meet the socio-economic needs of their citizens (Robertson, 1994). As Robertson (1994) and Currie and De Waal (2005) contend the phrase “maximum available” resources is a problematic one as “maximum” stands for idealism and “available” stands for “reality”. According to Robertson (1994:694), “two warring adjectives describe an undefined noun”. The problem lies on the fact that the government can potentially make an excuse for inaction based on lack of available resources. Government can only act on what is available. On the other hand expectancy from citizens builds upon the understanding that government will make “maximum” use of those available resources, which they believe or assume are available. The question is how to balance the citizen’s expectations and the capacity of the state that is determined by what resources are available. When such expectancy is not met with the actual realisation of the right the state is seen to be failing or neglecting its duty. ‘Maximum’ presumes much or highest in terms of either quantity or effort applied. The notion of ‘maximum’ resources can arouse high level of expectancy from citizens, who are much more concerned about their own plight and expect the government to do its best effort in providing for their needs. When socio-economic rights are entrenched in the constitution there is some assurance that the state has the capacity to meet its obligations. Citizens claiming rights become more conscious of not only their rights, but of the government’s obligation. Socio-economic rights proponents and civil societies make use of the term ‘maximum’ to push government into making these rights a matter of priority and urgency (Robertson, 1994).

Although the term ‘maximum’ cannot be clearly defined, it is clear that government must use to its best those available resources, in terms of both quantity and effort towards creating enabling environment for the realisation of socio-economic rights. In other words the state must do everything in its power in order to realise these rights. The issue of priority between human rights in general and priority between socio-economic rights in particular remain a challenge. How does the government choose between health and education or between security and education and what budget allocations can the government make? Government policies are put in place and these determine budget allocations to various departments. The challenge for realising socio-economic rights does not lie entirely on resource allocation in monetary terms; it boils down to lack of administrative capacity, political will, management and corruption. Roodt (2003:79) makes analysis of how some of these factors retard the land restitution process hence the realisation of the right to land for the majority of South Africans. Below is a detailed discussion on how these factors have affected the education system of South Africa and particularly the Eastern Cape Province.

It is not easy to make progress assessment based on the notion of maximum available resources due to definition problems (Robertson, 1994). However, if we were to avoid the phrase ‘maximum available’ and expect government to simply make a reasonable attempt to meet those socio-economic needs, reasonability would still pose difficulties as it is not sufficient to describe what government is obligated to do. However in spite of all the challenges with legal terms, it is indubitable that there are limitations on government to what it can do in order to realise socio-economic rights especially in previously disadvantaged societies where the need is bigger.

3.6 Right to education

3.6.1 Education as a constitutional right

The right to education is protected by international law through the Universal Declaration of Human Rights (UDHR) of 1948 and International Covenant on Economic, Social and Cultural Rights (ICESCR) (Beiter, 2006). Failure to fulfil the state’s obligation to provide education amounts to violation of international law (Beiter, 2006). The UDHR states that “education shall be compulsory and free in the elementary and fundamental stages, with technical and professional education equally accessible on the basis of merit” (De Villiers, 1992:85). ICESCR and the African Charter on human and people’s rights support the notion that “every

individual has the fundamental right to education and the state should take steps to ensure that such a right is not only respected but realised” (De Villiers, 1992:85).

Education is central to human development and allows self-sustenance. It allows human beings to actively participate in the economy of the country and through wages enhance their own welfare. Woolman and Fleisch (2009:117) describe the right to education as an empowering right, allowing individuals self-determination. Spreen and Vally (2006) in their use of a human rights framework appreciates the link between education rights and other human rights needs such as eradication of poverty and discrimination (Spreen and Vally, 2006). Education facilitates the enjoyment of other rights and in that sense it qualifies Shue’s description of basic right (Shue, 1980). An educated person has access to food and clothing, exercises the right to choose and make informed decisions. Yet without the right to security access to education is impossible. A state of war will hinder access to most of the rights including education. If a basic right has to enhance access to other rights, in the above scenario security becomes basic and not education as it allows access to education which latter allows access to subsistence. The basic rights argument becomes circular and inconclusive when pursued in that manner. In spite of the basic right argument, the right to education is clearly significant for human well-being and dignity. Through education one acquires knowledge that exonerates him/her from the shackles of ignorance, ushering him/her into the world of the informed where the power of knowledge is exercised in order to liberate one from social pains caused by illiteracy.

In South Africa the right to education, like other socio-economic rights is a constitutional right. Education in South Africa is central to the transformative agenda that the constitution seeks. Section 29 of South Africa’s constitution states that everyone has the right to basic education, the right to learn in the official language of one’s choice and the right to establish educational institutions which do not enforce any form of discrimination, racial or otherwise (Currie and De Waal, 2005). Unlike other socio-economic rights which are qualified in terms of state’s capacity and availability of resources, the right to basic education is not qualified (Woolman and Fleisch, 2009:121). Although the constitution confers both positive and negative perceptions on the right to education, the later being restrictive on any interference on achieving basic education, basic education is a strong positive right that can be asserted regardless of the state’s budgetary imperatives (Berger, 2003, Woolman and Fleisch, 2009:121). That means the state must do everything in its power to provide basic education. Lack of resources would not be reasonable enough to justify government’s lack of commitment to meet its obligation to

provide basic education. Further education is qualified and can be provided for progressively through reasonable measures (The constitution, 1996, Berger, 2003).

3.6.2 'Education rights' not just 'the right to' education

It is not clear in the South African constitution what the right to education constitutes and most importantly whether it is a single right or can be expressed in form of more than one right. The South African constitution separates the right to basic education from the right to further education making the former a priority over the latter and thereby unqualified. What we realise here is that 'the right to' education constitutes more than just one right. It is therefore crucial to discuss 'education rights' as present within the right to education, hence we talk of education rights as opposed to just a single right to education.

Malherbe (2000:50) speaks of a number of education rights as being present in the bill of rights clearly separating the right to education in terms of (i) basic education (ii) further education (iii) free choice of learning institution (iv) free choice of language of instruction and (v) free choice to private education. Critical questions however remain. What characterises basic rights in education; do these rights imply the right to quality and/or equal education; do these rights imply access to education or what Spreen and Vally (2006) refer to as 'rights in education', which does not only include opportunity to learn but also quality of education (Spreen and Vally, 2006). For Woolman and Fleisch (2009) basic rights to education include adequate and quality education. Education rights some may argue include the right to 'free' basic education, equal/free access to similar standards of learning institutions that are non-racial and the right to establish private education institutions. In South Africa basic education is primary education (grade 1-7), yet in the USA basic education refers to a standard of education that enables a person to exercise the right to freedom of expression and full participation in the political process (Malherbe, 2000). Education rights in a sense are not restricted to one particular education need but are broadly conceptualised in accordance with the various needs surrounding education. Access, equality, free choice of learning institution as well as language of instruction, the right to primary, secondary and tertiary education is all central to education rights in South Africa and these are explicit in section 29 (2) of the constitution with basic education unqualified.

3.6.3 Quality education as a right

The South African constitution does not qualify the right to education in terms of quality leaving some authors (Woolman and Fleisch, 2009) assuming quality is implied in what is termed basic education. Woolman and Fleisch (2009:109) understand the right to basic education in terms of quality or adequacy which according to the authors should be able to “produce citizens who are fundamentally equal and active participants in a democracy”. In South Africa, basic education allows citizens to make sense of their democratic rights and enhance participatory democracy. Whereas basic education ensures everyone’s capacity to read and write and being able to vote and have one’s voice heard, quality education on the other hand increase one’s chances of getting better jobs. What improves one’s quality of life is not just basic education but quality education.

Section 29 (2) of the constitution mentions the right to receive education in any official language of one’s choice and is explicit about three issues here namely equity, practicability and redress as a means of ensuring effective access to the right to education. Equity is mentioned specifically in relation to the use of language as medium of instruction as it can potentially hinder entrance to a classroom. Equity as conceived by Fiske and Ladd (2004:5-6) addresses racial inequity and includes ‘equal educational opportunity’ and ‘equal treatment’. The former entails fair equality of opportunity for economic and social advancement and the latter refers to a racially equitable education system, where race does not advantage anyone in terms of access to education (Fiske and Ladd, 2004). If equity does not make reference to quality education and is limited to access to education (being in class), it undermines the values it is supposed to represent. As Fataar (1997:69) states, emphasis on access to (opportunity to be in class) education, if it ignores the quality dimension can potentially contribute to existing inequalities. If all citizens get equal chance to be in a class (South Africa has successfully done so) and yet the quality of education offered in those classrooms is very distinct it is not possible to bring about transformation in the education system. The state’s obligation must take cognisance of the quality dimension.

Fiske and Ladd’s definition of equal educational opportunity is significant in the sense that it relates to economic and social opportunities that come through education (Fiske and Ladd, 2004). These opportunities are available to those individuals who get access to quality learning which enables them to get good jobs. In a sense equal education implies a certain quality of

education that opens up economic and social opportunities. The National Commission on Higher Education (1996:41) explained equity in higher education as “the fair and impartial distribution of benefits of higher education opportunities and privileges”. What is critical in accessing education rights is the opportunities and benefits arising from such education and that makes quality the subject matter when it comes to the right to education. The quality of education is central to human welfare advancement and could have been explicitly expressed in the constitution of South Africa. Quality education as a principle has been limited to other important documents such as the South African Schools Act (Muthukrishna and Schoeman, 2000).

Learners who get an opportunity to get quality education get better jobs with high earnings and those who do not access quality education remain stuck in poverty with poorly paid jobs or no jobs at all. Case and Yogo, (1999:3) did a research in South Africa in order to find out the impact of school quality on the incomes of Black South Africans. What they found out is that the quality of the school as a learning institution affects educational outcomes and prospects for employment. Lemon (2004) also made an analysis of Grahamstown schools and discovered that township schools perform poorly relative to former Model C schools. In 2001 Victoria Girls High and Graeme College (former Model C schools) had both 100% pass rate at senior certificate and above 70% at Matric level. On the other hand township schools like Benjamin Mahlasela and Khutliso Daniels were far below 50% pass rate in senior certificate and less than 5% pass rate in matriculation exemption (Lemon, 2004:281). The learning outcomes at these different schools is a reflection of different quality of learning at those schools and the chances of getting better jobs or further education for students from schools like Benjamin Mahlasela and Khutliso Daniels are slim.

The quality of education is determined by a lot of other factors. Infrastructure such as classrooms, pupil/teacher ratio, availability of learning materials and the quality of teacher training and administrative capacity and management define the quality of learning. Having the quality dimension included in the constitution means a lot can be done in terms of analysis of these various factors which define quality and finding out how these can be put together to come up with an overall definition of quality education. Theresa Perry (2010) describes activism that was initiated by Bob Moses in the US in an attempt to amend the constitution to make quality education constitutionally guaranteed. Perry (2010) admits that there are challenges to what would constitute quality education. More so the critical question is what

legislative routes government could undertake in order to make quality education a protected right (Perry, 2010).

Although it is not easy to explicitly express quality education as a constitutional right, if the South African state ignores the quality dimension on education rights, it cannot successfully address inequality in the education system, which on one hand is a legacy of the apartheid system and on the other hand the failure by government to deal with the market driven system that affect school enrolment. Schools that offer better quality of education tend to be those that charge high fees and poor schools charge less. Serious attempts for redress should take cognisance of the quality of education since quality translates into better jobs and income opportunities leading to better living conditions.

3.6.4 South African education: Two decades after apartheid

South African education can be best understood within the context of the apartheid history. The apartheid education system segregated anyone classified as non-white with a lot of resources directed towards white schools. Bantu education was introduced in the late 1940s in order to provide poor education for blacks who would be restricted to menial jobs. The education system during apartheid was a deliberate attempt to construct and retain a racially biased and divided society which undermined the dignity of the majority blacks. The apartheid government's motive behind Bantu Education can clearly be understood through the minister of Native Affairs' speech in 1953. Dr H F Verwoed indicated that Bantu Education would be located away from urban areas in native areas where it would prepare the blacks for menial jobs that presumably were suitable for the native communities. Dr Verwoed in his speech in 1953 stated that:

“There is no place for the native within the European community above the level of certain forms of labour. Within his community, however, all doors are open. For that reason it is of no avail for him to receive a training which has as its aim absorption in the European community, where he cannot be absorbed. Until now he has been subjected to a school system which drew him away from his own community and misled him by showing him the green pastures of European society in which he was not allowed to graze”(Christie and Collins, 1982: 68).

Bantu education as reflected in Dr Verwoed's speech was deliberately meant to marginalise the majority non-whites and to render them economically less competent relative to whites. According to Dr Verwoed, it was unnecessary and a waste of money to give the non-whites an education that was equal in standard to those of the whites as the former would not be allowed to take up jobs that were meant for whites.

Lemon (2004:269) quoting Edgar Brooks, a white South African liberal, describes the education system during apartheid as "the only education system in the world designed to restrict the productivity of its pupils in the national economy to lowly and subservient tasks, to render them non-competitive in that economy, to fix them mentally in a tribal world". The system privileged whites who "enjoyed good education, ready employment and through racially exclusive democratic structures a sense of control of their individual and collective destiny" (Fiske and Ladd, 2004:2). Clearly Bantu education was an attempt to stop blacks from getting better job opportunities and the system reinforced self-reproduction of social and economic inequalities. The blacks perpetually accessed poor education which resulted in getting poorly remunerated jobs and that meant sending their children to bad schools and the cycle continues.

The apartheid system categorised people according to four races namely white, Indian, coloured and blacks and education provision operated along those racial lines (Muthukrishna and Schoeman, 2000). The new democratic government inherited imbalances in the education system that was a result of previous unjust policies based on racial segregation (Lemon, 2012, National Commission on Higher Education, 1996). Today the challenge for redress seems insurmountable in South Africa as inter-racial inequality (inequality between races) persists and intra-racial inequality (inequality within a race) is also rising amongst the black South Africans (Nattrass and Seekings, 2005). What is striking is how lack of access to quality education becomes instrumental in frustrating the goal of redress which the constitution seeks to advance.

Nearly two decades after the end of apartheid South Africa's education manifests stark material inequalities which impede progress in accessing education (Spren and Vally, 2006). With regards to the worst South African schools, Berger (2003) suggests that the constitutional court should hold the education system of South Africa unconstitutional. Although the constitution does not set minimum standards with regards to the right to education, Berger suggests that the

standard must be “adequate”, high enough to satisfy democratic ideals and citizenship ideals (Berger, 2003). South African education is relatively poor compared to its African counterparts (Spren and Valley, 2006, Berger, 2003, Woolman and Fleisch, 2009, Bloch, 2009). Reports on the poor standard of education in South Africa's Eastern Cape province have been a common feature in the *Daily Dispatch* and the *Mail and Guardian* with headlines such as, *300 EC schools to shut down; Poorly performing schools 'slip through the cracks'; Vacant teacher posts case 'not urgent'; Back to the real basics, Third of infrastructure allocation will be unspent* (*Daily Dispatch*, 2012, *Mail and Guardian*, 2012). In the *Grocott's Mail* (2012), headlines include, *South Africa still at the bottom of the class, school takes officials to court*. Most of these reports described the education crisis in the Eastern Cape Province which is not only a feature of the Eastern Cape but a replica of the education crisis in South Africa in general. Although the Eastern Cape cannot be representative of the education crisis for the whole country, challenges in education can be noted in most of the provinces in South Africa. In Limpopo province failure by the Department of Basic Education to deliver learner material on time, saw an NGO, Section 27 taking the ministry to court for lack of delivery (*Daily Dispatch*, 2012). The education crisis in South Africa is characterised by lack of sufficient resources including infrastructure, learning materials, lack of trained teachers, poor management and teacher's union that is more concerned with teacher benefits than pupil welfare. The outcome is generally poor learner results.

Constitutional commitments should be understood within the context of institutional arrangements which sometimes hamper the realisation of these socio-economic rights in spite of them being recognised as constitutional. With reference to education rights, South Africa on one hand has been a victim of market processes as private schools demand high fees which the poor cannot afford. The quality of education in South Africa correlates with the standards of the learning institutions that provide it. It depends on how well schools are funded (Wilson, 2004). Market driven processes are an inherited package of the apartheid system which saw former white schools charging restrictive user fees which blacks could not afford (Lemon, 2004). Market driven processes continue to hamper access to quality education and hinder attempts to eradicate inequality and the process of redress. Market regulated fees with no or little government subsidy affect poor families who cannot afford to pay the required fees. The children who come from poorly resourced schools find it difficult to get jobs and hence remain in poverty. Having done research in Grahamstown and the Eastern Cape, Lemon (2004:269)

concludes that “for the majority poor, market driven system offers no equality of opportunity or significant redress to compensate for the injustices of apartheid education”. It is therefore imperative to recognise that the right to basic education, though constitutionalised and unqualified cannot eradicate inequalities present in a market driven system. For South Africa, neo-liberalism combined with inefficient distribution of resources has slowed down the realisation of education rights for the majority of poor South Africans.

Grahamstown schools are racially distinguished, although former model C schools have seen some progress in terms of racial integration. These include Victoria Girls’ High School, Victoria Primary School and Oatlands Preparatory School. Township schools however continue to be less mixed with mostly black students and former white schools remain with majority white students and few students from other races (Irvine, 2012:125). Irvine, (2012:125) describes racial integration in Grahamstown schools as “having imprint of the apartheid division of races”. Most of the former white schools namely DSG, Kingswood and St Andrews have majority white students. On the other hand most township schools have majority black learners. In 2004 Lemon, provided composition by race as below: Graeme College 65% white, 20% blacks and 12% coloured, 3% Indian, DSG 85%-90% white and 10%-15% black, Kingswood 80% white, 17% black and 3% coloured or Indian, St Andrews 86% White, 11% blacks and 3% coloured or Indian, Victoria Girls High 45% white, 50% black and 5% coloured or Indian. Benjamin Mahlasela and Khuliso Daniels have both 100% blacks (Lemon, 2004:280).

In 2012 Irvine concluded that racial integration has been achieved mostly in former model C schools and in contrast “ it is the township schools that remain the least integrated in terms of the fact that they still cater to a totally African population” (Irvine, 2012:125). Integration in former model C school has been possible as a result of the growth of the black middle class who are now able to send their children to these schools at relatively high schools fees than the township schools. Geographically, the middle class is located mostly in the vicinity of town and are therefore able to secure places for their children at the schools in town. Van der Berg’s analysis on education inequalities in his 2007 paper showed that, “race based former school systems remained the most determinant of educational outcomes” (Van der Berg, 2007:850). He argued that the majority of schools in poor communities are racially differentiated and they are poorly resourced hence they produce bad results relative to white schools. Although one cannot dispute the fact that there are strides made towards integration in some former model C

schools like Victoria Girls High School, racial balance in the majority of the schools in town and in township schools is still absent. As expressed by Bloch, the fact remains that, “poor black South Africans continue to get a raw deal, educationally speaking” (Bloch, 2009:59).

What Irvine, (2012) observes in her study on racial integration in Grahamstown schools is that there is generally an upward movement on the apartheid ladder. Formerly segregated groups desire to be part of those schools which were privileged and charge very high fees (Irvine, 2012). Clearly racial integration in the schools is fairly possible especially within former C model schools but this has been not so easy with the former white schools. Class inequality remains a challenge within the schooling system. The free market system allows every parent to choose which school to send the child depending on how much fees the parent is capable of paying. Private schools can be established which charge high fees far above state schools. As Scott and Macklem (1992:11) state, “constitutionally entrenched economic rights (right to private property ownership) often work to frustrate the establishment of conditions that social rights seek to advance”. We have seen this also with land redistribution where the right to private property impedes a supply driven land redistribution process, hence land redistribution has seen little progress (Roodt, 2003). In Grahamstown private schools namely Kingswood, St Andrews and the Diocesan School for Girls (DSG) charge exorbitant fees which are quite restrictive to the local learners. 2012 fees for DSG ranged from R82 569 to R134 487 boarding fees and R36 528 to R67 377 for day school fee per year (DSG website 2013). St Andrews 2013 fees were R168 000 boarding fees and R77 000 for day school per year (St Andrews website). Kingswood 2013 fees R72 375 to R138 000 boarding fees per year (Kingswood website). As a result these schools attract learners from outside the Eastern Cape Province and outside the country, mostly children whose parents are company executives (Lemon, 2004:279).

3.7 Conclusion

The South African government has a huge task to bring about transformation within the education system, doing away with racial and class inequality. In order to meet its constitutional obligations, South Africa needs to give serious attention to those factors that hindered the realisation of education rights by the black majority during apartheid. The quality of education becomes central for analysis as quality determines both educational outcomes and job opportunities. Due to inequality in accessing quality education for the poor Van der Berg

(2007:850) contends that the school system in South Africa fails in enhancing upward mobility of poor children in the labour market. Overwhelming evidence suggests that South African education has not improved much since the end of apartheid, characterised by inequality, insufficient resources, poor administration and corruption. Having been praised for including the right to education in the constitution, South Africa's obligation to education rights remain insufficiently met if the challenges sighted above are not addressed. Policies that increase the educational budget are insufficient to curtail the challenges in the education system. It is against such a background that this research seeks to investigate and analyse civil society's initiatives to ameliorate the problem of low quality education, how these organisations relate with the state and how their relationship impacts on the provision of education. Chapter 4 delves in civil society and state relationship and how different forms of relating with government determine the realisation of socio-economic rights in general and education rights in particular.

CHAPTER 4

Civil society-state relations: towards the realisation of education rights in South Africa.

4.1 Introduction

The previous chapter discussed education rights and the obligation on the state to provide these rights. We noted that although these rights are constitutionally recognised and the South African state is fully aware of its obligations, it remains a big challenge for the state to sufficiently and effectively meet its obligations. The majority of poor South Africans do not get quality education which can potentially lift them out of poverty and help to reverse the legacy of apartheid of inequality and segregation. This chapter focusses on the role of Civil Society Organisations (CSOs) in their attempt to have education rights realised by engaging with the state to improve the quality of education. In an attempt to do so, these organisations relate to government in complex ways. The first part of the chapter explains the term civil society in order to shed light on the concept and its implications for the current study. Later in the chapter there will be a detailed discussion on CSOs-state relationship with the last section focusing specifically on Gadra Education. Gadra is not corporatist or confrontational in its relationship with government, but is in fact pioneering a way of leading by example, which may potentially influence the state to deliver its constitutional mandate. The NGO's strategy utilises *Ubuntu* in advancing education rights and the excellent results produced at Gadra Education are evident to the fact that their approach is effective.

4.2 Civil Society Organisations-NGOs

The concept 'civil society' carries several meanings. Various understandings of the concept partly explain the different perceptions of civil society's roles and its relationship with government. Civil society can be either antagonistic (confrontational) or can also cooperate with government, bearing in mind that CSOs and Non-Governmental Organisations (NGOs) engage differently with government depending on the nature of the organisation and the different interests it represents (Steytler et al., 1998). For the purpose of this study a broad definition of civil society will be used, encompassing all civil society organisations with their various interests. These organisations include NGOs, Community Based Organisations, religious groups and social movements. Civil society will be defined as, "an arena outside the state, where organisations are formed with the intention to mobilise citizens around certain issues of common interest in society" (Ranchod, 2007:2). A broad definition for civil society

organisations encompasses all those form of organisations whose goal is to help meet the socio-economic and political needs of the citizenry. Social movements or grassroots movements usually do not have many resources, are much smaller, sometimes operate without paid staff, are often membership based and rely on donor or NGO support (Mercer, 2002:6). In South Africa a typical example of a grassroots movement is Abahlali BaseMujondolo, a shack-dwellers social movement that fights for the right to housing.

Social movements constitute civil society but are quite distinct in form from traditional NGOs. “Social movements are networks of informal interactions between a plurality of individuals, groups and/or organisations, engaged in political and/or cultural conflict on the basis of a shared collective identity” (Diani, 1992:1). Traditional NGOs are officially established organisations usually with full time employed staff, domestic or internationally funded and therefore relatively well-resourced (Mercer, 2002:6). Helliker (2013:318) makes reference to intermediary NGOs which “create links between communities/community organisations and the remote levels of government, donor and financial institutions”. These NGOs are well funded and connected to international organisations such as the United Nations, IMF and the World Bank. These NGOs according to Helliker exist in a world of ambiguity characterised by ambivalence and tension (2013:318). Being criticised on the one hand of being used by donors to push their own agendas and yet on the other hand they are presumed to be able to support communities without restraint. NGOs often adopt strategies in order to function, which include resistance to criticism, defensiveness and protectiveness (Helliker, 2013). Intermediary NGOs have been of significance to Helliker’s study on land issues (Helliker, 2006, 2013).

The NGO discussed in this thesis, Gadra Education is not similar in form to the intermediary NGOs that Helliker describes. Although Gadra Education was established over 50 years ago, it does not forge links between government and donors as traditional NGOs do. Gadra Education does not work with big international organisations like the IMF and the World Bank. The Organisation is funded by individual donors and corporate organisations and is not well resourced. Gadra Education is a locally based NGO and is small in size. It is not internationally recognized like traditional NGOs such as Oxfam, World Vision and Amnesty International.

Civil society organisations’ engagement with the state may bring about different outcomes with regards to the realisation of socio-economic rights. Their engagement with the state depends on the nature of issues they represent and their perception of government’s capacity to have

these issues met. Where government is perceived to be inactive, inefficient and ineffective in meeting social and economic needs, CSOs may seek to challenge government through legal means and get the state to fulfil its obligations. CSOs may also complement what the state is doing. Civil Society is attributed to state failure and civil society represents a viable force that can help advance democracy and make the state accountable of its actions. A strong civil society is necessary in a nation whose aim is to democratise and a nation that requires its citizens to be economically, politically and socially secure (Atkinson, 1996).

Non-state actors voluntarily provide socio-economic needs and these organisations may include private institutions, International Organisations (IOs) and NGOs (Chirwa, 2005). Private services providers have played a role in ensuring access to water, health and education in South Africa, where the state has failed to adequately provide for these basic needs. The burden to meet socio-economic rights has extended to non-state actors and the state sometimes monitors the activities that NGOs undertake (Chirwa, 2005). With reference to education rights in South Africa, NGOs have played a significant role in providing education with government sometimes monitoring their activities. However recent developments in the education system of South Africa have seen growing activism seeking to challenge government on its failure to meet education rights. Education based NGOs are involved in so much advocacy for the transformation of the education system in South Africa seeking to influence policy and resource allocation. The details on how the education based NGOs operate and relate with government are provided later after the concept ‘civil society’ has been expounded.

4.3 “Civil society” as a concept

The meaning of civil society has evolved over time. Up to the end of the eighteenth century the term was synonymous with the state with its meaning attached to the perceived state or legitimate public domain, “whereby civilised beings participate actively in political life, are guided by a system of laws and where civility reigns” (Kumar, 1993:377). According to Michael Bratton, (1994:53) civil society and state as concepts (in classical political philosophy) both referred to “a type of political association that governed social conflict through the imposition of rules to restrain citizens from harming one another.” It was a society characterised by civility as a virtue. With time the term civil society has shifted in meaning, becoming more of an alternative to the state or understood as “a means of defence against potential abuse by the state” (Bratton, 1994:53).

The meaning of 'civil society' is highly contested to the extent that various authors on the subject attach distinct meanings to the concept. It is also derived from the historical development of the state hence it is usually attached meaning in relation to the state. It has become a relational concept to some critical theorists (Chambers, 2002:90). "The rise of a powerful state in Europe resulted in a strong claim for a measure of social autonomy and personal liberty that needed to be protected against the state, hence civil society has been conceived as the sphere of non-state and non-family social life" (Atkinson, 1996:288). Civil society is considered to be driven by failure by the welfare state, parliamentary democracy and the presence of government bureaucracies (Atkinson, 1996:288). Chatterjee, (2004:39) considers all existing institutions outside the domain of state as civil society. Thus civil society according to Chatterjee includes community based organisations (CBOs), NGOs, religious organisations, corporations to mention but a few. Cohen & Arato (1992:ix) see civil society as "a sphere of interaction between the economy and the state, composed of family, voluntary associations and social movements". There is generally no consensus on whether civil society is distinct from the economy. Those who exclude the economy out of civil society definition are wary of including the economy as "a sphere of capitalist domination, inequality and oppression, whereas civil society should be reserved for organisations that promote justice, rights and equality" (Atkinson, 1996:288). Habib (2005:673) agrees with Cohen and Arato on excluding the market in defining civil society. Kumar (1993:383) contends that civil society is also present in political and economic organisations.

Thus according to Kumar,

"Civil society has been found in the economy and in the polity; in the area between family and the state, or the individual and the state; in non-state institutions which organise and educate citizens for political participations; even as an expression of the whole civilising mission of modern society" (1993:383).

Although there is no agreement among scholars on the inclusion of the market in the definition, civil society in one way or another relates to the state either as its critic or in interaction with it. There is clearly disagreement on the nature of the relationship with the state with some authors supporting the view that civil society can work within the state and others understanding civil society as being active outside state domain. To others the boundary between family, state and economy in civil society studies is not explicit.

The concept of civil society as an antithesis or alternative to the state emanates from what is seen as state failure (Kumar, 1993). In colonial Africa civil society was associated with political parties that were formed in order to fight colonial governments. The end of colonisation in Africa has transformed perceptions on civil society/state relations. Former liberation movements which came in power have ceased to be seen as part of civil society. Friedman, (2010) argues that liberation parties were never part of civil society. They were simply liberation movements that were resisting colonial rule. Friedman, (2010:122) describes civil society as “the means by which citizens claim their right to participate in the political decisions that a democratic government makes on their behalf”. Civil society is therefore present in a democratic society and is meant to advance democracy according to Friedman. What we see is that ‘civil society’ can potentially have different meanings attached to it and the concept has evidently evolved as political and social events unfold. The meaning of the phrase is not fixed or universal and civil society organisations are distinct in nature.

For the purpose of this research civil society will be understood as “space for collective action around shared interests and values, theoretically with institutions distinct from state, family and the market, practically with their boundaries complex, blurred and negotiated” (Ranchod, 2007:2). Understood in the manner above, civil society includes NGOs, Community Based Organisations (CBOs), religious groups, gender activists, social movements and any other organisations formed with the aim of representing or advancing the interests of its members. Bratton, (1994:56) believes that people have shared interests that cannot be expressed fully by the family or state institutions and matters of common concern are managed by CSOs without calling for family or state intervention. As much as it is true to suggest that civil society operates outside the state and the family, it may not be necessarily true to say civil society manages the people’s interests without calling for state intervention. Civil society might take initiatives that are initially not meant to involve the state, and yet at one point the state might be requested for engagement when CSOs find it necessary to do so. Practically there are no clear boundaries between civil society, state and the family (Ranchod, 2007). It is contended here that one cannot talk about civil society without analysing its relationship with the state. CSOs engage with the state in one way or another and in some instances where some organisations engage in illegal activities the state responds in a manner that may be confrontational. In what Neocosmos (2003:343) enunciates as politics from a distance from the state, he proposes popular politics “beyond the immediate purview of the state, over which the state needs to exercise some form

of control and hegemony, but which conversely may also be in a position to influence state politics and hold the latter to account.” In Neocosmos’ conception of popular politics one can note that it is impossible to ignore state influence and control on civil society. The state remains central in the conceptualisation of civil society even in cases where civil society operates at a distance from the state.

4.4 Civil society-state relationship, the South African context

Civil society/state engagement directly impact on the extent to which socio-economic needs can be realised. Civil society may choose to co-operate or to be a watchdog of the state (Steytler et al., 1998:119). The latter form of state-civil society relations can be antagonistic. Civil society in one way or another relates to the state either as its critic or in interaction with it. Depending on their nature also CSOs and NGOs engage differently with the state and similarly their way of engagement produce different outcomes. Different conceptions of civil society-state relationship have been put forward. Helliker (2012:37) identifies state centric and society centric (radical) conceptions. The latter “speaks about politics existing at a distance from the state and possibly beyond the boundaries of civil society” (Helliker 2012:37). State centric seeks to transform the state from within the state. In a state centric system CSOs work in collaboration with the state, often advancing state policies. Many traditional NGOs have been state centric in South Africa especially during the post-apartheid era. Atkinson (1996:292) describes NGO/ state relations in Africa as “a tenuous” one with NGOs collaborating with government in order for them to survive. Bureaucracy in governments hinder NGOs from influencing public policy and African politics is marred by patronage systems that impedes NGOs to independently or voluntarily engage with government. NGOs make strong ties with government officials and benefit from informal relations. Bratton, (1990:112) contends that “the relationship requires the ability to tread a narrow line between confrontation and co-optation and to choose carefully the issues on which to praise or pressure government”. The relationship between the state and civil society can therefore be conditional on the benefits that flow to the two parties.

Steytler et al (1998:122) identify two conceptions of the relationship that exist between the state and civil society namely corporatist and voluntary pluralist. With the former, institutions of civil society are “incorporated” into decision making processes by the state (e.g. business and labour) (Steytler et al., 1998:122). The voluntary pluralist/liberal version is anti-state and

operates at a distance from the state and its relationship with state can be defined as antagonistic (Helliker, 2012; Steyler et al., 1998). Civil society-state relationship theory has been dichotomised between state centric/corporatist and society centric/liberal. Civil society-state relationship is therefore understood either as anti-state or pro-state which is problematic in that such a dichotomy does not make provision for organisations that are incorporated in decision making processes by the state but employ confrontational methods where they need to put government under pressure for action. In South Africa, trade unions tend to be confrontational on the state although in theory labour and the state have a close relationship.

Civil society-state relationship can be very complex, potentially causing shifts in society/state relationship from focusing on the question of power balances between state and society to a question of interdependence (Harbeson, 1994:15). Civil society-state relationship has been perceived as a necessary element for democracy hence a state which allows for full participation of civil society in processes of decision making is perceived as more democratic. In international development discourses, NGOs in particular have been seen as central to economic development and to the strengthening of civil society which is crucial for democracy (Mercer, 2002:5). In that sense the state relies on the availability and participation of civil society for it to be democratic since civil society prevents the state from neglecting its duties towards the citizens and ensures accountability.

Civil society can be seen through two different lenses. On one hand as wielding some form of power or control over the state as it prevents the state from neglecting its duties, yet on the other hand demands action through the state therefore subjecting itself to state power through cooperating with the state. Civil society is conceived in political philosophy as “consisting of the processes of state formation and reformation and to be the means by which the organising principles of the state are harmonised with those of society at large” (Harbeson, 1994:15). By its very nature, civil society is pluralistic and therefore reflects diverse and even contradictory political and social agendas (Habib, 2005:672). Its pluralistic nature is reflected in the relationship with the state in form of collaboration or adversity (Habib, 2005:672). In other words civil society represents diverse interests that are at times not in alignment with state interests. Habib, (2005:685) identifies three different blocs of civil society organisations, namely NGOs, survivalist agencies and social movements and these have distinct relations with the state. According to Habib, NGOs (traditional) have entered partnerships or have subcontracted to the state establishing a collegiate relationship with the state (Habib,

2005:685). On the other hand community-based organisations actively challenge the state. There are also those organisations that “hovers somewhere between adversarialism and engagement and sometimes use both” (Habib, 2005:685). What is evident in the relationship is that the state as an institution cannot ignore the presence of civil society and its impact on government processes and therefore state discourse cannot ignore civil society and vice versa. The two clearly interact in a very complex way.

It has been a general trend that civil society in South Africa after 1994 is affiliated to government and in some instances government funded. Civil Society in South Africa is a product of contention with the apartheid regime. As Steytler et al., (1998:124) state “under apartheid ‘civil society’ was a politically loaded concept that referred to the community organisations which were at the forefront of the liberation struggle”. Currently civil society continues to be rooted in complex political, social and economic struggles of the day although its role is expressed within a different political dispensation. The democratic dispensation in South Africa meant restructuring and reformation of the civil society/state relationship. The apartheid relationship was characterised by hostility against the state (Ranchod, 2007). The collaborative-adversarial dichotomy defined state and civil society relationship during the apartheid era with some CSOs collaborating with anti-apartheid forces in the struggle against injustice and discriminatory rule (Habib, 2005:673). CSOs which emerged in resistance to the apartheid system and had an adversarial relationship with the regime found the post-apartheid era not accommodating their culture of struggle and lost relevance and hence their funding began to decline (Atkinson, 1996:295).

In the post-apartheid era, civil society was meant to work together with the new government in what Lehman, (2008), Atkinson, 1996 and other authors call corporatism or political pluralism or public participation in Ranchod’s terms. Civil society activity after apartheid became part and parcel of the development and democratic agenda of the new government; hence those organisations that were meant to advance the developmental agenda could affiliate with the new government in order to achieve developmental goals. The Congress of South African Trade Unions (COSATU), and the South African Communist Party (SACP) for instance are allies of ANC and they directly engage with the ruling party. Under corporatism formal structures such as ward system were put in place to allow for public engagement at a local level. As Habib (2005:674) indicates the transition to democracy meant also the transformation of civil society in South Africa. Formal NGOs were deliberately promoted by

government and an enabling environment created by abandoning repressive legislation and establishing a political climate that allow public scrutiny and activism (Habib, 2005:678). A Non Profit Organizations Act was passed in order to formally recognise the existence of CSOs and these organisations could be registered legally and get financial assistance from government (Ranchod, 2007). In a report established by the Advisory committee in 1997, it was recommended that the relationship between government and CSOs be strengthened with the autonomy of the two being maintained and CSOs maintaining their role of advocacy in order to meet developmental goals (Report on Structural relationships between government and civil society, 1997). The subject of South African civil society's autonomy is however debatable as some scholars think civil society has not managed to be independent and that the state exerts some form of control. It is alleged that financial benefits have been offered to NGOs which would work together with government to provide services (Lehman, 2008).

In order to create a new political environment the new government partnered with NGOs in policy making and service delivery (Habib, 2005:678). The post-apartheid era also saw a shift by the donor community from funding civil society towards state funding via the Reconstruction and Development Programme (RDP), hence the state had the responsibility to fund NGOs (Atkinson, 1996). The National Development Agency and the Lottery Commission were established for the purpose of funding Non-Profit Organisations (NPOs) (Habib, 2005:679). Civil society after 1994 worked in partnership with the new government. Although CSOs assisted government in service delivery, it also became a watchdog of the state.

Corporatism in the post-apartheid period has however proved to be having its own challenges, ironically resembling the apartheid state-civil society relations of patronage system. As a result NGOs and other Non-Profit Organisations benefit from government as far as they allow for some form of state control, adherence to state policies and implementation at the expense of their own independence. Such dependency would compromise civil society autonomy and deny opportunity for innovativeness and creativity from NGOs (Atkinson, 1996:296). Atkinson (1996:295) believes that the early years of post-apartheid period presented challenges to civil society with a possibility of many of them struggling to survive due to lack of funding.

At present, not all CSOs are affiliated to government. Some CSOs that are not within the formal state structures tend to be critical of government and challenge government both at local and national level. Some of these groups employ methods ranging from "petitions, media

campaigns, strikes and civil disobedience” (Ranchod, 2007:3). A lot of interest groups that focus on education, health, and gender have been formed since the end of apartheid (Lehman, 2008). Habib (2005:682) ascribes the growth of what he refers to as ‘survivalist community-based organisations, networks and associations’ to neoliberal economic policies that ANC adopted which left the majority of South Africans in poverty. Habib warns that these organisations must not be mistakenly construed to be part of the civil society as these are simply “survivalist responses of poor and marginalised who have had no alternative in the face of a retreating state that refuses to meet its socio-economic obligations to its citizenry” (Habib, 2005:682). Habib does not recognise that these community-based organisations are also a true representation of the economic and social interests of the poor communities and therefore their interests need not to be undermined and they form part of civil society. These associations represent the interest of the citizens and seek their voice to be heard by the state and they can potentially influence policy making. Treatment Action Campaign has been able to affect health policy in terms of distributing antiretroviral drugs to HIV/AIDS patients.

Civil society organisations are broadly constituted. CSOs in South Africa range from well-established organisations such as trade unions to the newly formed social movements. Social movements or grassroots movements and other activists groups are typical society centric organisations and these exist at a distant from the state. There is broad based civil society participation in South Africa and it is believed that its independence from the state as opposed to its dependence on the state is currently seen as enhancing democracy in the country (Lehman, 2008). Civil society autonomy is however dependent on the nature of the organisations. Business and trade unions have a close relationship with the state which hinders their autonomy. Yet social movements and locally based NGOs most of them do not have a closer relationship with government, hence they tend to be independent from government control and can be critical of government policies. When the National and Economic Forum (NEF) was formed and later restructured to form the National Economic Development and Labour Council (NEDLAC), the intention was to have government, business and labour work together (Atkinson, 1996:304). Atkinson argues that this does not fully represent all civil society groups as consumers, the unemployed and rural areas were not represented by NEDLAC (Atkinson, 1996:305). A state centric approach does not ensure full representation of the interests of the people especially the less privileged and marginalised.

Ranchod, (2007:1) mentions new social movements such as Soweto Electricity Crisis Committee (SECC), the Anti-Privatisation Forum (APF), the Treatment Action Campaign (TAC), COSATU, The Institute of Democracy for South Africa (IDSA), the South African Civic Organisation (SACO), Jubilee South Africa and the Landless People's Movement (LPM). All these and many more engage with government in different ways. Some take a more militant approach, confrontational, conflictual or adversarial, yet others use mobilisation, cooperation, collaborative and collegiate approaches (Ranchod, 2007). Cohen and Arato, (1992:493) perceive social movements as new civil society groups, "that abandon revolutionary dreams in favour of radical reform that is not necessarily and primarily oriented to the state". Social movements seek reforms that are not state initiated and they use a conflictual approach. Habib (2005:683) contends that these social movements,

...have been established with the explicit political aim of organising and mobilising the poor and marginalised and contesting or engaging the state and other social actors around the implementation of neo-liberal policies.

Neo-liberal policies fail to empower the poor and social movements are products of struggles by the poor to have the state recognise their social and economic needs. Citizens make meaning of their own needs and their plight and through social movements and other civil society organisations ordinary people have their rights expressed. Social movements are people driven. The power of social movements rest in the ordinary citizens and look for government accountability on service delivery and other socio-economic needs. In South Africa some of the social movement activities are illegal and these include squatting, illegal service connections and illegal use of public property (Ranchod, 2007:8). Social movements in South Africa are community based struggles that have gained mass appeal (Ranchod, 2007:8). Although social movements have gained popularity in South Africa, there has not been a lot of education based movements as compared to movements that have to do with other services such as health, water, sanitation, electricity and housing.

Papadakis (2010) argues that the formation of a number of social movements after 2000 was a reaction to failure through participatory governance to transform the socio-economic conditions of the majority of South Africans. The role of civil society was transformed with the emergence of social movements which became critics of government and employed a conflictual/confrontational approach in order for government to meet citizens' needs.

Friedman (2010:134) argues for direct engagement with government, above other means as key determinant of civil society influence. In order for civil society to influence policy, it either has to work closely with government or mobilise enough influence from society to force the authorities to listen (Friedman, 2010:134). The latter method is however more effective as collaboration with government might compromise the agenda of civil society, which is to make government accountable of its actions. In South Africa an increase in civil society participation is perceived as necessary in building democracy. In 1998 South Africa was estimated to have 98,920 non-profit organisations (Habib, 2005:684). Of these 53% were informal organised groups located in poor and marginalised communities (Habib, 2005:684). These tend to be confrontational in their approach and the challenge is that confrontation strategy may potentially result in political and social instability as the state tries to regain political and social control. This has been evident with the Marikana incident in South Africa where a breakaway trade union (Association of Mineworkers and Construction Union) used confrontational approach against their employer, Lonmin mine and the state police responded violently killing 44 miners (Malala, 2012). In spite of its complex relations with state, civil society remains an important link between state and citizens (Klandermans et al., 2001).

4.5 The role of civil society in South Africa's education system

The following section discusses the role of civil society in realising education rights in South Africa. The early years of the newly formed government did not see a rise in education activism as contrasted to activism around issues of health, access to basic services such as electricity, housing and land. New social movements and pressure groups emerged in South Africa with the introduction of a new growth path namely Growth Employment and Redistribution (GEAR), shifting from the social values which Reconstruction and Development Programme (RDP) stood for (Coalition on Civic Society Resource Mobilisation, 2012:12). These organisations included Anti-Privatisation Forum (AFP), Soweto Electricity Crisis Committee (SECC), and Western Cape Anti-Eviction Campaign. Although education activism may not be described as a new phenomenon in South Africa, the emergence of organisations such as Equal Education and Section 27 which were formed in 2008 and 2010 respectively, show an increase in the formation and participation of more NGOs in education activism.

4.5.1 Education activism and the role of NGOs in South Africa's education

Activism is action that is taken by a group of people with the intention to influence policy makers and bring about change in society. Usually activists are confrontational. According to the Oxford dictionary, “it is policy or action of using vigorous campaigning to bring about political or social change” (Oxforddictionaries.com). Education activism involves action taken by a group of people around the issue of education, particularly with a view to realise quality education. Education activism in South Africa took a different form with the end of the apartheid era. During apartheid the struggle for freedom included fighting against a racial segregated education system. The end of apartheid ushered in a new system of education nationwide which barred all forms of racial segregation. The early post-apartheid years saw civil society, in form of NGOs partnering with the newly formed government in an attempt to formulate new education policy. Education-related NGOs were incorporated in the Reconstruction and Development Programme (RDP). Funding for these educational programmes was channelled through the state.

Adult Basic Education and Training (ABET), a government initiated programme meant to educate the adults who were deprived of education during years of segregation in South Africa and to generally improve literacy among the South African adult population, was introduced after 1994. The Adult Basic Education and Training Act 52 of 2000 provided for the establishment of public and private adult learning centres (South Africa Year Book 2010:150). NGOs partnered with the government in providing adult education under the ABET programme. John carried out a case study of ABET in the rural areas of KwaZulu Natal Province with the aim of analysing a Human Rights, Democracy and Development project “as a case of NGO led ABET provision in community settings” (John, 2009: i). John emphasised that there is a need to analyse the context and history within which the learning process is done as these inevitably shape learning and action (John, 2009).

Initiatives where government work in cooperation with NGOs continue to be carried out in South Africa. The Bridges to the Future Initiative (ICT based literacy programme) is being developed in Limpopo province and the provincial Department of Basic Education, the International Literacy Institute, Nedbank, Kellogg Foundation and the Molteno Project are all partners in the programme (South Africa Year Book, 2010:153). Such programmes show how education related NGOs are trying to engage the government in order to meet educational needs

of the citizens. With the end of apartheid, the relationship between NGOs and the government in the area of education can be best described as corporatist as NGOs were incorporated into government programmes and they could directly influence education policy. A corporatist relationship is based on trust and the belief that civil society complements government initiatives. Two decades after South Africa attained democracy, education rights for majority of the citizens remain unrealistic; hence activism in the area of education has taken a twist towards confrontation.

Education programmes in South Africa in the early years of post-apartheid were funded by international donors who believed that reversing the ills of apartheid education would open the door for development in new South Africa. The state would then extend its funding to NGOs that were offering education services or undertake education research that would inform policy makers in education. During the era of apartheid, funding from foreign governments, USA based Foundations and the European Union was channelled directly to anti-Apartheid NGOs (Habib and Taylor, 1999:74). With the end of apartheid the new government was trusted with foreign funding and NGOs were to work together with government for them to get funding. NGOs such as the National Education Crisis Committee and the Legal Resource Centre were formed in the 1990s during the transitional period and these identified with the African National Congress (Habib and Taylor, 1999:74). The Legal Resource Centre in particular worked closely with the ANC before the end of apartheid, offering legal assistance to the ANC. With the end of apartheid the Legal Resource Centre became independent from the state adopting a watchdog role on the state. Today the Legal Resource Centre has to a large extent adopted a more confrontational approach with regard to the state especially in the area of education.

In more recent years, there has been an increase in education related activism especially with the rise of Equal Education launched in 2008, Section 27, the Education Rights Project launched in 2002, and other non-governmental organisations advancing the right to education. These have employed confrontational tactics in engaging the ANC led government and signal a move away from a state centric approach that characterised education related NGOs in the early years of democracy. The South African Legal Resource Centre has also been instrumental in providing legal representation for some of these civil organisations. The Legal Resource Centre has been very active also in advocating for education rights in the Eastern Cape where education is in a state of crisis. In 2010 the Legal Resource Centre took government to court

concerning delays on the removal of mud schools in the Eastern Cape Province (IBP Publications, 2011). An agreement was signed between the Eastern Cape Department of Education and the Legal Resource Centre in which the national government would introduce a three year grant to address infrastructure backlog with 78% of the grant allocated for Eastern Cape Province (IBP Publications, 2011).

Activism around education has found legitimacy in recent years with the increase in number of education based civil society organisations. Before the end of Apartheid, it was unusual to make legal claims on the provision of education and on socio-economic rights, yet these rights are critical for the well-being of citizens. The inclusion of socio-economic rights in the South African constitution was meant to build a society whose core values are centred on enhancing human dignity and equity. Constitutionalised education rights in particular opened up for the use of courts in litigation and civil engagement with the state in ways that would potentially influence state education policy. As Spreen and Vally (2006:357) state “education policy approaches developed by social movements are derived from a conception of rights rather than what is perceived as 'limited' resources”. Education activism allows citizens to make right claims based on their own understanding of their education needs. Spreen and Vally (2006:357) however question the capacity of social movements to use a human rights framework to champion rights ‘in’ as well as ‘to’ education, the former including access to quality education and not only being in the classroom as stipulated by the latter. They caution against romanticising rights based discourse and encourage the conceptualisation of human rights in education that centrally locates the voices, concerns and needs of the poor (Spreen and Valley, 2006:357).

4.5.2 Education activism in the Eastern Cape and Grahamstown: confrontational or state centric?

Activism in the South African education system is also characterised by a strong teachers’ union. Amongst four other teachers’ unions namely the Suid-Afrikaanse Onderwysunie (SAOU), National Professional Teachers Association of South Africa (NAPTOSA) and the National Teachers Union (the NATU), South African Democratic Teachers’ Union (SADTU) is the strongest teacher’s trade union in South Africa (Letseka et al., 2012:1197). Teacher trade unions have been accused of being part of the cause of the education crisis in South Africa due to the fact that trade unions encourage teacher strikes at the expense of teaching and learning (Letseka et al., 2012:1197). Due to the nature of their representation and the interests they

pursue, teacher trade unions tend to confront the state. Their issues include working conditions, salaries and loss of jobs. Trade unions in general make political demands on governments on behalf of the employees. In 2013 the idea of stripping of teachers' rights to strike and making teaching an essential service was muted by ANC as a way of ensuring uninterrupted learning (De Wet, 2013:1). Ironically teachers form a strong base of political support for the ANC. The relationship between teacher trade unions and the current government in South Africa makes it complex to deal with the negative effects of teacher trade unionism as the teachers stand also as a political force by virtue of the relationship between the ruling party and the teacher trade unions.

Other than trade unions that seek to protect teachers' remunerations and working conditions, activism in the education sector has been characterised by NGOs that take the legal action route against the state. Challenges within the Eastern Cape Education system range from lack of infrastructure, teacher placement problems and insufficient learning materials. The Legal Resource Centre predicted that there would be teaching posts cuts in the Eastern Cape in 2013 due to budget constraints (*Grocott's Mail*, 19 October 2012). Evidently the year 2013 and the previous one were characterised by shortage of teachers as temporary teachers were removed from the system. Where teachers returned to schools, there has been a huge struggle for their salaries to be paid with some teachers going for several months without being paid. Cutting teacher posts has been detrimental to the schools which already suffered teacher shortages. In an article titled *Grahamstown Education: Grinding systematic decline persists*, Nomalanga Mkhize the leader of Save Our Schools and Community (SOSC) indicates that the problem is not only at provincial level but at district level with district officers who are too scared to make important decisions on schools (*Grocott's Mail*, 19 October, 2012). In the Eastern Cape on several accounts education officials and the Department of Education were taken to court for failing to fill vacant teaching posts, failing to do away with mud schools and failure to deliver learning material on time. Administering teacher placements has been one of the biggest challenges within the Eastern Cape Education Department. In 2012 on the 16th of August the *Daily Dispatch* reported that the Basic education MEC, Mandla Makupula and his acting head could face jail after contempt of court for failure to provide a mathematics teacher to Good Shepherd Primary School in Grahamstown.

In another headline, *EC schools, NGO sue Motsekga*, Equal Education took legal action against the minister of education, the national and provincial government for infrastructure crisis in the

country citing examples of two dilapidated Eastern Cape Schools namely Mwezeni senior school near Mthatha and Mkanzini Junior secondary school (*Daily Dispatch*, March 8, 2012). The Legal Resource Centre represented Equal Education and the two schools. In response to the legal action the provincial education spokesman stated that the national department of education was spearheading the Accelerated School Infrastructure Development Initiative (ASIDI) at a cost of R6 billion that would address infrastructure challenges in the Eastern Cape. Litigation has been useful as a way of getting the department of education in the Eastern Cape to meet its obligations or at least to take positive action towards improving the schooling system. Although important, litigation has not resulted in education rights fully realised within the Eastern Cape Province. Challenges still remain, with recent reports showing that several schools will face closure in the rural Eastern Cape due to too few pupils to make up a school. Most of the learners travel to towns where the quality of learning is relatively better. In a report the *Daily Dispatch* indicated that about 310 Eastern Cape schools are targeted for closure after 58 schools have already shut doors in the past 3 years (*Daily Dispatch*, 6 May 2013). In Grahamstown a township school called Benjamin Mahlasela was closed in 2013 and the buildings vandalised following its closure. Refer to appendix 4 for one of the newspaper articles on Eastern Cape Education crisis.

Education NGOs in the Eastern Cape offer a variety of services to their communities. SOSC is an NGO based in Port Elizabeth and Grahamstown and seeks the transformation of South African schools such that they become quality institutions of learning, teaching and development (SOSC, 2013). Its mission is to facilitate productive relationships between schools, the state and the community (SOSC, 2013). SOSC was formed in 2008. In 2009 Axiom Education (AE) was launched, an Eastern Cape based NGO which teaches Maths, English and Science and prepare students for entrance into tertiary learning (Axiom Education, 2013). It is based in a rural village of Zithulele in the Eastern Cape. Amasango Career School is a Grahamstown based NGO that was formed in 1991 to provide special education to street children in the Eastern Cape Province (Amasango, 2013). It currently has about 140 former street children and those who had just dropped out of school due to extreme psychological problems (Amasango, 2013). Inkamva Youth, formed in 2003 and with branches in most of the Provinces of South Africa is also present in Grahamstown. It is an NGO focusing on providing tutorship to high school students. Gadra Education, the case study for this research is also an NGO based in Grahamstown that seeks to advance educational rights to the less

advantaged people of Grahamstown. The history of Gadra and the services it offers will be discussed later, but it is worth mentioning that the NGO has a long history dating back to 1958 and thus existed in both pre and post-apartheid periods. Gadra Education's history is therefore traceable over a reasonable time frame characterised by completely different political dispensation. In Grahamstown, education based NGOs also include Grahamstown Literacy Project, Upstart, Friends for the Library and Ukufunda (Strategic Plan Document, 2012:28).

Teacher trade unionism triggers debate on the impact on teaching and learning with negative connotations from some analysts. However there is not yet much writing and debate on the effects of NGO activities on education especially with the recent phenomenon of NGOs that have adopted a confrontational attitude towards government. On 22 September 2009 Equal Education mobilised about 3000 learners in Cape Town and demanded libraries for schools (Equal Education, 2013). Save our Schools and Community on the other hand adopts a collaborative approach (SOSC, 2013). Equal Education and SOSC engage with the state from two different angles, the former being more confrontational than the latter. The latter engages with state schools through supporting learners with tutoring, life skills and after school homework assistance and so does Inkamva Youth (SOSC, 2012). SOSC seeks the transformation of schools into quality learning institutions without mobilising the community to confront the state. They believe in complementing what the state is already doing. The understanding is that there should be a way of working with the government that brings about change in state schools without confronting it. One cannot be sure however what sort of relationship these NGOs will have in the future as civil society/state relationships tend to be complex and can shift at times from confrontational to cooperation or vice versa. Some civil society organisations employ the two methods, cooperating with state when necessary and confronting when they think it is the best way to go.

4.5.3 Gadra Education: Historical background

Grahamstown Area Distress Relief Association (GADRA) was formed in 1958 and it ran a school feeding scheme in township schools (Gadra Education, 2013). GADRA started as a response to a local flood as the people who lived in town offered assistance to those who lived in the township area. Since 1958 GADRA has been growing, offering different educational initiatives apart from its original goal of providing food to township schools. GADRA is the oldest NGO in Grahamstown and offers different services to Grahamstown community. Gadra

Advice offers counselling, assist with food and clothing, provide braille classes for the visually impaired and offers some skills training such as gardening and leather craft training (Gadra Advice, 2013). Gadra Education is a branch of GADRA which was founded at the inception of GADRA, with a focus on providing book bursaries for high school scholars and tertiary bursaries for those doing tertiary education (Gadra education, 2013). Its educational services include the commercial centre or business school, Foundation for literacy programme, tertiary bursary programme and other programmes that include winter school, career guidance and science education project.

GADRA commercial centre offers a one year National Senior Certificate course on computer skills, office procedures, teaches English, Book keeping and accounting (Gadra Education, 2013). Students who complete this course often get employed in banks, Rhodes University, local attorneys, and in retailers such as Pick'n Pay and Clicks (Gadra Education, 2013). Adult education equips adults with computer skills for use in their domestic or work environments. Basic computer training is also available for young school leavers. Foundation for literacy is a programme meant to improve literacy by training, empowering and supporting teachers in the Molteno 'Breakthrough to literacy' (IsiXhosa) and "Bridge to English' programmes. Foundation for literacy also monitors literacy teaching, assessing all learners annually and evaluating impacts on literacy levels on all learners. Gadra Education makes use of Molteno Language and literacy programme which emphasises teaching literacy using mother language first and then later the language of instruction. It is believed that when the learner learns to read in his or her mother language it becomes easier to learn English as the second language. Gadra Education is currently running the Foundation for literacy programme in all the township schools.

The tertiary bursary programme started in 1975. The bursary programme helps learners from disadvantaged families who qualify at tertiary institutions. The bursary programme has been running for thirty eight years in Grahamstown and for more than twenty years in Queenstown (Gadra Education Annual Report 2008:8). The programme has assisted mostly students at Rhodes University and also students from other universities in the Eastern Cape Province. The bursary programme currently offers a bursary for R2500 per annum to top up the National Student Financial Aid Scheme (NSFAS) (Gadra Education, 2013). The students have the money deposited directly into their accounts which they use for living expenses and to buy books and stationary as opposed to previous years when the bursary was paid into the fee

accounts leaving students without cash to spend on these other extra expenses. For Technical college students the bursaries covers between a third and one half of the academic costs (Gadra Education Annual Report, 2008:9).

In 2007 100 bursaries were awarded and 75% of them claimed by bursars who managed to register at tertiary institutions (Annual Report 2007:17). In 2008 102 bursaries were awarded at a value of R245 000, but not all of the bursaries were claimed as some students failed to register at a tertiary institution and others failed to get adequate results at Grade 12 in order to enter tertiary institutions (Annual Report, 2008:9). Only 77% of the awarded bursaries were claimed in 2008 (Annual Report 2008:9). In 2009 a total of 91 bursaries were awarded with a value of R250 000 and 85% of the bursaries were claimed. In 2010 and 2011 70 bursaries for each year were awarded. Bursaries are awarded based on academic merit and financial need and for many years bursars have successfully completed their tertiary education with the assistance of Gadra Education bursary programme. A community-based selection committee comprising of academics and teachers is responsible for the selection of beneficiaries based on academic performance these students can reapply for the bursaries throughout their undergraduate years at the university. The Thelma M Henderson Bursary programme was established in 2007, named after Mrs Henderson who served as chairman of Gadra for 31 years (Annual Report, 2008:9). The bursary supports a student from Grahamstown studying at post-graduate level. Among the successful recipients of Gadra Education bursary is Dr Ken Ngoza who was a recipient of the bursary from 1977 to 1980 while he was at Nyaluza High School in Grahamstown (Annual Report, 2012). He attained a PhD and is a senior lecturer at Rhodes University.

In the 1980s and 1990s a winter school was run, career guidance provided, a science education project was initiated between 1981 and 1990 and Saturday school was initiated (Gadra Education, 2013). In its strategic plan Gadra Education indicates that its approach as an NGO is not just to provide welfare relief to the community but seeks the transformation of schools through advocacy. Gadra Education has shifted over the years from simply focusing on providing food aid to schools but to engage with the community and schools in order to transform education in Grahamstown. A lot of educational initiatives have been introduced from the time the NGO started and one of its successful projects is the Gadra Matric School.

GADRA Matric School was established in 1994 and offers a full time year programme preparing students to rewrite National Senior Certificates subjects. The Matric School provides another chance to do national senior certificate subjects and also to improve marks for entrance into tertiary institutions. The Matric School has been producing good results with 2010 and 2011 results placing it among the top 5% within the Eastern Cape Province (Gadra Education Annual Report, 2010). For the past 10 years Gadra Matric School has attained subject pass rates that are above 70% with 2005-2007 and 2012 results above 90% subject pass rates (Annul Reports 2007-2012). Since 1994 over 1380 students have graduated From GADRA Matric School with students being able to go to the universities and technical colleges (Gadra education, 2013). In 2011 47 of 131 graduated and applied for university entrance. For examples of Gadra Matric School results refer to appendix 5. The Matric School has introduced education advocacy campaign in Grahamstown, with the student governing body which oversees a public school principal forum intending to empower principals and parents to fulfil their role in local education and hold teachers and students accountable for performance (Gadra Education, 2013).

Gadra Education funding is mainly through corporate donors, Foundations and Trusts, which currently include Anglo American, Apex Hi Foundation, BoE Educational Foundation, Brait Foundation, The DG Murray Trust, HCI, Lottery to mention just a few (Gadra education, 2013). The NGO does not receive any government subsidy and R2500 is paid in school fees to cover only 1/3 of the total costs required to run the school. In order to raise the remaining costs in 2012 the Organisation engaged the community in a campaign called '*standing together for 200*' which calls for donors of R2500 from community members (Gadra Education, 2013).

Gadra Education engages with the community and operates outside the state and the market. Its relationship with the state can be contrasted with Equal Education in that the latter confronts government and make use of the law to push government to meet its obligations. SOSOC seeks to cooperate with government and look for meaningful ways of working together in order to realise education rights. Gadra Education on the other hand focuses on mobilising community participants to be engineers for transformation of the education system in Grahamstown through increasing the educational agency of parents and promoting leadership and mentorship amongst youths who are learning (Strategic Plan Document, 2012:24). Gadra Education's approach does not employ confrontation; neither does it collaborate with the Department of Basic Education. It engages with the state in so far as adhering to the systems that guide the

schools in South Africa such as the use of the Matric system and the Molteno project for literacy. Its initiatives are centred first and foremost on working with the community and building a model of education based NGO that offers ideal services which can be useful in transforming state schools.

In a state centric approach the NGO works within the state's policy and implement programmes that the state has engineered. In other words the NGO complements state initiatives and in most cases the state contributes towards funding these programmes. Gadra Education does not in any way seek to bail out the state and therefore does not implement educational programmes that are initiated by the state. In a voluntarist approach NGOs do not implement state engineered initiatives. Instead they are critical of the state and challenge the state on failing to fully meet the educational needs of the less privileged citizens. Gadra Education is different in that the NGO does not fit either of the two categories. It does not seek to merely implement state initiated programmes, yet at the same time, it is not confrontational in the sense of being directly critical of the state. However by virtue of the education initiatives Gadra Education undertakes, it becomes a critique of the Department of Education (DoE). Its relationship with the state (by state in this case I refer to the local district DoE in Grahamstown) is neither state centric nor voluntarist. An in-depth analysis of Gadra Education's role as a critique of the education system is provided later in chapters on data analysis. Section 4.6 explains the notions of Ubuntu and/or communitarianism, which are central to Gadra Education's provision of education to the less privileged.

4.6. *Ubuntu*- moral obligation for NGO services

NGOs that originate from within the local communities have their values rooted in the communities and their services are driven by communal values. This is applicable even to those NGOs that are confrontational. Most of these organisations have a local based membership and the providers of services do so voluntarily. Among the people who were interviewed for this research, one could see that there is a strong bond with the community and in fact these people lived long enough in Grahamstown to be able to identify with their community. Amongst them were Gadra Education chairperson, Dr Ngcoza, the Foundation for Literacy coordinator, Kelly Long and a number of the Matric school teachers who were born and grew up in Grahamstown. There is a sense of belonging to the community which compels them to give their services to the community. They have a sense of attachment to their community which drives them to

serve the community and to love the people. Basically community based organisations are a product of community members who take initiative to provide services for the needy members of the community. What we see through Gadra Education are values in education that emanate from the community. These values are utilised to enhance learning. State schools neglect these core values and the result is lack of passion from the educators, lack of discipline from learners and the creation of an environment that disrupts learning.

Ubuntu, an aspect of communitarianism emphasises the interconnectedness between community members. Although giving and sharing is practised in communitarian societies it has never been conceived as something that can be done in formal current education. In the past knowledge could be passed on from the elders to the young within the family and community free of charge. However in the current learning system where being in school matters, the passing on of knowledge is controlled and determined by the contractual obligation to disseminate knowledge. The students pay fees and teachers are obliged to teach even if they do not want to. This leads to certain ways of circumventing responsibility, for example on the part of teachers. Those who are in the teaching profession are not always driven by passion to teach. Instead some take up the profession for job security. For NGOs like Gadra Education where community members come together and decide to offer education to learners from less privileged backgrounds, the desire to give and share is the ultimate drive.

Communitarianism is based on the view that human beings are embedded within the community and the ‘self’ can be understood as made up of communal attachments such as family, religious groups or cultural groups (Stanford Encyclopaedia of Philosophy, 2001:4). Communitarianism opposes an individualist view of self which believes that human beings are “self-sufficient outside of society” (Stanford Encyclopaedia of Philosophy, 2001:4). Closely linked to communitarianism is the African philosophy of *Ubuntu*. “The latter is more concerned with the realisation of the uniqueness of each individual in the context of his or her community and the former focuses less on the autonomy of the individual members of the community and more on the collective” (Mokgoro, 2011:2). In the African community *Ubuntu* describes individuals’ humaneness.

The term *Ubuntu* is a Xhosa word derived from a phrase “*umuntu ngumuntu ngabantu*” which means a person is a person through other persons (Muzvidziwa and Muzvidziwa, 2012:28; Louw, 2001:16). According to Mokgoro, (2011:1), “*ubuntu* can be described as a philosophy

of life which in its most fundamental sense represents personhood, humanity, humanness and morality.” *Ubuntu* places emphasis on communality and interdependence of the members of a community and it regulates the exercise of rights by the emphasis it lays on sharing and co-responsibility and the mutual enjoyment of rights by all” (Bennett, 2011:5). In education *Ubuntu* presupposes quality education as a right for all and therefore it becomes the responsibility of every community member to ensure that educational rights are attained by all. *Ubuntu* values are critical in creating a more equitable society. “It expresses our common humanity and responsibility to each other that deeply flows from our deeply felt connection” (Muzvidziwa and Muzvidziwa, (2012:27). Louw (2001:15) describes *Ubuntu* as, “both a factual description and a rule of conduct or social ethic”. *Ubuntu* is something that can guide principles for living and a community that embraces *Ubuntu* is willing to share for the good of the community as a whole.

In *Ubuntu* philosophy the central point is the presence of a community in which people belong together. Relationships are formed and shaped by the presence of *Ubuntu* values. “An individual’s humanness is seen through his/her relationship with others and theirs in turn through recognition of the individual’s humanness” (Louw, 2001:15). One can realise that a sense of belonging played a critical role in learning at Gadra Matric School. On several occasions in the course of the interviews, the learners made comments to say “it feels like a family here at Gadra, they (teachers and the principal) even know us by our names” (Focus group Interview). In communitarianism there is a general sense of belonging, acceptance and attachment to a community which are the building blocks for the creation of communal values and norms. As Venter (2004:151) puts forward, “the community and belonging to a community is part of the essence of traditional African life”. The sense of belonging provides the personal drive in the provider of educational services who is the giver and a sense of gratitude and appreciation on the part of the recipients, the learners. Reciprocation and solidarity characterise a community that embraces *Ubuntu* values (Muzvidziwa and Muzvidziwa, 2012). Someone gives and the person who receives does not keep to him/herself but shows appreciation by giving to others also. Siyanda Centwa indicated that at Rhodes University he helps others with essay writing after he learnt writing skills from Gadra Education. The value of sharing is something that he learnt at Gadra Education.

Ubuntu is vital to the provision of education. When someone has the privilege of being educated and succeeds economically and socially, he/she may choose to live life to his/her

benefit without concerning himself/herself with those that are not educated. Venter, (2004:150) argues that *Ubuntu* and communalism are significant in an African educational discourse. I argue, *Ubuntu* philosophy, and particularly love as the enabling force of giving and sharing is significant in the actual provision of education. Therefore including *Ubuntu* in the curriculum without exercising the doctrine by school management, teachers and students is insufficient. Gadra Education as an NGO plays a significant role towards the realisation of education rights by embracing *Ubuntu* values that are critical in the provision of educational services. Muzvidziwa and Muzvidziwa, (2012:27) contend that a high performing school is usually characterised by *Ubuntu* and the level of discipline in a school is determined by the presence or absence of it. *Ubuntu* philosophy has been applied and found useful in management, including school management (Msila, 2008:67, Muzvidziwa and Muzvidziwa, 2012). Msila carried out a case study where a principal used *Ubuntu* style of leadership which involved participation by teachers as they assume leadership roles (Msila, 2008). Msila contends that *Ubuntu* leadership style, although not easy to implement it is an effective way of school management. It allows each member of staff to play a leadership role in a particular area within the school and that ensures ownership of the school by all staff members. Since *Ubuntu* involves communal ownership, it is important for members of the school to know that they collectively own the school and therefore should participate in the running of the school together.

Embedded in *Ubuntu* are values of love, unity, belonging, sacrifice and selflessness. Keevy, (2011:27) includes in the list values such as honesty, kindness, compassion, respect, hospitality, sharing, kindness, forgiveness, sympathy, tolerance appreciation and consideration. A person with *Ubuntu* is “caring, humble, considerate, thoughtful, understanding, wise, generous, hospitable, socially mature, socially sensitive, and virtuous and blessed” (Venter, 2004:150). *Ubuntu* is also understood as, “expression of compassion, reciprocity, dignity, harmony and humanity in the interests of building and maintaining a community of justice and mutual caring” (Muzvidziwa and Muzvidziwa, 2012:27). The chairperson of Gadra Education described *Ubuntu* as part of African Philosophy and the practice of it as historical within the African community. He expressed concern on how the community failed to make use of *Ubuntu* to educate the people.

I do want to say that, unfortunately that's one of the weaknesses with our communities currently, 'giving back' to the community, sadly because to give back is an African Philosophy,

is Ubuntu and the way Ubuntu was practised in the past was for example ploughing the fields. We even have a name we call 'ilima' and building a house we had a name for that 'ibhoxo'. So what we need is a change of our mind sets and say to the people we can translate this philosophy of Ubuntu into the education of our children¹.

Ilima (quoted above) is a practice whereby community members work together to plough their fields. As Broodryk states, historically, land was communally owned in the African community and there was no individual ownership to land (2006:55). People would put together communal labour in order to cultivate the piece of land a family would be entitled to. *Ibhoxo* was done to build a community member's house. Members of the community would work together, gather all the material needed and build the house. Broodryk describes how in the African society, the members of the community would lend one another cattle to plough the fields without anything in return (2006:58). Communal ownership defines the African belief system, to the extent that even children belong to the community. A neighbour is responsible for the safety and general wellbeing of his neighbour's child as such a child should be treated as if it were the neighbour's own child.

Cooperation and pooling of resources was ideal as it lessened the work for individual members of the community and also reduces inequality. At Gadra Education people work together as members of the community (teachers, individual donors, Rhodes University lecturers, parents), to ensure that the learners achieve their educational goals in an affordable and sustainable manner. Gadra Education brings *Ubuntu* in education with more emphasis on the improvement of the welfare of the less advantaged through providing education as opposed to putting emphasis on education for the creation of a labour market to enhance economic growth. Whereas the core of capitalism is on economic growth and education is seen as vehicle for creating a skilled labour force, *Ubuntu* in education focuses on uplifting the community, first and foremost. Broodryk (2006:55) states that, "not all people are prepared to share their possessions, assets and even their knowledge with others and some have hidden agendas when they share". Broodryk argues that it is those who have their values driven by *Ubuntu* that are prepared to share. Gadra Education existed for more than half a century and its members have demonstrated the willingness to share knowledge with the poor.

¹ K. Ngcoza. Grahamstown. 06 July 2013

4.6 Conclusion

In this chapter the concept of civil society has been explained with its various meanings. ‘Civil society’ understood in different ways, reflects the different ways in which civil society relates to the state. Corporatist/state centric and voluntary pluralist/liberal versions of state/civil society relationship have been put forward. With the former the state incorporates civil society institutions in its decision making process, hence CSOs’ policies are often controlled or determined by the state. The liberal version is confrontational and civil society operates in an antagonistic way. It is anti-state. The South African education system has seen an increase in education related activism than before. In the Eastern Cape NGOs have been formed since 2000 with a focus on offering educational services. These relate in different ways with the Department of Education. Some collaborate with the government and establish ways of working with the state in order to realise education rights. Others confront the state and take legal action against it with the same goal of realising education rights. Gadra education however is not confrontational and neither does Gadra Education seek to collaborate with the state. Through its services, the NGO has its own strategy of successfully teaching learners from poor backgrounds resulting in them entering tertiary institutions. Its approach, which utilises *Ubuntu* can be an example to the state and potentially influence the state to deliver on its obligations. The next chapter will discuss the research methodology and methods of research which were used for this study.

CHAPTER 5

Research methodology and research methods

5.1 Introduction

This thesis used a case study approach. A case study can be defined as, “the study of an instance in action; the study of a single instance of a bounded system or the study of the particular” (Cohen et al., 2011:14). A case study, “generally seeks to understand complex social phenomena, with units of analysis varying from individuals, groups of people, organisations or institutions and specified areas and locations” (Berg, 2007:283; Yin, 2009). A case study allows for a deep analysis of the object or subject of study; an event, phenomena, person or organisation. The context from which the case study is made is of critical importance for “there is usually no clear boundary between the phenomena and its context” (Yin, 2009:18). A case study therefore allows us to understand not only the specific instance under study such as a school, but provides an in-depth understanding of the context of the case such as the socio-economic or political environment and history that influence and shape the performance of the school. “Contexts are unique and dynamic, hence case studies report the real-life, complex dynamic and unfolding interactions of events, human relationships and other factors in a unique instance” (Cohen et al., 2011:289). The importance of the context of the case study cannot be underestimated.

Social scientists use various qualitative methods depending on the field of study and case studies according to some authors, form part of social science qualitative inquiry which encompasses phenomenological studies, ethnographic studies, grounded theory and biographical studies (Hancock and Algozzine, 2006). However others (Yin, 2009; Stake, 1994; Cohen et al., 2011) believe a case study method is not just a form of qualitative research as it sometimes combines quantitative and qualitative evidence. This is not unusual with research methodology as it usually defy the quantitative and qualitative dichotomy. In most cases quantitative and qualitative approaches complement each other.

Case studies have been essential and useful for research in education with much of its focus on the classroom, schools, students and teachers (Carr and Kemmis, 1986). A case study is a study of people in their real situations. It is not a simple presentation of theories and principles in abstract form (Cohen et al., 2011:289). For this study, a case study was carried out on Gadra

Education, an NGO that offers education services in Grahamstown, a small town in Eastern Cape Province of South Africa.

5.2 Education research in socio-economic, political and historical context

Educational research and case studies on education can be undertaken within different contexts which include socio-political, historical, cultural, and organisational and policy dimensions (Rule and John, 2011). It has been carried out through various angles including, “investigating the social constructionist view that education has a role in reshaping society; the role of education in the development of ‘the cultured person’; the role of education in anticipating different social cultural forms and the interaction between education and the structure of society” (Carr and Kemmis, 1986:22). Educational theorists have in fact done a lot to prove that schooling can potentially re-produce the social structure (Carr and Kemmis, 1986:22). When it comes to situations in education, calls to perceive such issues in social-political contexts are inevitable, as well as attempts to identify the political structures which shape educational provision and practices (Carr and Kemmis, 1986:23). Education research is therefore not only limited to the curriculum (set of courses offered at an educational institute). It requires researchers to make meaning of the society that shape educational scenarios and outcomes. The choice of Gadra Education as a case study was triggered by an attempt to understand society as a determinant factor on education outcomes.

The state is one institute that research on education can focus on as it is critical in the provision of education to the citizens. As Carr and Kemmis (1986:23) state, “educational situations call for analysis of educational systems which include state responsibility and the rapid expansion of educational obligations and or opportunities”. Case studies on education can take different dimensions, focusing on curriculum development and policy making; psychoanalysis of learners’ behavioural traits; the study of institutions offering education such as the state and NGOs. One can make a case study of the state schooling system of a particular country and state’s initiatives with regards to the education needs of its citizenry.

The focus of this study is on an NGO as an organisation that offers educational services. Its role as part of civil society organisations is analysed, as is its relationship with local government in order to have education rights realised by the less advantaged people in society.

Gadra Education case study is examined within a broader context of socio-economic rights and focuses mainly on analysing the initiatives that Gadra Education undertakes and how these have influenced thinking and debates on education rights in Grahamstown's less privileged community. Furthermore the case study seeks to identify the NGO's relationship with the district DoE located in Grahamstown. This research also takes cognisance of the historical, political and economic context within which education in South Africa is characterised. South Africa's history of segregation which impacted the provision of education to the majority of its people calls for investigation and critical analysis of state/civil society relations that can help advance education rights in a manner that brings about the transformation of society.

It is not just the right to be in class that the case seeks to analyse but the right to 'quality' education which is important in transforming the lives of the poor. A study of Gadra Education was carried out which entailed studying its people, operations and particularly its relationship with the state's representatives in the ministry of education and the community. The study examined the structure of the Organisation and the relationship of its members who included the manager, chairperson, school principal, teachers and students. How the Organisation operates determined the outcome with regards to quality learning. Quality learning underpins the realisation of other socio-economic needs, improves the welfare of the people and enhances the eradication of poverty and inequality. The study showed that the quality of learning at Gadra Education and particularly Gadra Matric School opened up opportunities for learners to go into tertiary level.

The research brings about the link between education and sociology. Sociological case study research focuses on "society, social institutions and social relationships, examines the structure, development, interaction and collective behaviour of organised groups or individuals" (Hancock and Algazzine, 2006:32). Examples of educational case studies that employ a sociological approach include case studies on student teacher interactions, middle school social structures and the impact of equity issues and student achievement (Hancock and Algazzine, 2006:32). The study on Gadra Education is carried out not only to understand the institution and what it offers, but also to understand the social factors that influence and impact educational outcomes. How Gadra Education achieves its educational goals can potentially inform or provide lessons useful for the DoE on how education rights can materialise and help those learners that are in disadvantaged communities. Teaching in such communities require passion, empathy and those other values that motivate the learners.

The case study is an instrumental case study that seeks to address a particular question, hence the use of a case study becomes of secondary significance (Berg, 2007). “It plays a supportive role, facilitating our understanding of something else” (Stake, 1994: 237). Instrumental case studies as opposed to intrinsic case studies do not seek to understand the intrinsic aspects of a particular case. They seek to understand some external theoretical question, issue or problem (Berg, 2007; Stake, 1994:237). Gadra Education is selected against the background of the state’s failure to meet its primary obligation on education rights for the less privileged in post-apartheid South Africa. The Eastern Cape Province is a special case as it is characterised by major educational challenges compared to other provinces. These include lack of learning material, teacher shortage, persisting mud schools, lack of enough classrooms and poor administration at both provincial and district levels which generally result in poor learning outcomes.

5.3 The choice of Gadra education

As indicated above Gadra Education is not the only NGO that provides education in the Eastern Cape Province and particularly in Grahamstown. However Gadra Education is of significance for this particular research because of its history. Unlike the other NGOs in Grahamstown that focus on education, Gadra originated during the apartheid era under discriminatory laws and it has survived through that time until this day. Gadra Education experienced both political dispensations pre and post-apartheid. The period of its existence allows us to see the changes that the Organisation has gone through in terms of service provision. Although the initial focus was to do an in-depth analysis of all the services Gadra Education offer, emphasis has been placed on Gadra Matric School as a good example of the success of the Organisation in meeting its educational goals. This is not to mean the other services it provides are not good enough. The bursary programme for instance has survived since the Organisation’s inception and has continued to benefit many people.

Education NGOs that are affiliated to government are much bigger and offer services in order to address education challenges at a broader scale. Yet community based initiatives that may be very effective but are addressing education problems at local community levels can potentially be underestimated. Gadra education case study provides an opportunity to analyse the quality of education that an NGO can potentially offer to the community whose right to quality education has been realised by mainly the privileged members of that community.

Grahamstown is a community characterised by stark inequality in education. In the eastern part of the town poor schools offer very poor education at low fees. Grahamstown central and the western part is characterised by affluent schools, charging exorbitant fees which attracts most students from outside the Eastern Cape Province and beyond the borders of South Africa. A few schools (Oatlands Preparatory School, Victoria Primary School, Victoria Girls High School, and Graeme College) that are state subsidised with fairly good quality learning and fairly low fees fail to cater for most of the students from less privileged families. It is against such a background that an NGO like Gadra Education makes initiatives to have the right to quality education accessible to the less privileged community members at affordable fees with much of its financing coming from donors. The question is how the structure of the institution, the work ethics of the staff and student's behaviour determines the learning outcomes. As we shall see in later chapters, *Ubuntu* has been important as the value which the Organisation hinges on, that results in the building of a passionate, empathic, caring and loving staff member.

Gadra Matric School in particular has produced outstanding results with students that previously did not do well in their previous formal schools. Gadra Education therefore presented a case of interest in that it helps us to critically analyse the organisational structure and the mode of operations of the Organisation and how these help advancing quality education. Secondly the case study offers an opportunity to critically analyse the Organisation's relationship with the government and whether such a relationship works well for the advancement of quality education. As an NGO Gadra Education allows us to assess what it is that the NGO offers which state schools have attempted to offer unsuccessfully.

5.4 Data collection methods

A case study can use various data collection methods including participant or direct observation, semi-structured interviews, document analysis (Yin 2008). Archival records and physical artefacts can also be important sources of data for case studies. As posed by Stake (1994:236) a case study is simply a choice of the object to be studied and not a methodological choice. Research methods for a case study can vary. Cohen et al., (2011: 289) also contend that there are many variables operating in a single case, hence the need to make use of more than one tool for data collection, so as to capture the implications of these variables. For this case study I used three qualitative techniques namely semi-structured interviews, focus groups and document analysis and these will be explained below.

5.4.1 Semi-structured interviews

Semi-structured interviews were carried out with the chairperson of Gadra Education, the manager, the principal of the Matric School, the Foundation for Literacy organiser, six teachers and four Rhodes University students who were former Gadra Matric School students. Semi-structured interviews are ideal as they allow flexibility. Semi-structured interviews “ask predetermined but flexibly worded questions and use follow up questions to probe more deeply issues of interests” (Hancock and Algozzine, 2006:40). A new perspective can be brought up in the course of the interview and one has the liberty to farther ask questions along that new perspective. In a semi-structured interview one does not deviate from the primary goal of the research but is capable of asking questions that he/she never intends as a result of the responses given to the original questions. Participants are allowed to discuss issues that are important to them without deviating from what the researcher seeks to find out. Flexibility in semi-structured interviews is of paramount importance (Braun and Clarke, 2013:78). As Rule and John (2011) contends, semi structured interviews allow pursuance of a new line of inquiry triggered in the course of the interview. Semi-structured interviews can potentially raise issues that the researcher has not anticipated and that is important for a qualitative form of inquiry (Braun and Clarke, 2013:78).

Structured interviews are restrictive in nature and ask only predetermined questions without accommodating any slight deviation from the original line of inquiry and seek for specific response. Semi-structured interviews allow both the interviewee and the interviewer to bring up information of interest and to ask farther than would be possible in a structured interview. Interviewees can express themselves freely and openly in semi-structured interviews than in a structured interview (Hancock and Algozzine, 2006).

5.4.2 Focus group interviews

Focus group interviews capitalise on sharing and creation of new ideas and provide a sense of the range and diversity of views (Hancock and Algozzine, 2006; Rule and John, 2011). These were carried out particularly on Matric school students with a group of not more than six students at a time. Focus groups allow students to talk freely as they are not very formal compared to a one on one interview. However focus groups are limited in that there tend to be dominating members of the group, who may say their personal views and appear as if these views are representative of all the students. There was a deliberate attempt to give a chance to

every member in a focus group to speak his or her views without letting one individual dominate the discussion.

5.4.3 Document analysis

Document analysis is useful as a starting point as it provides necessary information on the history of the institution and provides a way of getting a sense of the case (Rule & John, 2011). Document analysis opens up for interviews and other methods of inquiry in a case study. This study used the information available on Gadra Education website, which provides the history, services offered, funding strategies and the organisational structure. On the website one can easily connect with other organisations that relate with Gadra Education which are crucial for analysis on funding and other things. Other than documents made available online, I also analysed written documents in form of reports and newsletters available at the Cory Library at Rhodes University. Newspaper articles were an important source of information on Gadra's achievements and they included the *Daily Dispatch* and the *Grocott's Mail*. I used the Gadra Education strategic plan 2012-2015 document, the standing together for 200 scholarship programme pamphlet and the new name pamphlet as a starting point. With the help of Gadra Education manager I also got access to annual reports and minute books from the Cory Library. The former provided crucial information on students' results, financial reports, bursary allocations and information of all the initiatives Gadra Education was undertaking from the time of its inception up to date. Minute books were also useful as primary information on what Gadra Education was doing and intended to do at the time the minutes were put down. Much of the evidence provided in this thesis is based on the above mentioned sources. The effectiveness of the NGO is judged on the success of the learners as was reported in newspapers. See appendix 4 for an article on the success of Gadra Matric School students in 2013.

5.4.4 Ethical considerations

The research proposal was submitted and approved by the Higher Degrees Committee of Rhodes University and by virtue of being approved, the University provides ethical clearance for the research. In the course of my fieldwork, I ensured that I received consent to interview the subjects (see attached consent forms from students and staff members) and this research does not have sensitive information which can potentially affect the interview subjects' personalities or place them at any risk.

5.5 Conclusion

In conclusion the chapter has discussed the use of case study as a method in educational research with a sociological approach. The research methods are varied ranging from semi-structured interviews, focus group interviews and document analysis. The following chapters will be the outcome of the above research methods, seeking to outline and analyse data collected.

CHAPTER 6

Gadra Education: a *de facto* institution critical of the state's education system

6.1 Introduction

The focus of the research was to identify and analyse the role played by Gadra Education in order to meet education rights for the less privileged members of Grahamstown community. Specifically, the study is concerned with how the Organisation makes these constitutional rights real, that is of practical benefit to them. In order to understand how Gadra Education achieves this, I focused on the nature of the relationship that exists between the Organisation and the district office of the Department of Education (DoE) which is based in Grahamstown. We have noted in the literature on civil society how civil society either confronts the state or is incorporated by the state in its attempt to realise socio-economic rights. Both the state and Gadra Education aim at the realisation of education rights and therefore it is assumed that there should be some sort of relationship between the NGO and the DoE. For several years Gadra Education has been undertaking independent educational initiatives without confronting the local DoE. The strategy to confront the DoE is useful as far as improving the schools' infrastructure, eradicating mud schools and the deployment of teachers in schools is concerned. However it is not very useful when it comes to improving the learning process in class and in the school where the teacher and the student require self-discipline and self-motivation. Gadra Education's non-confrontational and informal relationship with the local state works well for the NGO as its main focus is in the actual provision of education services with its central goal on producing quality results in learning. It serves as an example to both the state and other educational NGOs in the provision of education.

6.2 Chapter outline

The first section describes the nature and organisational structure of Gadra Education. Its nature makes it difficult to establish a formal relationship with the local state. A formal relationship where the representatives from the DoE work directly with Gadra Education staff members, with some kind of direct influence on the functioning of the Organisation does not exist. An informal and non-confrontational relationship works strategically in that it allows the NGO to provide educational services without being directly controlled or policed by the state. Gadra Education makes its own initiatives without having to conform to school policies that guide the functioning of state schools. It maintains some distance from the state, yet its non-

confrontational approach allows it to approach the DoE for assistance when necessary. The next section analyses the effectiveness of Gadra Education's strategy as an education service provider. Gadra Education places its energy on teaching and learning. The Organisation lacks proper accommodation for the learners, yet the NGO still produces good results.

The last section argues that Gadra Education plays the role of a *de facto* institution critical of the state's education system. Gadra's approach offers fundamental lessons which the DoE can make use of in order to improve the state school system and to meet its obligations. When we look at what and how Gadra Education does to have education rights made realisable, we ask the question of how and what the state has failed in order to have the education rights of the less advantaged met. When the learners from township schools fail to go through to tertiary level, it means there is a missing link between secondary school and tertiary learning. Learners from township school find it challenging to get enough points for university or college entry. Gadra Education provides learners with a bridge to tertiary level. It means there is something Gadra Education does which is not done within most of the state schools. Whatever activities the NGO undertakes makes it impossible not to look back and ask what the state has not done and what the state could have done better in order for the less advantaged learners to realise their educational goals. Without Gadra Education having to confront the DoE or work closely with it, the NGO focuses on being an example in education provision, potentially influencing the state and other NGOs that aim at meeting educational rights for the poor.

A combination of factors contribute towards the provision of quality learning, and these include well trained and experienced teachers, availability of learning materials, disciplined teachers/students, class sizes and teacher-student ratio. On the other hand, students from low socio-economic backgrounds fail to perform well in school due to factors such as, "absenteeism, inappropriate curriculum and examinations, badly trained teachers, lack of textbooks and overcrowded classrooms" (Legotlo et al., 2002:113). Township schools are often characterised by overcrowded classes, low teacher morale, discipline challenges and lack of sufficient teaching materials. Gadra Education provides us with a critical eye with which to look at the state's education system.

6.3 The nature and organisational structure of Gadra Education

In order to understand how Gadra Education functions, I provide here a detailed analysis of Gadra Education's organisational structure, nature and manner of operation. Gadra Education

was initially formed as a welfare organisation that provided learners with food in township schools. It is registered as a Non-Profit Organisation, under Gadra Welfare Trust, Registration number 003-671 (Annual Report, 01 April 2005- 31 March 2006). The Organisation has been transforming since it was formed, moving from just providing food to offering study bursaries for learners in schools and tertiary education. In 1994 Gadra Education established a Matric School which offers a second chance for Matric learners. Since 1976 Gadra Education has been running a bursary programme to support learners in schools, teachers' colleges, technical colleges and universities. Bursaries have continued to be awarded until today and current students at Rhodes University who are former Gadra Matric School students benefit from the bursary programme. In September 2007 Thelma Henderson retired after serving as chairperson of Gadra Education for a period of 31 years. In honour of her legacy, the Thelma Henderson Gadra Postgraduate Bursary was started which would support a local humanities student at post-graduate level (Grocotts' Mail, 04 September 2007).

The role of Gadra Education in supporting the less privileged students dates back to more than 50 years. The current chairperson of Gadra Education and a former beneficiary, Dr Ngcoza indicated that the support from Gadra education during his time (more than 33 years ago) was in the form of buying books for learners from disadvantaged groups especially for those who were performing well academically. Gadra Education brought relief to parents whose burden to pay fees and buy books was huge considering that these parents had little or no income. With Gadra covering all books and stationery requirements, parents would only pay school fees. As Dr Ngcoza states:

I remember we had to go at J Chan Henry at the corner there in Raglan Road. They had a deal with that shop and it was helpful because you knew at least you had books and the burden on the part of the parents was lessened. And the good part of the buying of books factor was that each and every home would have a small book shelf because you would take over from the children ahead of you.²

Gadra Education bursaries assisted him both in High School and at the University. Although he could not remember how much Gadra Education was paying for university those days, he indicated that the bursary covered everything, tuition and boarding fees.

² K. Ngcoza. Grahamstown. 06 July 2013.

Gadra Education originated as a welfare organisation giving educational support through running school feeding schemes, providing books and bursaries for learners (gadraeducation.co.za). Gadra bursary programme has been running for many years and today financial assistance is provided for students that are studying in technical colleges and universities within the Eastern Cape Province and most of the students are currently studying at Rhodes University. The current bursary programme does not pay for everything as was the case in previous years. Currently the National Student Financial Aid Scheme (NSFAS) is responsible for tuition and residence fees. Gadra Education bursary provides a top up fund of R1250 paid twice a year (gadraeducation.co.za). As a result the bursary programme assists a lot more people at tertiary level than it used to do many years ago, albeit with smaller amounts payable per student since residence fees and tuition would be covered by NSFAS. During the apartheid era Gadra Education bursary would pay for tuition and residence fees.

In 2011 and 2012, seventy bursaries and fifty eight bursaries, respectively, were awarded to students at tertiary institutions (gadraeducation.co.za). The funds assisted with the purchase of stationary and other learning materials required at tertiary institutions. NSFAS was introduced by government in the mid-1990s in order to pay tuition and residence fees for students that are less privileged and cannot afford tertiary fees. NSFAS helped the less advantaged to have access to tertiary education and to counter the past injustices within the education system of South Africa (Van der Bank and Nkadimeng, 2014:353). However NSFAS doesn't provide funding for textbooks, photocopying charges and other personal items that the student needs and that is where Gadra Education financial aid comes in to assist.

The bursary programme is essential for Gadra as it serves to teach former Gadra Education students to give back to the Organisation. Students studying at Rhodes University who receive the bursary are required to become part of either tutoring or mentorship programmes at Gadra Education. As indicated by one former Gadra Matric School student, Thabiso Mafana, "*the bursary gets us connected*"³. According to him the bursary programme helped create some kind of alumni because one would not leave the Organisation for good. Thus:

³ T. Mafana. Grahamstown. 26 September 2013

The bursary is the thing that former Gadra students and Gadra connect. I connect with Gadra today because of the bursary. If I didn't have a bursary maybe I wouldn't have gone back to Gadra⁴.

Although from what Thabiso states, one cannot tell whether he felt unfairly tied to the Organisation through the bursary programme, he acknowledges that the bursary plays a role in attaching former students to the Organisation. Gadra Education manager, Dr Ashley Westaway indicated in an interview how the bursary programme works as a means of retaining former Matric School students within the Organisation as benefactors and also enforcing values of love and care for others. The manager described how the students gave back to the community through mentorship, tutorship and assisting in parent engagement programmes. The bursars must participate in any one of these programmes as a way of giving back to the Organisation and to the community. Gadra Education manager explained how this is done, not only through mentorship but also tutorship and assisting with parent engagement events. He stated that:

The students must do volunteer work. So they either work with me on parent engagement or they work on tutoring or they work on mentoring. It's a way of keeping them and also at university level we are trying to build a different set of values you know. A dominant set of values on campus is, I must think of myself, I must progress, I must become rich. We are trying to teach a set of values which are about being an active socially aware citizen in the world and that you get your meaning of life not only from your own progress, but from care and love for others.⁵

Gadra Education also runs a Matric school that gives a second chance to students who need to improve their marks or who want to repeat all their subjects which they did not do well in the previous years. The Matric School is not recognised as a formal school since formal high schools and secondary schools should run grade 8 to grade 12 and Gadra Matric School only offers grade 12. In fact the sheer number of students at Gadra Matric School does not constitute a formal school for they are only about 150 students and the lack of permanent physical structures makes Gadra Matric school an informal school. The Department of Basic Education does not have any obligation to support a school of that nature. According to the Department of Basic Education (DoBE) National Policy Act of 1996, Section 27 subsection 20.2, the

⁴ T. Mafana. Grahamstown. 26 September 2013

⁵ A Westaway. Grahamstown. 30 October 2013

education district office provides an enabling environment and targeted support to education institutions within the district to do their work in line with the law and educational policy. The district office is mandated to provide support to principals and educators and also to provide an enabling environment for training to administrators and school managers (DoBE National Policy Act). Within the scope of the district office's roles, it is not stipulated that the office can assist education institutions, including educational NGOs. The focus of the DoBE is on formal schools and therefore the DoE is not mandated to give support to Gadra Education. As an NGO, Gadra Education gets most of its support from the community and mobilises its own funding. Gadra Education however uses the education systems placed by the DoBE such as matriculation system and the Molteno programme for language development in learning. The informal relationship with the state strategically works to the benefit of the NGO, but it also creates challenges of having little or no financial support from government.

As a result of that lack of recognition for a formal school, the process of having Gadra Matric School students register for their final exams is not always simple. Both the principal of the school and the manager of Gadra Education confirmed that there were challenges when it comes to working with the DoBE district office in order to have their students on the system in order for them to write their Matric examinations. Since they are repeat students, learners at Gadra Matric School do not appear in the register for current Matric students, hence the principal has to ensure that their names are included in the register. The process of registering them is done at the district office. Also, their course marks need to be captured by the DoE, and the marks contribute towards their final marks. Due to the bureaucratic nature of the DoE, the process of getting Gadra Education Matric students re-write has been a challenge. Yet even with regards to this issue, Gadra Education has not tried confrontational means to deal with the DoE. The strategy has been to engage the officials at the district office in an informal way and ensure registration for the Matric students is done. The Matric School is headed by the school principal and has up to 13 part-time teachers who are mostly Rhodes University academics. The school has been producing good results over the years with a pass rate of above 90% each year. Students improve their marks by an average of 25%. The table below best reflects the improvement students made in their National Senior Certificate (NSC). The table compares the 2010 outgoing (end of year) result levels with their incoming (beginning of year) result levels.

Table 6.1 Incoming and outgoing results level 2010

Level of Pass	Incoming Result level	Outgoing Result Level
Bachelors Pass	2	31
Diploma	21	34
Higher Certificate	9	12
Failure	37	1

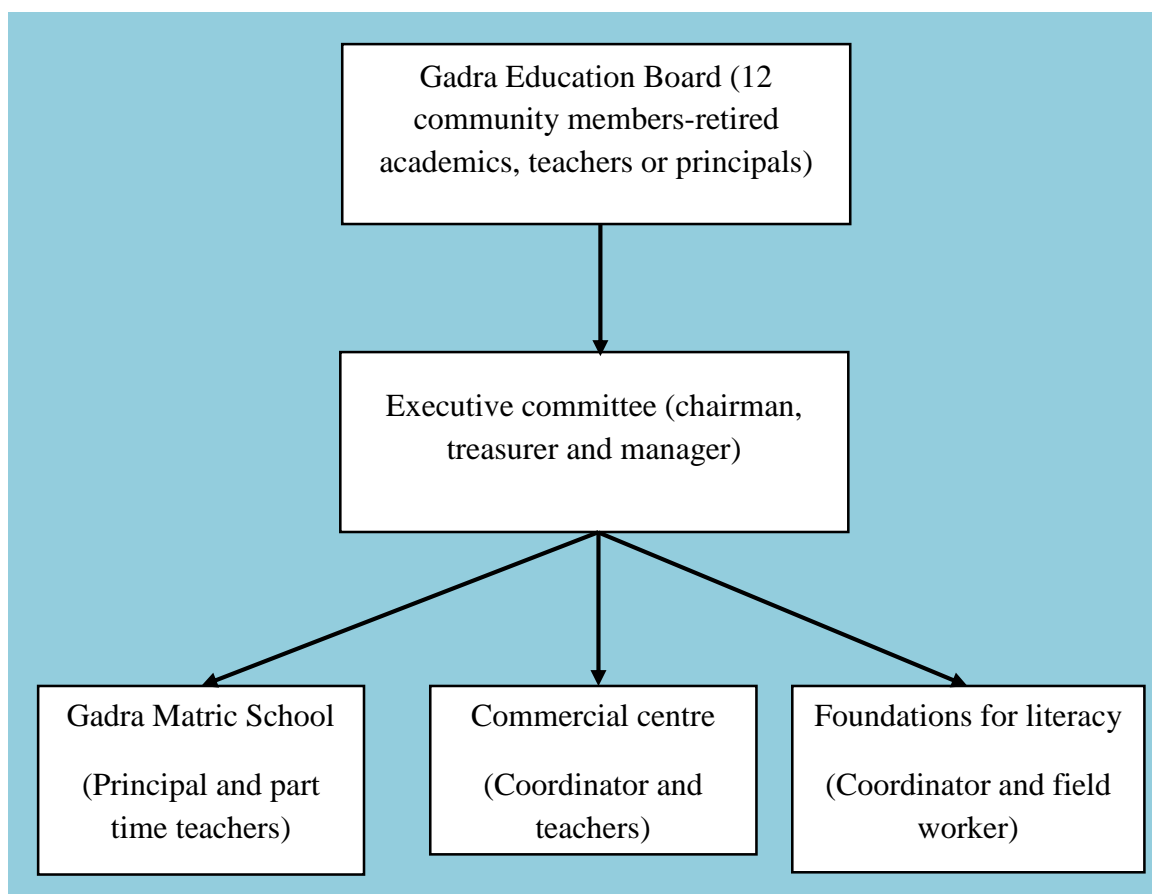
Source (Gadra Education Annual Report, 2010:15).

The level of pass indicates what the students qualify for with the mark they got. When the students enrolled at Gadra Matric School only two qualified for a bachelors' degree and 21 qualified for a Diploma and so on. At the end of the year the students had improved their marks and 31 got Bachelor passes and 34 Diploma passes. That means 31 students could apply for place in a university. Enrolment in university however, depends on the requirements of specific universities, so it is not guaranteed that when a student gets a bachelor pass he/she will be accepted in any university.

Gadra Matric School has problems with accommodation. At present, Gadra Education offices are located in Somerset Street at the Old Gaol building, which building also accommodates Gadra Education Business School. There has been plans to use this old building (former prison) as a centre for heritage training as proposed by the minister of Arts and Culture, Mr Paul Mashatile (Grocotts' Mail, 20 August 2012). Gadra Education is uncertain with regards to their own accommodation if the government's plan is implemented. The Matric School does not have a fixed location for a proper school. Since its inception in 1994, the Matric School was accommodated at Victoria High School premises. The school moved from Victoria School premises to Johan Carinus Art Centre premises in a nearby street where they are currently renting space for classrooms and the principal's office. The religious studies teacher conducts lessons at a local church building where he is a minister at the Presbyterian Trinity Church. The same church building is also used for examinations. Accommodation for Gadra Education is evidently a huge challenge and there are currently no plans for building or buying their own accommodation due to financial constraints.

Gadra Education structure is characterised by the Education Board, the executive committee and the three branches namely the Matric School, Commercial/Business Centre and Foundation for literacy. The Gadra Education Board which comprises of community members and academics, principals and teachers plays an oversight role. Management is done by the executive committee. Gadra Education staff members comprise of Dr Westaway, the manager, Melanie Lancaster, the principal of Gadra Matric School, Kelly Long the Foundation for Literacy Programme Coordinator, Hanlie van der Meulen the Commercial Centre Principal and Helena Knott the receptionist. Gadra education works with the members of community, including academics from Rhodes University, parents, former Gadra Education students and part time teachers. The diagram below represents the structure of the Organisation and shows that it is a community based organisation, is not a formal school and provides three different educational services namely Matric School, Business School and Foundation for Literacy.

Diagram 1. Gadra Education structure



One distinguishing feature of the Organisation is that the staff members operate on a part time basis except the manager, Matric School principal and one teacher who assists with university applications. The teachers at Gadra Matric School are a mixture of those that have formal teacher training and those without any formal teacher training, who however have years of teaching experience at university level and are products of good university training in their different areas of speciality. The school is not run on a full time basis as formal schools do. Teachers come specifically for their lessons and leave when the lessons are over which are often a double lesson of an hour and a half. Having part-time teachers in a formal school may not be advantageous as that will mean less contact time with students. However at Gadra Education part-time teaching has been of advantage as teachers do not have to spend the whole day in the school and therefore can do other jobs elsewhere. Part-time teaching cuts costs on teacher remuneration. However the way the Matric School functions is an indication of the fact that as much as contact time is crucial in learning, what is important is that within a limited time of contact there has to be qualitative learning. Not all of the teachers have some formal teacher training. Some of them are academics from Rhodes University either lecturers or tutors usually who have a master's degree or PhD. Basically these are well experienced and well educated in their subject areas but they may have no formal teacher qualification of any sort. In the Eastern Cape there have been contentious debates on having temporary teachers teaching in schools. Teacher training is deemed essential by the Department of Education for quality learning. The Eastern Cape has suffered as a result of lack of qualified teachers, as the department retrenched most temporary teachers. In 2010 four thousand and two hundred temporary teachers were dismissed and only two thousand were reinstated in 2011 (*Mail and Guardian*, 02 December 2011). This created a teacher shortage within the Eastern Cape. For Gadra Education teacher training has not been necessarily an essential element in teaching so long one has a degree and experience in teaching. The Business Studies teacher indicated that he had been teaching for many years around the world but did not have a formal teaching qualification. Being also a lecturer in Linguistics at Rhodes University, the business studies teacher has teaching experience both in the university and in schools. He points out:

I have been an English teacher for many years now around the world. I have taught English as a foreign language in China, Saudi Arabia and also in South Africa I teach English as a second language. But also at Gadra it's slightly different. I am not teaching English. I teach

*Business Studies which is a Matric subject on the basis that I have studied English to teach English to business people in a business environment, Business English if you like. I didn't do a Post Graduate Certificate in Education (PGCE) or anything like that but I did my undergraduate degree here at Rhodes and in my fourth year, that's when I started teaching in the Linguistics department where I still teach now. My experience with teaching is real experience not formal training.*⁶

The religious studies teacher, Geoff Probert, also did not have any formal teacher training but is a Rhodes University Graduate with a degree in Theology. He is also a minister at Trinity Presbyterian church. Religious studies as a subject is not offered in most state schools in Grahamstown although it is approved by the DoE to be written at Matric level. Gadra Education takes advantage of the subject as one simple subject to have students improve their points for entry into tertiary level. The experience Mr Probert has as a minister at church has been crucial for his teaching at Gadra Matric School. He indicated that his teaching is not divorced from what he is doing as a religious minister and teaching is for him part of serving the community. Teaching at Gadra Matric School as reflected by the teachers, is not centred on having a teaching qualification. They identify a link between the teacher's area of expertise and the subject he/ she teaches. Mr Probert as a minister of religion at his church was strategically placed to teach religious studies since it is his area of speciality.

Two other teachers, Timothy and Lauren Hacksley have Master's degrees in the department of English at Rhodes University and have no formal teacher training. Gadra Education however has some teachers with formal teacher training. The maths literacy teacher and the principal who was previously teaching history had some formal teacher training. The principal is qualified to teach English and History and she holds a Master's degree in History. The Maths Literacy teacher had done PGCE with Rhodes University.

As an NGO Gadra Education functions independently, hence the Organisation does not adhere to rules that the Department of Education places with regards to teacher training requirements. The teaching staff members don't necessarily have to go through teacher training before they start teaching at Gadra Education and yet the teachers demonstrate capability to teach and help students upgrade their marks and qualify for university. Matric school results which are usually

⁶ G. Reed. Grahamstown. 25 September 2013

above 90% pass rate are a reflection of good quality learning. In 2012 an article “*Gadra Students celebrate matric success*” was released (*Grocott’s mail*, 5 January 2012). The Matric pass rate for the year 2012 was 92%. It has become a trend for Gadra Matric School to have a pass rate of above 90% every year and in 2012 they produced 47 bachelor’s passes.

One realises that as much as teacher training is essential, there are also indications that a passionate teacher without teacher training and yet has a Bachelor’s degree may in fact offer quality teaching. Experience and dedication to the students is what distinguishes Gadra Education teachers from most of the township schools in Grahamstown. Gadra Education teachers perceive themselves as part of the community of Grahamstown and teaching at an NGO like Gadra is to them part of serving their own community. It is clear in the interviews, that the teachers and management at Gadra Education are aware of the social and economic conditions of the learners and are therefore committed to help these learners escape from their condition through providing quality learning. The teachers do their work with passion and the learners are quite aware of the fact that their teachers are committed to their success. With the little financial rewards the staff members at Gadra Education get, a passion to serve the poor can be the major driving force for the members of Gadra Education. Teaching at Gadra Education is more than just doing a job. Geoff Probert the religious studies teacher mentioned that he loved teaching at Gadra due to the fact that he loved the idea that it is connected to the community and teaching there gave him a sense of purpose for the community which he is also part of⁷. Graham Reed, the Business Studies teacher expressed that he loved teaching and this is how he understood teaching at Gadra;

*Some kind of community work. The students that go to Gadra Matric School are generally from a disadvantaged background and have troubled schooling*⁸.

There was a general understanding from the teachers that their services are meant to serve the disadvantaged community members. Thabiso Mafana, a former Gadra Matric School student who passed with three distinctions from Gadra described Gadra Education teachers as;

⁷ G. Probert. Grahamstown. 03 October 2013

⁸ G. Reed. Grahamstown. 25 September 2013

*Really motivated and dedicated in their teaching and really organised. They really know how to mould students into university students. They really know how to transform a Matric student into a student who is prepared for university work and hardship.*⁹

6.4 Gadra Education's strategy: non-corporatist, non-confrontational and informal

6.4.1. Gadra Education's strategy during apartheid

During apartheid NGOs' major focus was on challenging the South African government and fighting for democracy (Habib and Taylor, 1999:73). Habib and Taylor (1999:73) did research on "the NGOs that opposed the apartheid government and those that provided welfare with some indication of some political orientation". The NGOs that were against the apartheid regime were often banned and as Habib and Taylor (1999) noted the increase of funding for those anti-apartheid NGOs resulted in the increase in the number of anti-apartheid NGOs.

The apartheid period presented a lot of challenges to Gadra Education as school protests increased in state schools around Grahamstown. Gadra Education annual reports between 1980 and 1990 show reports of how the political environment in South Africa affected education in South Africa and in Grahamstown in particular. Schools were closed. The result was that Gadra Education, which during that time was mainly focusing on providing bursaries for learners in township schools could not continue to do so when learners had nowhere to learn. Gadra Education's strategy was not to confront the apartheid state or to collaborate politically with any political party or organisation that was challenging the state. The NGO's non-confrontational approach enabled it to continue to function at a time when there was political unrest in the country and when some NGOs were facing hostility from the apartheid regime. Dr Ngcoza who benefited from Gadra Education during apartheid indicated that he was not sure if the apartheid state appreciated what Gadra Education was doing. For him if they had they offered any support (which he was not aware of) it could be just a political drive to see to it that learners from disadvantaged background are getting an education.¹⁰

Gadra Education's strategy did not engage in confrontation right from the time of its inception and after apartheid. What is significant is the fact that in both pre and post-apartheid Gadra

⁹ T. Mafana. Grahamstown. 25 September 2013

¹⁰K. Ngcoza. Grahamstown 06 July 2013

Education was able to diversify its services and ensure continual support for learners. The coming of the Matric School in 1994 introduced Gadra Education to a strong focus on teaching for success at matric level, a component that was missing all the years of Gadra Education's existence. During apartheid, Gadra focused more on financing those learners who entered into the university from their various state schools with little involvement in actual teaching. The end of apartheid meant Gadra Education could establish important links with Rhodes University which could now have more black learners enrolled into the University. One would note that most of the teachers are lecturers in the University which can be a reflection of the more established links of the University to the community.

6.4.2. Gadra Education's strategy relevant in post 1994

Gadra Education's relationship with the state in post 1994 serves an important purpose for the Organisation. It allows for the provision of specific and diverse services. Gadra Matric School, Business School/ Commercial Centre, Foundation for Literacy Programme and the Bursary Programme, all these diverse services attempt to address specific educational needs. The Matric School provides a bridge to tertiary learning, Commercial Centre provides important skills to those who do not qualify for tertiary education so that they can be employable in local businesses, the FLP addresses the challenge of learning how to read and write at primary school level and the bursary programme helps meet financial needs for students. Gadra Education as an NGO is able to narrow down its educational activities to meet specific needs for the less advantaged community members. The Matric School for example is an initiative that focuses specifically on helping a student attain enough points to allow him/her to enter into the university. As a result Gadra Matric School's emphasis is on academic excellence at Matric level and all other extra activities in the school are aimed at improving the learning skills of students to prepare them for university.

Gadra Education also emphasises on informing Matric students on the requirements for entry in different South African universities and the staff members make every effort to motivate the learners towards achieving the best points that enable them to go to the university. Tessa Kirkaldy, the Maths Literacy teacher has been employed full time as a pathway officer, to assist the students to think through their future, to assist Matric students with getting information about university entry requirements and how and when to apply. Zandile Hanise indicated that

Gadra Education has been very helpful with regards to assisting with university applications which their schools never did. According to her at the previous school

*They didn't help us with applying, didn't organise forms from Rhodes University, Fort Hare University and NMMU, didn't bring in forms and they did not help us with career choices. So here you know that Mrs Kirkaldy is going to help you with career choices and she calls Fort Hare University to send application forms.*¹¹

Although one cannot conclude that failure to communicate to Matric students about possible career choices and university entry requirements is a common feature for all state schools, where such information is absent learners do not have a sense of direction. These learners come from backgrounds where internet access is not available and therefore cannot apply online or download application forms or even visit different university websites. Initiatives of this nature where a fulltime staff member is employed to assist with university applications for students are not likely in state schools and also no amount of litigation or confrontation from NGOs will make that happen in state schools.

Gadra Education's strategy is critically important in that it is advocating a strategy outside the civil society-state dichotomy of confrontation/corporatist, of leading by example in the provision of education. Its strategy offers an alternative approach to CSOs' role in education. The practice of teaching and learning at Gadra Education is an example of how successful teaching can positively impact on the life of a learner who as a result of his/her background was doomed to poverty and privation. With the confrontational-collaborative approach, the voice of educational CSOs should be heard; however Gadra Education's approach does not require the raising of voices. Rather the approach is to have its impact felt to the extent that DoE begins to question about its on services and where it is going wrong. As Dr Westaway, the manager of Gadra Education mentioned in the interview, the intention in the future is to engage in advocacy which will transform the entire education system, but firstly the NGO needs to find legitimacy by producing excellent academic results.¹² Although the strategy may not produce results immediately, with time it will influence the state to take action and ensure that education rights materialise to everyone.

¹¹ Z. Hanise. Grahamstown. 04 September 2013

¹² A. Westaway. Grahamstown. 30 October 2013

The state education system does not make provision for Matric rewrite and repeating Matric causes overcrowding in schools. The result is that Matric students who do not perform well find themselves with no hope of furthering their education and worse still with no hope of getting jobs. In a country like South Africa where total transformation of the education system has proved to be a challenge many years after apartheid, Gadra Education's strategy of making independent initiatives help overcome specific educational barriers that hinder the poor from progressing with learning to tertiary level. Some of these barriers cannot be overcome by taking the DoE or the Minister of Education to court. Since creating repeat classes in schools will pose challenges in state schools, what this thesis proposes is for government to learn what strategies an organisation like Gadra Education employ in order to get a Matric learner succeed. Zonke Ndayi one of the students described how he perceived Gadra Matric school and how he felt about being in a school that offers a second chance for Matric:

I came into the school knowing that I have to work hard on what I want to achieve and the teachers here said you don't usually get second chances at Matric. Usually you do Matric and that's where the road ends and I took this as a springboard, as an opportunity to launch myself further¹³

Gadra Education's approach has its own limitations. For example, its focus on Matric and academic performance only, mean that learners who can potentially excel in sports do not have an opportunity to pursue sports since Gadra Education has no provision for sports. Mabandandile Qeqe one of the Matric students was a soccer player at his previous school and he was playing for South Africa's under 17 team. For him going to school gave him an opportunity to do sports and that is what he loved most¹⁴. However when he came to Gadra Education Mabandandile had to radically change and focus on academic work only with no opportunity for sports. Although he believed that having no sports at Gadra Education meant he would be more focused on his school work, one can see the possibility that he could have also lost the opportunity to develop a career as a soccer player.

6.5 Gadra Education, a *de facto* institution critical of the state's education system

When analysing Gadra Education's initiatives in the context of state failure, we are bound to think and analyse what the state has not done right, what and how the state could do differently

¹³ Z. Ndayi. Grahamstown. 29 September 2013

¹⁴ M. Qeqe. Grahamstown 29 September 2013

in order to transform the education system. Gadra Education's operations are critical in analysing what the DoE could not manage to do, to provide quality learning that can ensure learners' success and create opportunities for tertiary learning and jobs. What is important is to understand how Gadra Education manages to provide quality learning to learners who have been through the state schooling system and afford them an opportunity to succeed to tertiary learning, something that township schools fail to do. Gadra Education's learning strategies can potentially be useful in the state school learning system and can also inform educational activism. An indication of Gadra Education's efforts relative to what the state does is shown by one former Matric school student who indicated that:

For me I would think that high school must be better enough for you not to go to Gadra but it seems that most students go to Gadra and the thing which shows that Gadra is good is that the kids that come to Gadra when they go out they go somewhere but when they come out of high school they go nowhere¹⁵.

With no formal relationship with the DoE or state assistance from the department, Gadra Education achieves good pass rates and enables most of the students to qualify for tertiary learning. At Gadra Education, a disciplined environment is created and managed and individuals are socialised into that type of environment which is conducive for learning and teaching. Learners who come to Gadra Matric School know that they come to a school where one must work very hard. It is appreciated that the nature of schools such as Gadra Education and the local township schools is different. Gadra Education is a smaller organisation comprising of the Matric School, Business School and Foundation for literacy programme. On the other hand state primary and secondary schools are big and offer reception class to grade seven and grade eight to grade twelve respectively. Although the Organisation is different from formal schools, analysis is essential due to the fact that the services offered by the NGO are a result of limitations within the state schooling system and Gadra Education has been able to overcome those limitations and ensure success for the learners. Its approach to teaching and learning and its ethos and values can potentially influence the state to have education right realisable. Tacitly, Gadra Education passes on a message to the state to say "we do not push or fight you, we do not work closely with you, yet you can learn from us". In order to have an

¹⁵ T. Mafana. Grahamtown 26 September 2013

insight of what happens in township schools I present below the students' learners' experiences at township schools in Grahamstown.

6.5.1 Student's experiences of their former township schools

The section above describes and analyses Gadra Education's nature and organisational structure and further explains how complex it can be to establish a formal relationship with the DoE in Grahamstown, hence Gadra Education functions independently of state influence with regards to teaching and learning policy. Some teachers teach with no teaching qualification and extra subjects such as Critical Thinking, Writing Skills and Religious Studies are offered to enhance learning and these are subjects outside the school curriculum but extremely useful for learners. The NGO's focus on effective teaching and learning makes their approach of non-confrontation and informal nature of relationship with the state the most suitable one for them, since the intention is not to push the DoE but rather to influence it to take action and ensure education rights become real to the less privileged community members. The current section describes the experiences of the students at Gadra Education of their former state schools as they were put forward by the students. Their experiences confirm what literature has already stated concerning the nature of township schools. Whilst their testimonies may seem to be insignificant as they tell a known story, their experiences are essential as they are told by learners who have been through the state schooling system and have also experienced learning within a completely different nature of school, an NGO. They are useful as testimonial of their individual personal experiences which are useful for critique on the state schooling system. Some lessons may be drawn from an NGO which are useful in improving the state schooling system and help the poor realise education rights.

Most of the students that are at Gadra Education are from the local township schools, although there are a few students from outside Grahamstown. From the interviews carried out with the students, indications were that in township schools teachers did not have sufficient individual contact with the students due to the class sizes, teacher absenteeism was rife, discipline was lacking and there was little engagement with parents. The size of township schools is such that the process of learning and teaching is not easy and teachers do not find it easy to manage big classes. Discipline is also not easy to enforce in bigger classes.

Gadra Matric School offers a completely different learning environment to the learners, which the students interviewed think was critical for their own success. Some of the factors the

students thought may have affected their performance in High School was the nature and behaviour of the teachers, teacher strikes, overcrowded classes and also lack of commitment on their part as learners. The learners perceived their teachers as lazy and lacking in care for the learners.

They do not do their jobs. They sit in their offices, they gossip, they do not do their work, they are absent frequently. And the worse thing is that the teachers who teach you, they do not care. As long as uAnte is listening they do not care about uZandile. Maybe uAnte is one of the top 10 and uZandile catches slow, they don't care. UAnte gets it its fine uZandile I don't care she will see what she has to do. It's like that. Ask your friends¹⁶.

What the learners describe about their former teachers represents the nature of teachers in the township schools where there is overcrowding in classes. Teachers tend to lack morale and they resort to activities that are not pro-learning like gossiping. The end result is that the learners perceive them as not caring which discourages the learners from learning. When the learners stop committing to their school work, the outcome is lack of discipline and disruption. When teachers in township schools are not satisfied with their teaching conditions and when they feel they are not adequately remunerated by government they resort to strikes with help from trade unions. Strikes have negatively affected learning in the Eastern Cape Province. One student, Azola Noqayi pointed out how this affected their learning in their previous school.

And the other thing is strikes. In my year of 2012 there were a lot of strikes, teachers were absent, and we did not have enough textbooks. Everything was just bad, including that the classes were overcrowded. There were a lot of children in a class, you would have 50 in a class and there was one teacher and about half the class is not listening and about 10 are listening and others are doing something else. You could not concentrate¹⁷.

Teachers lacked proper teaching strategies. The students explained how teachers would 'spoon feed' them instead of teaching them to learn independently and to think critically. As a result learners could not develop learning skills that would help them perform well when they write examinations on their own. There was no individual contact in class and teachers concentrated

¹⁶ N. Mpathi. Grahamstown. 04 September 2013

¹⁷ A. Noqayi. Grahamstown. 04 September 2013

on students they thought were more capable. Zonke Ndayi and Jones Ashraf explained how their previous teachers spoon fed them and focused on a few students they thought would pass.

On my previous school there, there were lots of things given to us, spoon fed if I may say myself, so in a way you felt like I am gonna go to school and some of the things they do for me and I finish up the rest¹⁸.

In my previous school, like Z just said now we were spoon fed and all the work was given to us but the teachers were not necessarily giving their time to students as individuals. They would be like Ok well we are focusing on those who they think are the best in class and they will pass Matric with flying colours¹⁹.

In another focus group interview, the students believed that their previous performance was not determined by the teachers but it had to do greatly with one's personal commitment to his or her school work. One learner also mentioned that his surroundings or community had an impact on his own performance at school. The friends he used to have influenced him negatively.

Sometimes the teacher has the effect, but most of the time it is the learner²⁰.

Ok on my side I can say my surroundings made a big impact on my performance at school. Community yah also friends²¹.

One is socialised into the community in which he/she belongs. If a learner comes from a community which does not place much value on education and learning, it becomes 'normal' for the learner to lack dedication to his/her school work. On the other hand when a learner is from a community that is characterised by educated and affluent people, the learners find it easier to adapt to the culture of hard work and self-discipline. The students' perceptions are clearly an indication that several factors which range from teachers' behaviour, strikes, poor teaching methods and also the social environment affected learning in township school. This was confirmed by Rhodes University students who had also gone to these township schools

¹⁸ Z. Nkayi. Grahamstown. 29 August 2013

¹⁹ A. Jones. Grahamstown 29 September 2013

²⁰ E. Hukwe. Grahamstown. 04 September 2013

²¹ Y. Mabetshe. Grahamstown. 04 September 2013

and went to Gadra Education. Tabiso Mafana described how in their former school, they would go without teachers several times.

*In high school there were many times when you would go without teachers. Maybe every week there is a certain teacher that won't be there and that was really fun for us. The funniest feeling we had is when we went to class and we find the teacher not there and we didn't do the homework. We would be like oh nice we won't do the homework and teacher won't ask because he was not there. So it was really fun and we really indulged in that laziness. We really indulged in that comfiness of lazing around without doing anything.*²²

Siyanda Mati mentioned the issue of lack of discipline in township schools.

*In high School there is just no discipline. If you don't come to school it's your own business*²³.

The above statements are a reflection of the general standards in the state schooling system in Grahamstown. The teachers commit to a few students whom they think are quite promising and can potentially do well in their final examinations. Teachers face challenges of having to manage big classes and that explains why they choose to focus on a few students they feel have the potential to pass well. In cases where the students are dedicated to their school work and yet teachers do not turn up for class, students become de-motivated and less committed. In order to counter the effects of lack of commitment from teachers and students, management or school principals should be able to enforce discipline on students and teachers.

Teachers do not turn up for their lectures and when students find out that their teachers are not there, they do not study on their own. Instead they go out to play. Although students are aware that education rights come with responsibility on their part, they tend to neglect their responsibility and choose to play instead of studying. Where management is weak and is not capable of enforcing discipline in these students, the learning outcome is bad. For any school to function to its optimal and produce good results there is need for combined effort from students, teachers and management.

A learner also mentioned one important difference from their previous township school namely career guidance. Career guidance is a significant factor for motivation of learners. The learners

²² T. Mafana. Grahamstown, 26 September 2013

²³ S. Centwa. Grahamstown. 24 September 2013

know where they are going as they are shown what options they had after upgrading their marks. They indicated that whenever they write mid-year exams, the principal would take her time to speak to each and every one of them to show them their chances of getting into universities with the marks they had and how far they needed to improve. The learners generally felt their previous schools had not done enough to help them realise their education rights, although they were very aware that they had to be responsible also if they were to succeed. Lessons of passion, dedication, self-discipline, empathy and care can be drawn from Gadra Education and these are of critical importance in state schools with learners from less privileged social and economic backgrounds.

6.6 Gadra Education's shortfalls

Although Gadra Education as an NGO has been critical for purposes of analysing limitations within the state school system in South Africa, with the possibility of providing some lessons to educators and educational NGOs, the Organisation is not a perfect one. Apart from the challenges with finding permanent accommodation, funding in general has not been easy for the NGO over the years. Dr Westaway indicated that he joined the Organisation when it was experiencing financial challenges. Having a background in rural development, where Dr Westaway would raise about 11-12 million rands a year, he indicated that he found it more difficult to raise R3 million for Gadra Education. With his previous job in rural development funding came from Europe and he had to manage 14 or 15 funders. In contrast at Gadra Education he manages about 250 funders, and all of them are in South Africa and many are individuals who give R3000 per year. Previously in 1996 the Matric School was faced with closure due to lack of funds to pay the teachers. The DoE was contacted to assist, which they did to rescue the Matric School and that is the only incident which we know of the Matric School getting financial assistance from government. The problem of paying teachers has been resolved by employing part-time teachers who are not paid full salaries.

The benefits of being an independent organisation cannot be outweighed by the lack of funding from government. However lack of some form of government support poses challenges of sustainability. As much as the Organisation can diversify its services and try to meet specific educational needs within the community, Gadra Education can be restricted in the extent to which it can expand as an organisation when they do not have sufficient funds. As an organisation that originated in the late 1940s, it would be expected to be stable with some

physical structures and being able to offer services to a lot more members of the community. Staff members were divided on whether the NGO needs to engage more closely with the DoE and get some funding. Others were of the view that doing so would take away their independence and government could dictate on what they teach. At some point in the early years of the Matric School, a proposal was made that Gadra Education be affiliated to Victoria Girls High School, such that the teachers would be paid by the school. This would be problematic as Victoria Girls School is for girls only and government would not allow incorporation of males into the school. The other problem would be to do with the relatively high fees which the Matric School learners would not be able to pay. The other problem also would be whether government would be prepared to fund repeaters.

The NGO has also been slowly shifting from its original focus on the ‘local poor’ members of the community. Learners from neighbouring towns have managed to get into the Matric School which impacts negatively on enrolment for the local members of the Grahamstown community. Some of the Matric students I interviewed drive from Fort Beaufort about 69 km away from Grahamstown and others are originally from King William’s town about 120 km from Grahamstown. The NGO is slowly drifting away from its initial thrust of helping the local people. Some learners come from fairly well off backgrounds who afford to drive to school and this becomes a distraction to most of the learners who are from poor backgrounds, whose social status can make them feel inadequate and less confident when they compare themselves with the privileged learners. As one learner indicated in a focus group interview, one problem they face as learners is the fact that there are no uniforms at Gadra, so if one does not have enough and nice clothes he/she feels bad.

6.7 Conclusion

It has been concluded in chapter six that Gadra Education has an informal and non-confrontational relationship with the local DoE. Its nature is such that forming a formal relationship may be complex and in fact right through interviews and document analysis, there is no evidence that the NGO have an intention to establish a formal relationship with the local state. Informal/distant relationship gives the NGO an advantage as it is able to offer diverse educational services and employs teaching and learning strategies that are not informed or influenced by the state and this leaves room for innovation in learning. Gadra Education has not attempted to be confrontational to the state in the manner Equal Education and other

advocacy NGOs do. That clearly defies the logic behind state/civil society relationship which is normally explained as either corporatist or confrontational. In the absence of a working relationship with the state, Gadra Education, through its Matric School has managed to function and provide a bridge to tertiary education for its learners. The NGO therefore stands out to be a *de facto* institution for critique of the state education system. Evidence from students experiences at their previous schools show that there is a lot they missed from their previous schools which they seem to have benefited from being at Gadra Education. As one Rhodes University student mentioned, “from Gadra you knew you would go somewhere”. Such knowledge would not be possible when the learners were in high school. Gadra Education has been useful for providing the platform to have insight into what the state has failed to do. The role of Gadra is therefore twofold. On one hand we can see the educational initiatives that enable the less advantaged to succeed in learning. On the other hand the NGO offers through their activities a platform for the state to learn on how to improve state schools. However the last section of the chapter has shown that although Gadra Education is significant for critique on the state’s education system, it has its own shortcomings and challenges as an NGO.

CHAPTER 7

Ubuntu in education: NGO's strategy of giving and sharing

7:1 Introduction

It is contended in this thesis that in spite of the inclusion of social and economic rights in the constitution, the challenge remains as to how such rights in general and particularly education rights can be realised by the ordinary people in the society. Due to various factors including lack of sufficient resources, poor administration, failure to counter apartheid legacies of racial and economic inequalities, the South African state schooling system does not adequately meet its obligation to education rights. The result is that NGOs make effort to fill the gap. How these NGOs intervene determines their success in the realisation of education rights and by doing so they show how through education less privileged community members have their lives improved. Gadra Education embraces and utilises communal values of *Ubuntu*. *Ubuntu* as a shared value can be useful with regards to the provision of education to the less privileged. There are possibilities for state schools to adopt and adapt to these communal values to improve the quality of education in schools as *Ubuntu* is crucial in creating a viable learning environment that enables access to quality learning and guarantees success. In this chapter central *Ubuntu* values of giving and sharing will be discussed based on what came out of the interviews. The concepts of sharing, caring, giving and love are not only concepts at the heart of educational psychology as espoused by Dewey (1902) who views the school as a social institution in which these values are core. These are also core values of civil society. Gadra Education has utilised these values in ways that have benefitted its educational model. Dewey views the function of education as social, which basically means the passing on of knowledge and skills from one generation to another in the society (1902:73). He argues that the process of learning originally began in family and communal settings (1902:74). I believe, the emergence of state schools and the shift from in-formal communal and family based education meant a radical shift from adherence to the communal values that are central to the learning process. It could be argued that a return to embracing these values in school is critical for the realisation of education rights.

7.2 Chapter Outline

This chapter discusses in depth the values of giving and sharing as important values of *Ubuntu*. Giving and sharing cannot be exercised outside love, which is also central to *Ubuntu*. Although

family sociologists (Staples, 1971, Safilio-Rothschild, 1976) have examined the importance of love as a virtue, little is said about the relationship between this virtue, and teaching within the learning environment. The concept of *Ubuntu*/communitarianism has been explained earlier on in chapter 4. The following section focuses on explaining how giving and sharing as *Ubuntu* is exercised at Gadra Education and how this is done through love. Love brings together the students and staff members and they bond in a manner by which a loving family bonds. Both students and staff have a shared conception of Gadra Matric School as a ‘family’, and such a conception forms the basis on which the Organisation functions, particularly the Matric School.

Not every family shares these values, as there are some troubled and broken families and others that are characterised by violence and hatred. Analysis in this chapter is based on the understanding of an ideal caring family that upholds the value of love in relationships. My sources of information continued to stress the importance of their school as an ideal family. Generally speaking schools claim to be some sort of families, but not all schools exhibit those essential values that characterise a family. Gadra Education utilises fully those family and communal values that the state schools often neglect. *Ubuntu* gives form to the African society. As Venter (2004:151) points out, “the African community share ideas of human community as being a vast, ever-expanding net of spiritual, psychological and emotional relations”. Love for instance, forms the basis for relationships not only within the African communities but also within religious circles (although lack of it may mean hate and conflicts within the same communities). In African communities sharing and giving is part of human belief systems and these values are the core of human relations. These values are passed on from generation to generation and Broodryk (2006:13) contends that these values when practiced cease to be just skills but life-coping skills.

At Gadra Education important family values are upheld in the process of learning and these are critical in shaping the relationship between the learners and their educators. As the learners at Gadra Education are loved and cared for, they appreciate the love through self-respect, obedience to their teachers and also through commitment to their work. Gadra Education plays a very important role in the lives of the learners whose backgrounds would possibly hinder them from achieving their educational goals and the Organisation makes it possible by embracing values that give the learners purpose and vision for their lives. The last section of this chapter shows how through love the learners come to value their education and set up goals which they aim to achieve. Because their educators value them and care, the learners indicated

that they have every reason to come to school. Love as a value is not popular within the education circles and yet when it is exercised in schools it has got power to overcome disciplinary challenges and also give a sense of purpose to the learners.

7.3 Gadra Education resembles a caring family

Usually sharing and giving is carried out using material things. In the corporate world ‘giving back’ is understood in terms of giving to the community after a certain level of accumulation of wealth. Zoltan and Phillips (2002:189) call this “reconstitution of wealth (philanthropy) which forms part of an implicit social contract, stipulating that wealth beyond a certain point should revert to the society.” After making some substantial profit, corporations make initiatives to care for the community from which they benefit. Giving back to the community is a way of being accountable and it is corporate social responsibility. Investment in education by some big corporations is an attempt to reconstitute wealth. Contrary to capitalism, communitarianism/*Ubuntu* has the community at the centre of its objectives. Giving and sharing is done as part and parcel of communitarianism/*Ubuntu* values. In communitarianism, ‘I am because we are’. In other words individual identity is defined within the context of communal identity. “Man is not just a social being but a being that is inseparable from the community” (Venter, 2004:151). Community values are therefore essential in shaping individual identity.

Dewey (1915) describes how the process of learning was done within the family as the elders passed on skills to the young and how discipline was a requirement in every learner for a task to be completed. Learning in this sense helped meet the social needs of the individual within the community as production was carried out first and foremost within the society. With the coming in of industrialisation and the current formal education system, education became individualistic and highly competitive. As Dewey (1915:13) contends, “industrialisation came with change in the social attitude, where learning became an individual affair with no social motive, characterised by competition and where helping one another became a school crime”. Education became about the survival of the fittest. Gadra Education’s focus on *Ubuntu* brings back the right social attitude in education where education becomes the concern of the community.

Without having to either confront the DoE or be incorporated within the DoE, Gadra Education adopts communal values that help in the provision of education. It offers another approach to

education provision which is not individualistic or selfish. In order to curtail laziness, lack of discipline and passion in teaching in state school, the state schools management and teaching staff need to embrace the communal values that enables individual self-drive. Gadra Education share in these values, and is an example of how these values impact on teaching and learning. At Gadra Education there are shared family values and to a certain extent this has been possible due to the size of the school. Melanie Lancaster explained how the Matric School is conceived as a family school. She expressed it in plural terms when she said “*we think of Gadra Matric School as a kind of family school*”. In a way it is not just her perception of the school, but what everyone in the school must think of the school, as a family. As a principal of the school she is also in a position to ensure that the perception of the Organisation as a family is shared amongst its members. The principal strongly believed that the size of the school mattered because they got to know the learners by name. She stated:

*It is a family school, like all families it is small enough and we get to know the students in a very short space of time.....and so in some ways teachers do have some parental function almost.*²⁴

In an article published in the Dispatch Live on 25 August 2014, entitled “*Specialists help pupils improve their matric results*”, Melanie Lancaster stated that, “we try to be a family school, though we expect students to fit into the discipline framework. The teachers, while fully focused on their work, are more informal and try to get to know students and their home situations well” (*Dispatch Live*, 25 August 2014). In the same article Melanie Lancaster mentioned that strong bonds were formed between the teachers and the learners to the extent that one teacher helped with food for several poor learners.

A former Gadra Matric School student, Thabiso Mafana who is currently a student at Rhodes University expressed his perception of the Matric School as a family characterised by friendly teachers. The student also believed that the size of the school allowed them to function like a family. As indicated by the principal, the teachers also played a parental function, although they could not replace the parent in terms of parental role. Learners from poor social and economic backgrounds often come to school having various problems including financial problems, psychological problems that are a result of broken families, domestic violence and

²⁴ M. Lancaster. Grahamstown. 15 August 2013

so on. Although these problems cannot be entirely associated with poor socio-economic conditions, they tend to be prominent under such conditions. As a result these learners are affected emotionally and mentally and they feel abandoned and rejected if there is no one to love and care. When teachers and school managers get close to these learners, identify their problems and give them counsel the learners feel loved and accepted. Thabiso Mafana believed that having a family school was quite inspiring as they were able “*to say anything, any problem*”. He indicated that,

*Somehow it becomes like a family because the teachers also treat us like that. I really felt like it was my family. That’s why maybe now I still go to Gadra. So I think it really helped me. It created a bond*²⁵.

Gadra Matric School created such a bond between Thabiso and the school and he continues to go there to see the teachers and the principal. In a reciprocal manner Gadra Education staff, especially the principal and the manager follow up on the former students and find out about their progress at university. Zandile, a current Matric student, also expressed her sense of belonging to a loving family indicating that it was something she never experienced before in her previous school. Although she believed this was to do with the size of the school, she mentioned one factor that is important, namely easy communication. She indicated that:

*Here at Gadra we are a small family so it’s easy for the teachers to communicate and understand each and every one of us. I have never been so close with my teachers all my life so it is a great change*²⁶.

Communication between learners and staff members is simplified when the learners feel accepted and have a sense of belonging to the school. Whether the educators and learners are close or not determines their level of interaction. Athenkosi Nzanzeka a Matric student described how teachers at Gadra were very interactive at a personal level as opposed to her former school, which did not even have big classes but would not interact with students so closely at a personal level. She was convinced that the teachers and principal at Gadra Matric School loved the learners.

²⁵ T. Mafana. Grahamstown. 26 September 2013

²⁶ Z. Hanisi. Grahamstown. 04 September 2013

Gadra Education's relational model typifies that of a caring and loving family. Whereas in a family members are bound together through kinship and blood relations, at Gadra Matric School learners, teachers and management are bound together by *Ubuntu* values. Sharing and giving are the values that knit the family together. Educating these learners is not just a duty but a chance to give something of value to the less advantaged. In human rights discourse the provision of education is an obligation of the state and the educators are mandated to be in class and teach. The state has to ensure that the educators perform their duty in order to ensure success in learning. However teaching in state schools is not always done with a level of passion that guarantees success in learning. Learning is often disrupted in state schools due to teacher strikes. At Gadra Matric School, the principal indicated that the teachers were dedicated and did not need to be forced to do their work. The teachers view teaching as a part of their voluntary giving back to their community and therefore they do not need to be pushed to do so. The students confirmed that their teachers rarely miss lessons and whenever they do they tell the students well before and they give tasks to the learners whenever they are not present. The teachers are aware of the need for quality education within the community and they teach in order to uplift the lives of the less advantaged.

Ubuntu is seen in the willingness to share what one has with the people in need and this is reflective of not only at the Matric School but it is all that Gadra Education represents. The people, who serve the Organisation, most of them highly qualified in possession of PhD or masters degrees, do so in the spirit of giving to the community. Probert, who teaches Religious Studies, gets his motivation to teach at the Matric School due to the fact that Gadra as an organisation is connected to the community and it gives a sense of purpose for the community which he is also part of. The chairperson of Gadra Education, former beneficiary and Rhodes University staff member, Dr Ngcoza expressed his commitment to Gadra Education and to the community of Grahamstown through the analogy of marriage.

*Well it would be a sad thing for me...as I said you know. Well I do not see myself afterwards divorcing myself you know, it's a marriage that has to be there. Mainly because I have benefited and I would like to see more learners from the disadvantaged backgrounds flourishing in life and benefiting from this kind of organisation.*²⁷

²⁷ K. Ngcoza, Grahamstown 06 July 2013

The kind of bond reflected by the chairperson's statement of 'marriage' type is also reflected in the willingness to serve Gadra Education for a long period, bearing in mind that there are no notable material benefits from the Organisation. For 31 years Thelma Henderson served Gadra Education as the chairperson. Having to see the less advantaged fulfilling their goals in life has been fulfilling and rewarding for her and for many of the Gadra Education members. For Timothy Hacksley, the writing skills course teacher, teaching at Gadra Matric School is something he felt like stopping at some point but instead he found himself continuing. There is some sense of moral obligation in the educators at Gadra Education, of a kind that would make someone feel guilt if he/she stops to teach at Gadra Education. This is noticeable in statements like the one below by Hacksley.

I have five years with Gadra. Each year I would think I will leave Gadra but I find myself continuing. What motivates me is to see the lives of these kids improved. It gives me a good feeling when I meet a former Gadra student in the street and he/she tells me he/she is at the university or is working somewhere. It's fulfilling to know that you have contributed to someone's life²⁸.

The religious studies teacher, Probert indicated his sense of reward and fulfilment through one incident of a boy he taught in class, a quiet boy who passed very well and was accepted at Rhodes University. He met him and another boy who was also from his class and had been accepted at Rhodes University. They were pulling a huge suitcase and he offered them a lift and went to drop them to their place of residence. According to Mr Probert, when he dropped them off, *"the quiet boy turned around to me and he said to me with so much love in his eyes I could tell. He just said mfundisi (Pastor) thank you so much and then he went away with his friend struggling with the case"*. The teacher said to himself, *"This is why I do this, that little story of the case in the car, I have told a few people and it shows what can happen and it just made me even for the rest of the day, I just felt, Lord this is why I do this"*.²⁹ Clearly there is a commitment by teachers and management, to serve the community by providing quality education to the less privileged.

In any family there are certain values that distinguish each family from the other. These values include love, respect for the elders, and caring for the younger ones. Family members are

²⁸ T. Hacksley, Grahamstown. 18 September 2013

²⁹ G. Probert, Grahamstown. 03 October 2013

expected to love each other and to share whatever they have. Broodryk believes that “people should be helped to acquire the virtue of sharing at a very young age, and apart from educational institutions the family should influence children to develop giving and sharing mentalities” (Broodryk, 2006:58). The children are socialised into the family they are born into and they learn the values of their family. They place much value on care, love and support from family members and these factors are fundamental in their definitions of family (Mason and Tipper, 2008:441). “These factors override a structural relationship, hence an ‘absent’ parent by definition is not family and people who are ‘like family’ in some way even if they are not relatives can be understood as family” (Mason and Tipper, 2008:442). The study on Gadra Education is a reflection of how these factors matter not only in conventional families, but are critical in the learning environment, in schools. Establishing values of care and love within the school is critical and is a useful strategy for learners’ motivation in learning. An ‘absent’ teacher like an absent parent may not be considered as family.

Gadra Education represents care, love and sacrifice. There is an attempt to have values of sharing and giving instilled in the learners at Gadra Education. At Gadra Education where academic expectations are high friendship plays an important role in helping others to catch up with their academic work. Miselelo Mona, a Matric school student described how he would sometimes miss lessons due to circumstances at home, for instance when he took his grandmother to the clinic. He would work with his friends who would help him catch up in his school work.

What came out of the interviews were some important features of Gadra Matric School which show that the Organisation is indeed a family characterised by love, care and sacrifice. These features were mentioned by the interviewees and I believe they are the defining features of the Organisation. It was quite striking to hear the manager saying that we love our students and we tell them that we love them. On separate interviews to hear the learners saying at Gadra they love us and they care. On separate interviews again, the principal would say “we see Gadra Matric School as a family” and the learners saying “we are a family”. These are certainly shared values and perceptions within Gadra Education that are used strategically to affect the learning process within the Organisation and to produce quality educational outcomes.

The factors below will be discussed as important features of an ideal loving family. The same features are also important within the school environment as they are of significance in teaching

and learning. Establishing a familiar relationship with learners is one useful strategy schools can adopt to enforce self-discipline and motivation. A good working relationship between educators and learners enables free-will giving and sharing and also impacts on the receptiveness of the learner. For this to happen the following features need to be present:

- Size of the school; “it’s a small family”
- Knowing the learner; “teachers take time to get to know us”
- Closeness; “I have never experienced such closeness to my teacher”
- Communication; “they talk to us individually”
- Love; “they care for us, they are friendly”

I will explain how the above characteristics play an important role in making the learning environment more effective which influence the attitude and motive of learners. Values of *Ubuntu* are present where individuals are close to each other and care for one other. First and foremost one cannot love, befriend, communicate or become close to someone you do not know. Relations start by getting to know someone. At Gadra Matric School knowing one another is their point of beginning. This is possible because the school is small so they get to know one another easily. The two factors namely school size and knowing learners are discussed in the section below.

7.3.1 The size of the school impacts on how educators know the learners

The size of the school determines the extent and level of interaction between the students and staff. The smaller the school the easier it is for the school to exhibit characteristics of a loving family. Gadra Education has deliberately maintained a sizable school which is manageable. Such a strategy has however meant that so many applicants for the Matric School have been turned down; hence maintaining a small size comes with its challenges. However the size of the school allows the establishment of a close relationship with the learners. As we noted through the interviews, both teachers and students pointed out to the fact that their school is small and therefore makes it easy to get to know one another. Township schools in Grahamstown are generally very big and in big schools it is not easy for teaching staff and management to get to know their students. The easy way out for the teachers is to try and know a few students who they identify as being academically capable and they establish close relationship with them. The rest of the learners just feel excluded and abandoned.

Those learners who feel excluded usually have problems with discipline and they tend to lose focus of learning. Some of the learners misbehave as a way of seeking attention from the school authorities and the other learners. In a way they think that one can only be known for something and if the teachers and principals seem to know learners for their academic performance only, they have to be doing something at school that draw their attention and unfortunately one of those things would be to disrupt the learning process. In a small school, school authorities can easily identify disruptive learners. Knowing the learner by name is very crucial in learning and that is often taken for granted by educators. Knowing my name means you think about me and most importantly you are aware that I exist, so you value and care for me. When a learner spends five years in a school, it is reasonable for teachers and principals to get to a point of knowing the learners especially those one would have taught. Also with some effort it is possible in big schools to get to know most of the learners.

Gadra Matric School has the learners for only a year and as one student mentions, the staff take their time to get to know them within that short space of time.

The size of the class matters and the DoE has the obligation to see that more schools are built in areas where there is overcrowding in class. The size of the school also affects the teacher-learner ratio. Big schools require many teachers and more classes in order to have meaningful class sizes and teacher-learner ratio. Gadra Matric School has an average teacher-student ratio of 30, which the maths literacy teacher indicated that it was a reasonable class size, although even much smaller classes would be more effective. In the township schools, one learner indicated that their classes had as many as 50 students and these classes were not easy to manage hence the teachers would place their focus on a few capable students.

A former Matric school student, Thabiso Mafana believed that the Matric School really felt like family because of its size. The classes are small so the learners could get closer to their teachers and even share problems with them. However as much as the size of the school matters with regards to effective learning, what is noted with Gadra Matric School in particular is its emphasis on deliberate effort to get to know the students, to get as much close to them as possible, to be able to communicate with the learners individually and to generally be friendly and love them. It is all these factors that knit the learners, teachers and administrators together at Gadra Education.

One cannot underestimate the effect of knowing learners closely as a strategy in learning. For Gadra Education, knowledge of the learner does not end with just knowing the learner's name. It goes further to knowing the parents of the child, his/her socio-economic background and also the challenges or problems the learner is facing which can potentially affect his/her performance. Tessa Kilkaldy, the maths literacy teacher described how she took initiative to help the learner who had fallen pregnant and the baby was due at the time to the examinations. She requested from the DoE that she writes the examination at a different time and the request was granted. Athenkosi Nzanzeka also explained how she got sick and stayed away from school for four months and yet when she returned to school the teachers had to create time for individual teaching so that she could catch up with the other learners. Athenkosi came out top in her examinations in the two subjects she was upgrading with 73% in English and 78% in Maths literacy (*Grocott's Mail*, 10 January 2014).

It was quite striking to the learners to see that the principal can be concerned about what is happening in their families and for them to be free to go to her and tell her their problems. In fact the religious studies teacher also plays a role of a counsellor. When students need counsel he provides it. It is important for the school environment to provide emotional support to the learners. Learners have a sense of belonging to their school when they get emotional support and that directly contribute to their capacity to perform academically. When the school management and the teachers value the lives of the learners, the learners tend to value their lives too. Similarly in a family where the parents or adults show that they value the lives of the young ones, the young tend to have self-respect and they behave responsibly. Sharing and giving is reciprocal. You do something good to me and I do well in return.

Children that are abandoned by their parents usually suffer emotionally and tend to cause social problems in the community. They often have deviant behaviours. Similarly if school managers show concern for the learners enforcing discipline may not be challenging. Gadra Education deliberately engage with the parents of the learners and they follow up with the parents whenever the learner is absent from school. One learner indicated that she actually doesn't miss class because the principal will call the parents and find out where she is. A former Matric school student, Thabiso Mafana indicated that whenever he was late for school and finds the principal's door open, he would hide and when the principal is not looking he would quickly sneak through into his class before she saw him. Although he said that he was not afraid of the principal as such, he indicated that he didn't like to be called to the office because the principal

would be hard on him when she speaks. At Gadra Matric School learners are subject to authority and they make effort to stick to rules of the school or to get around them in a sneaky way.

A small family which is poorly managed can be detrimental to its members, whereas a huge family that is well managed can be stable and beneficial to its members. In a similar manner well managed schools are more effective in teaching and learning than those that have poor management. Gadra Education manager did a parent satisfaction survey. The overall outcome of the survey showed that the parents were generally satisfied by the performance of Gadra Education on management, communication, learner performance and parent engagement programme. It is also important to point out that parents could notice that their children were loved and being cared for. One parent observed this and commented:

I also observed a caring, loving, motherly attitude from the educators, the school benefit from excellent planning and management³⁰.

The style of management at Gadra Education combines strictness, adherence to the rules and love and this was also observed by the parents. Another parent commented on management:

Our children are improving and also attending school regularly. I am also happy that you are stricter about absenteeism so they are afraid if they do not attend class³¹

On one hand the learners are aware that they are expected to stick to the rules without compromise or else they face the possibility of being expelled. On other hand they are aware that the authorities do so in the spirit of love. Being firm and yet loving produces an obedient and respectful learner or child and being firm and unloving produces a rebellious and stubborn learner or child. Gadra Education manager, Dr Westaway pointed out this important value, love, which they make use of within their school. He stated that there are some words that are quite familiar within the school context such as discipline and words like love which are very important but not familiar within the school context.

³⁰ A. Westaway. Grahamstown. 30 October 2013

³¹ A. Westaway. Grahamstown 30 October 2013

*I mean the very first assembly you will hear me telling the children and their parents that I love them and that the school loves them and they will be loved at the school. It's a very important thing.*³²

Siyanda Centwa who at the time of the interviews was studying at Rhodes University told his story of how he ended up going to Gadra Education to upgrade his marks and eventually went to Rhodes University. He said it was never his intention to repeat Matric, but when he could not score enough points to qualify for university he was advised to go to Gadra Matric School and upgrade his marks. His passion for Philosophy caused him to seek advice from a Philosophy lecturer, who offered to pay fees for him to upgrade his marks. The lecturer had to raise money from the philosophy department in order to assist him financially. Siyanda felt motivated to work harder as failure to do well would be a betrayal of the philosophy lecturer and the department of philosophy.

*Even if I was lazy sometimes to read books I am like Siyanda the department raised funds for you to come to university.*³³

Learners commit to their work, not only for their own sake, but also for the sake of those who care and are concerned about their success. In a typical African family, the young ones respect the same values their elders respect and value. That is why it is essential for family members and for the school to be able to love the children and to value their education.

7.3.2 Closeness and communication; essential for family and school

A caring family has members that are close to each other. In such a family this happens naturally as the family members are related through kinship, hence they are close because of blood tie. Where family ties are not interrupted by misunderstandings, communication in the family is smooth and it plays the role of strengthening family ties. I have mentioned above the significance of knowing the learners' circumstances and being able to provide counsel when necessary. This can only happen when learners and educators are close to one another and with a level of openness that enables dialogue. Moloi et al., (2010:475) conducted research on the effectiveness of three rural schools in Mpumalanga Province in South Africa and attributed their success to what they described as "successful pedagogical dialogue, with mutual

³² A Westaway, Grahamstown. 30 October 2013

³³ S. Centwa. Grahamstown. 24 September 2013

acceptance as its fountainhead”. The authors argue that, “a successful pedagogical dialogue forms the ontological base for eleven essential themes in learning namely instruction activities, motivation, support, discipline, vision, care, trust, interpersonal relationships among staff, collaborative partnerships and school leaderships” (Moloi et al., 2010:481). In other words for a school to be successful and be able to foster the above, there has to be ongoing dialogue between learners and their educators. Schools that encourage communication are bound to be successful. As Moloi et al., (2010:481) state “communication and dialogue can both be described as correlatives of being human”. Learners must feel free to speak to their teachers and principals. Gadra Matric School students particularly mentioned how their principal encouraged them to speak to her.

Communication at Gadra Matric School is strategically used as a tool for motivation. The staff members, both teachers and the principal deliberately talk to the learners to encourage them to work hard. Ashraff Jones indicated how they (teachers and school managers) kept reminding them about why they were at school, what they came for and the need to start working up. Melanie Lancaster would even call each one of them to the office and speak to them and discuss about their results and the need to work hard even more. Communication with the parents also plays an important role for motivation. One learner indicated how the parents would always ensure that they go to school and do not miss classes because they knew Melanie Lancaster would call them if they are not at school. On the other hand when a learner missed class for a genuine cause, the learner would communicate to the principal. Communication from school managers when the learner is absent is a show of concern from the school.

Communication involves the willingness to listen to the other part and therefore is not a one way process. When school authorities do not listen to the learners’ problems and only speak their expectations to the learners, the possibility is that learners will not listen either. Communication is reciprocal and Moloi et al., (2006:482) found out that when learners are listened to, they are more willing to talk to their teachers. Communication gets the educator and the learner together and that helps the educator to identify the areas which the learner require support.

7.3.3 Love embedded in Ubuntu

Broodryk (2006:81) mentions that “the appreciation of love is fundamental to the *Ubuntu* way of life”. A warm heartfelt feeling towards another individual is something that individuals

should cherish. All the factors that characterised learning, teaching and school management at Gadra Education namely, family school, closeness, communication and care are possible due to the greater value of love. The expression of love is something that learners need. Quite often values such as love, care, compassion and kindness are conceived as divorced from or are presumed to be inapplicable to human rights discourse and particularly to education rights as they seem to make moral sense within the religious and family discourse. This thesis argues that these values are the basis for which education rights can be realised and schools can adopt and apply these values within the school environment. There is a strong connection between legal entitlements and these communitarian/*Ubuntu* values which drive individual participants who are critical to the realisation of these entitlements.

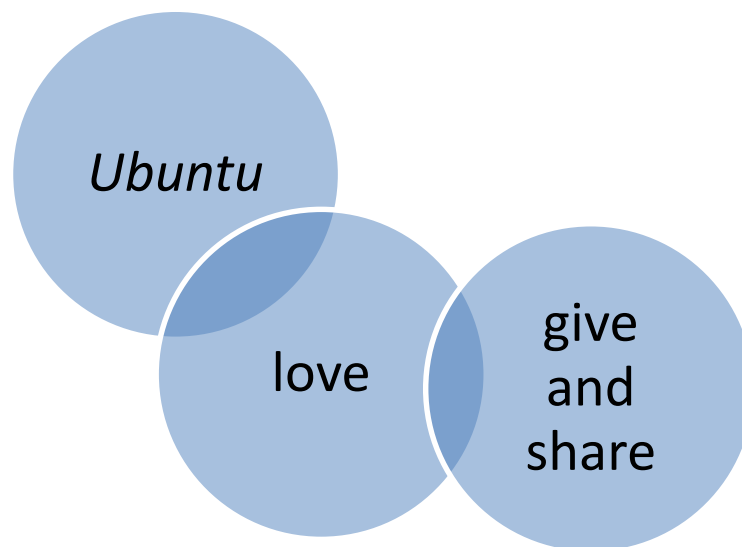
Particularly in the area of education rights, realisation is highly depended on the educators and administrators embracing values of *Ubuntu*. By doing so we are not reducing human rights to simplified community values and norms. Socio-economic rights by their nature directly involve effective provision from workers, for example health workers, educators and other basic services providers. These people who are usually employed by government, when they are not motivated by values that respect human dignity, which I argue are present in *Ubuntu*, can potentially hinder the poor from realising their rights, even if these rights are clearly stipulated in the constitution. Although *Ubuntu* values are not rights but ethical values they enable the realisation of socio-economic rights. This thesis concludes that when these core values are embraced by the institutions that seek to provide education rights, the realisation of these rights become much conceivable. The teacher for instance need to be loving in order to have passion and empathy for a learner who is coming from a poor social and economic background. If that is lacking the learner will be left to his/ her own fate. Therefore undermining these communitarian values tends to be detrimental to the realisation of socio-economic rights. State institutions in particular need to uphold such values within the education system. Maybe government can put programmes in place that deliberately attempt to enforce *Ubuntu* values in education, especially in learning institutions.

When *Ubuntu* values are embraced by educators, administrators and learners, education ceases to be an individual's 'own' right. It rather becomes a right worthy realised not only by 'me' but by the person next to me. If the right bearers know their rights and make legal claims and yet those agents that are on the ground and are responsible for the provision of these socio-economic are not eternally driven and not prepared to give or share, these rights remain paper

rights. When a well-trained educator decides to stay away from class or not to give full attention to a learner, it does not matter how good the educator is, he or she compromises the quality of education the learner receives. The internal drive to be available in class emanates from one's values and beliefs. It comes from one's perception of the learners not to be just right bearers but as significant members of the community who need to be loved, to be cared for and who deserve a better life. Waghid, 2004:528 argues that, "South African's democratic education requires a responsible citizenry where individuals do not pursue their own individual interests but have regard for the common good". This can be achieved as South Africans make use of *Ubuntu* values.

When *Ubuntu* is practiced outside love it becomes an empty rhetoric concept or value that is not capable of producing the acts of *Ubuntu*. Below is a diagram illustrating love as embedded in *Ubuntu* and as the connecting force to the actions of giving and sharing. In the diagram below one can see that without love the actions of giving and sharing cannot be produced.

Diagram 2. Love embedded in Ubuntu, enables the acts of giving and sharing.



Gadra Education Manager, Dr Westaway mentioned that he made it a point that he spoke to the students and made them aware that in the school they would be loved. When love is verbalised and is also evident in the actions of those who are giving it, it becomes easy for the recipients of love to know that they are loved. At Gadra Education the learners were aware that the school cared about their backgrounds, their future and the school wanted the learners to succeed and meet their educational goals. Thabiso Mafana, a student at Rhodes University and

a former Gadra student described how he felt inspired at Gadra and saw himself succeeding. He felt like teachers were trying to help this small group of students to go somewhere.

Discourse on care as essential to the teaching profession is available in education (O'Connor, 2008). Caring is undoubtedly an important element in the teaching profession and it has been argued to be of more importance in elementary/primary schools (Gomez, Allen and Clinton, 2004:473; Hargreaves, 2000:811). Choosing to care can be part of the teacher's professional identity but can also be in coherent to the person's philosophical and humanistic belief (O'Connor, 2008:117). Care is not universally understood in education (Gomez et al., 2004:473). There is a thin line between choosing to care as part of the professional requirement and caring as part of one's humanistic and philosophical belief, that is caring as fulfilling one's role as a teacher and caring as *Ubuntu*. Part of the reason why 'care' and not 'love' has been used in education discourse on teacher profession, is that love is best understood as an internal personal feeling towards another which requires a close relationship and has been applied often on marital or sexual relationships. Love tends to be defined "psychologically in terms of feelings, as strong emotional bond between two people which satisfies their needs to give and to receive" (Restivo, 1977:234). The psychological, romantic or erotic love is clearly inapplicable to this thesis. Instead, a humanistic conception of love that views "love as the foundation of virtue and as a condition for self-actualisation" (Restivo, 1977:234) is of relevance to the subject of love in this thesis. A humanistic perspective of love as expressed by Restivo sees "love as the necessary foundation for life oriented to identifying and actualising human potentials" (1977:235). Love in this sense is intrinsic in all humans and aims at creating a good society where individuals thrive and meet their goals.

Love is not easy to identify in teaching and learning and it must be distinguished from some abusive relationships that male teachers can create with the female learners. There has to be a close and formal teacher-pupil relationship between the learner and the educator. A caring person in the school context would be the one whose actions are a result of the desire to motivate, inspire and help students (O'Connor, 2008:118). The desire to motivate and inspire is present in cases where the educator actually loves the learner. Love is felt by learners the closer the educators are to the learners. Loving learners is in fact more effective in teacher effectiveness, for it lifts up the burden of choosing to care as a teacher's role in school. If the teacher loves the learner, she/he will care for the learner.

The word ‘care’ was used quite often by learners during the interviews, more than ten times in one of the focus groups, to describe what they saw as their educators’ attitudes towards them. There were a few instances where the learners would mention ‘love’, not more than twice. Antenkosi Nzanzeka mentioned that the teachers at Gadra Education had the love that students never experienced before³⁴. One understands why Athenkosi understood her teachers as loving. The level of care she experienced from Gadra Education staff when she felt seek and lost four months of learning could be a product of more than just care. She felt loved.

On the other hand Dr Westaway, Gadra Education manager used the term ‘love’ about ten times to describe what he believed to be the Organisation’s values and to refer to the relationship between the staff and the students. He made no mention of the word ‘care’. Love is what the manager thinks educators must have towards the learners. It has to be something more than just caring for the learner as part of the teaching profession. O’Connor (2008:120) uses the distinction between, “the professional duty for care (care for) and genuinely loving and empathising with (care about)”, in an attempt to show the importance of care in the teaching profession, which policy makers tend to neglect. How one separates the actions of professional duty from actions of genuine love and empathy can be a challenge however, as the actions are done on the basis of the condition of the heart which no one sees. In this thesis, I distinguish between love and care and argue the former should be central to provision and receiving of education. Dictionary.com defines love as “a feeling of warm personal attachment or deep affection as for a parent, child or friend”. The dictionary meaning for care as a verb is to be concerned or solicitous, to have thought or regard (dictionary.com). Love cannot be easily observed from outside since it is an inward feeling. Acts of love can be observable, but can be interpreted as care. The difference lies in the extent to which caring is done which results in the individual feeling loved, with a sense of personal attachment.

Some learners at Gadra Matric School did not describe their teachers and administrators’ actions as a result of love, but rather as care. The same students described their school as a family and they indicated that they really felt like a family. The students had an idea of a family that is functional and stable family. Although they could be aware that there could be problem families that are not functional, their usage of the term ‘family’ presupposes an ideal functioning family where there is love. To use the same definition for love, one can conclude

³⁴ A. Nzanzeka. Grahamstown. 04 September 2013

that these learners felt a feeling of warm personal attachment or deep affection as for a child. They felt loved like children and it is this kind of feeling that learners need for them to have a vision for their future and to realise their goals in education. Love can be a powerful force which makes children fear to disappoint those who love them and it can be useful in education. Love is different from simply having regard or concern for someone. Love is humanness and in this thesis I have argued it is *Ubuntu* and therefore central to the reception and provision of education. The manager, Dr Westaway verbalises this important value to the learners and parents which is a reflection of the willingness to have love as one of the important values that the Organisation embraces. Although most of the learners did not state that their educators loved them, they evidently knew that they were very close to the hearts of their educators and they did not want to disappoint them.

7.4 Conclusion

Human rights obligations when not supported by *Ubuntu* values especially on the provider's side, cannot yield the intended results of getting to the poor individual of the community. Claims to these rights may be made, litigation may follow but when the person meant to serve for a right to become concrete is not passionate or motivated the right will not materialise. Based on Gadra Education the chapter has shown the significance of *Ubuntu* in the provision and reception of education. Gadra Education as an NGO and the Matric School in particular resemble a loving family. Due to its small size they are able to practice family values of sharing and giving. These values I have argued are a product of the greater *Ubuntu* value of love which I have contrasted from care, the former being more critical in education than the latter. The learners put emphasis on their feeling of being in a family, of being very close and of being able to share their problems and to communicate easily and this is evident to the fact that these students are loved, although some of them perceived their educators as caring. We discovered in this chapter that Gadra Education represents important values in school which can be useful when they are embraced by educators at all levels within the education system. Although these values are common in the discipline of educational psychology, there are seen to define the role of civil society in advancing education rights. Clearly Gadra Education's role in advancing education rights is different from other NGOs that employ confrontation or cooperation tactics with the state. Through operating independently, through embracing *Ubuntu*, the NGO sets an example to the state and other NGOs on how education rights can be made concrete in order to benefit the poor.

CHAPTER 8

Conclusion

8.1 Chapter outline

This thesis' overall objective was to identify, analyse and discuss what role Gadra Education play in the realisation of education rights in Grahamstown. Its role is identified as twofold, one focusing on the actual provision of educational services that enable the less advantaged to meet their educational goals. Secondly its role as an institution of significance in critiquing the state education system. In the later, it is argued that the NGO Gadra Education can potentially influence the state to deliver on its education rights obligations. In three sections, a summary of the thesis is provided. The first section with its three sub-sections focuses on the theory that has informed the study namely socio-economic rights, civil society and state obligation on education rights. The second section is a short summary on methodology and research methods. The third section summarises chapters on analysis that is chapter 6 and 7. Lastly recommendations are made for NGOs that focus on the provision of education and also for the DoE.

8.2 Theoretical perspectives

8.2.1 Socio-economic rights

The discussion on socio-economic rights in chapter two was meant to show that it was significant for South Africa to include socio-economic rights in the new constitution. This was necessary in order to show commitment in addressing past injustices that were a result of the apartheid system. Successful litigation of cases on socio-economic rights have been instigated undermining the arguments about the unjusticiability of social and economic rights. A number of countries under democratic rule limit socio-economic rights to directive principles or as with the case of the USA to not include them in the constitution not even as directive principles. South Africa has seen successful litigation in the areas of housing, health and recently in education. However the implementation of court orders has remained a challenge making it difficult for the people to benefit from litigation. Realisation of these socio-economic rights in South Africa continues to be a challenge especially in the area of education.

8.2.2 *State obligation*

Chapter three discusses the obligation of the state in providing socio-economic rights. It is generally accepted that the provision of socio-economic needs to citizens should be met by the state. In South Africa the Bill of rights stipulates that the state must make use of its maximum resources in order to meet the socio-economic needs of the citizens. The obligation on the South African state should be understood in the context of the country's history particularly in the area of education. During the apartheid era, there was a deliberate attempt to racially discriminate with regards to the provision of education. Bantu education was provided for blacks that would prepare them for menial jobs with very low income. Whites on the other hand had quality education that would ensure high paying jobs. It is against this background where the new political dispensation introduced a new education system that is more inclusive. The government needed to ensure that quality learning was provided to everyone with no discrimination. Yet the state has not adequately met its obligation close to twenty years after democracy. The quality of learning in the majority of state schools remains of poor standards as learners struggle to get into tertiary education and to secure jobs after school. The discussion in chapter four on civil society shows how civil society, in form of NGOs respond to state failure and either confront the state and demand that the state fulfil its obligations or cooperate with the state in an attempt to have education rights met.

8.2.3 *Civil Society*

The chapter on civil society shows different conceptualisation of the term and the thesis uses the term loosely to include all non-state organisations under civil society organisations. Civil society's relationship with the state has been identified as corporatist or voluntarist, the former is whereby CSOs are incorporated in the decision making process by the state and the latter operates outside the state and is confrontational by nature. Gadra Education does not fall under either category but has its own independent initiatives that are not influenced or controlled by the state. Gadra Education is championing an important alternative approach of non-confrontation and non-collaboration, which by setting an example of excellent education, can potentially influence the DoE to meet its obligations. Gadra Education make effective use of *Ubuntu* values that are embedded within the African culture.

8.3 Research methodology and research methods

This study employs a qualitative research approach which used a case study as its research method. Semi-structured interviews and focus group interviews were useful for data collection. Chapter five focuses on explaining the usefulness of these methods for this kind of study. In the same chapter I explain the reason for selecting Gadra Education for case study. It is the oldest educational NGO in Grahamstown, it has engaged in providing different services over some time and although it is fairly small it has continued to thrive over the years. The NGO has never attempted to directly confront the state and demand state to provide quality education. It is an ideal NGO for critique on the state education system as an organisation that is a product of state failure.

8.4 Gadra Education plays the role of a *de facto* institution critical of the state school system

Chapters six and seven focus on data analysis. In chapter six a conclusion was arrived at that there is an informal relationship with the DoE. Engagement with the local DoE is only for the purposes of the Organisation's functionality, hence they only engage in so far as the registration of the Organisation was concerned and also for the sake of registering Matric students when they write their final examinations. The Organisation's relationship is both informal and non-confrontational and has been a useful strategy for Gadra Education as a way of implementing initiatives that are not directly influenced by the DoE for example having part-time teachers, offering courses that are outside the curriculum, and also not restricting teacher recruitment to those who have teaching qualifications. There was an instance when the DoE would intervene financially to support the Matric School and such support ceased. Chapter six discusses how Gadra Education as an NGO is useful for critique of the state's education system. Behind Gadra's initiatives is the state's failure to provide quality learning within its school system. Gadra Matric School shows by example how a Matric learner from a less privileged background can benefit from learning in an environment that is centred on *Ubuntu*.

8.4.1 *Ubuntu: Giving and sharing in education*

Chapter seven discusses how *Ubuntu* as a philosophy could be useful in the provision of education and it is this value that has been central at Gadra Education. At Gadra Matric School there was evidence of the willingness of the educators to give and share. Love and not just care was the driving force. Love comes from the heart, whereas someone can choose to care not

necessarily out of love but as a result of the professional requirement for care in teaching and learning. The learners at the Matric School have a strong sense of belonging to their school. It felt like a family with close attachment to the teachers. They also found it easy to communicate anything with the teachers and the principal. As one learner indicated there was a bond between the learners and the educators. Clearly what they felt was not just care. It was love. Love makes it easy to share and give in a similar way a parent provides for his or her children. Gadra Education has fully embraced and utilises *Ubuntu* with all its attached values, in order to provide education to the less privileged community members.

8.5 Conclusion

Gadra's role has been identified as two fold, firstly as an organisation that offers education to the community members and secondly as an organisation that can potentially influence government in order to meet its obligations. Gadra Education's educational initiatives are of significance to the learners from less advantaged background as they manage to progress to tertiary level and enter the job market. The NGO provides a critical eye on what the state is doing in education. By doing so Gadra Education can influence the state to assess how teaching and learning is undertaken in state schools and more important what values characterise the schools. Without having to confront the state or collaborate, Gadra Education undertakes independent initiatives and embraces *Ubuntu* as their ethos. That way the learning process becomes feasible as learners have a strong attachment to their educators. Teaching methods and techniques are essential in learning. However if the education providers are not driven by *Ubuntu* at all levels within the education system the learning environment becomes void of the essential elements that envision and motivate the learners especially those learners from disadvantaged backgrounds. If the values of giving and sharing could be embraced by educators within the state school system, that may be a breakthrough on issues of discipline in school and can create a more successful learning environment. What we have realised is that although litigation is sometimes successful in terms of winning court cases, the implementation of what the courts rule remains a challenge and the poor do not get to realise socio-economic rights. Independent initiatives that bring about the realisation of these rights are important in order to bring these socio-economic rights to the person on the ground.

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APPENDICES

Appendix 1

Forms for agreement to interview.

Rhodes University

Name of candidate Esteri Msindo
Student Number 608m1835
Degree in view Master of Social Science

FORM OF AGREEMENT AND CONFIRMATION OF INTERVIEW

This serves to confirm that I KELLY LONG.....(Name and
Surname) LITERACY PROG. CO-ORDIN......(job title) of
GADRA Education.....(Institution) has upon agreement been interviewed by the
above mentioned student on the 1/11/2013.....(Date)

Signature



Rhodes University

Name of candidate Esteri Msindo

Student Number 608m1835

Degree in view Master of Social Science

FORM OF AGREEMENT AND CONFIRMATION OF INTERVIEW

This serves to confirm that I Geoffrey Stewart Probert (Name and Surname) REV. (job title) of

GADRA MATRIC SCHOOL (Institution) has upon agreement been interviewed by the above mentioned student on the 31/01/13 (Date)

Signature



Rev G S Probert

Appendix 2: Interview questions sample

Teachers

1. When did you start teaching at Gadra? How long have you been teaching? Did you teach elsewhere before you came to Gadra?
2. What motivated you to teach at Gadra education and what continues to motivate you?
3. Have you noticed any differences between Gadra education and other formal schools that are not NGOs and what do these differences have to do with?
4. How are you paid at Gadra-Salary range? Do you have a basic salary with benefits?
5. What challenges do you face as teachers at Gadra?
6. Other than teaching, do you have any other job?
7. Which class are you teaching and how big is the class? How much time do you spend with the learners? How do you describe your teaching experience at Gadra?
8. How do you describe your relationship with the students and other staff members?
9. Where and when did you do your teacher training?
10. Where do you think lies the success of Gadra education?
11. How did you find the job at Gadra?
12. Where do you get the learning material from? Do you think the material is sufficient for the learners?
13. In terms of quality of education how do you rate learning at Gadra? What do you think is the cause for the quality of education received at Gadra education?
14. What do you think is the role of a teacher in the production of quality learning? At Gadra in particular to what extent do you think the teacher is central to the outcomes?
15. Would you like to see the department of education assisting your organisation in any way? If so in what ways?

Appendix 3: Communication with Impumelelo Social Innovation Centre.

gms

From: Ashley Westaway [Ashley@gadraed.co.za]
Sent: 27 July 2012 09:52 AM
To: 'gms'
Subject: FW: GADRA Matric School

Dear Mel

See below – the stats that I sent to Impumelelo. They make for interesting and uplifting reading.
 Ash

Dr Ashley Westaway
 Manager ☎ +27 (0) 83 384 4660 ✉ ashley@gadraed.co.za 

Old East Rand Branch: 5th Floor, 126, Glenholme, 1440
 ☎ +27 (0) 46 622 4837 ☎ +27 (0) 46 622 4837 ✉ info@gadraproduction.co.za

From: Chris Mingo [mailto:Chris@impumelelo.org.za]
Sent: 26 July 2012 14:16
To: Ashley Westaway
Subject: RE: GADRA Matric School

Thanks Ashley.

From: Ashley Westaway [mailto:Ashley@gadraed.co.za]
Sent: 26 July 2012 01:51 PM
To: Chris Mingo
Subject: RE: GADRA Matric School

Hi Chris

It's a pleasure. In case you need more subject-by-subject specifics, below find tabulated details for the first three years of the new curriculum (ie 2009, 2010 and 2011).
 Regards, Ashley

Subject	2009	2010	2011
Mathematical Literacy	100	100	100
Geography	96	100	86
History	100	100	100
Religion Studies	100	100	94
English First Additional Language	100	100	100
English Home Language	100	96	94
Life Sciences	91	91	88
Mathematics	75	79	74

Physical Science	33	76	93
Accounting	Not offered	Not offered	79
Business Studies	Not offered	Not offered	88

Dr Ashley Westaway
 Manager ☎ +27 (0) 83 384 4660 ✉ ashley@gadraed.co.za 

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 T: +27 (0) 83 422 4037 F: +27 (0) 83 422 4037 • www.gadraeducation.co.za

From: Chris Mingo [<mailto:Chris@impumelelo.org.za>]
Sent: 26 July 2012 08:44
To: Ashley Westaway
Subject: RE: GADRA Matric School

Hi Ashley

Thanks so much, greatly appreciated.

Chris

From: Ashley Westaway [<mailto:Ashley@gadraed.co.za>]
Sent: 25 July 2012 05:52 PM
To: Chris Mingo
Subject: RE: GADRA Matric School

Dear Chris

Attached find two tables. The first shows the total number of students per year at GMS (we do not have the gender-breakdown), and the overall subject pass rates achieved (per year). Take note that 2008 was something of an aberration, because the school sought to accommodate two final groups of Old Syllabus learners. For the other 17 years, the pass rate was 90% or above in all but two of these years (ie 2000 and 2009)! Also note the massive expansion last year, which has been sustained this year.

The second table show subject-by-subject pass rates for 2011. The phy science pass rate of 93% was the highlight of 2011.

I hope that this suffices. Let me know if there's anything else that you need.

Ash

Year	Number of students	Overall Subject Pass Rate
1994	55	97
1995	64	97
1996	55	98
1997	52	93
1998	62	90
1999	68	90
2000	83	88

2001	67	90
2002	68	93
2003	64	95
2004	74	98
2005	72	93
2006	72	93
2007	75	93
2008a	87	73
2008b	77	76
2009	70	85
2010	82	95
2011	131	92

Note that in 2008, GMS accommodated two final intakes of old Senior Certificate candidates.

Subject-by-subject performance in 2011

Subject	Percentage Pass
Mathematical Literacy	100
Geography	86
History	100
Religion Studies	94
English First Additional Language	100
English Home Language	94
Life Sciences	88
Mathematics	74
Physical Science	93
Accounting	79
Business Studies	88

Dr Ashley Westaway

Manager

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 Tel: +27 (0) 46 622 4537 Fax: +27 (0) 46 622 4537 • www.gadramathematics.co.za

From: Chris Mingo [mailto:Chris@impumelelo.org.za]

Sent: 25 July 2012 13:46

To: Ashley Westaway

Subject: GADRA Matric School

Importance: High

Hi Ashley

I trust you well.

I need some additional information, please? Table form please

1. What are the number of students annually, since inception? Breakdown male & female.
2. Pass rate per year? And per Subject ?

Would appreciate it as soon as possible.

Chris Mingo

Evaluations Manager

Impumelelo Social Innovations Centre

Appendix 4: Newspaper samples on Eastern Cape Education and Gadra Matric School.

300 EC schools to shut down

Sadtu slams government for R657m cut on education

By MSINDISI FENGU
Education Reporter

FED UP parents in the Eastern Cape have unofficially shut down close to 300 public schools in their communities, turning them into white elephants because they would rather send their children elsewhere to receive better schooling. This comes amid reports the state is to spend R657-million less on new schools this year as provinces battle to meet demand.

Yesterday, opposition parties, Sadtu and NGO Equal Education lambasted the department, claiming it had failed to provide safe classrooms, teachers, food, transport, textbooks and stationery at schools which forced parents to move their children to other schools, even in other provinces.

They were reacting after education MEC Mandla Makupula made the shocking revelation while delivering his budget and policy speech at the Bhisho Legislature on Thursday.

"Communities have unofficially closed 294 public schools in the Eastern Cape. These are just being vandalised and the law requires we've got to [hold] public hearings."

The hearings would ascertain whether the department should officially close down or merge affected schools.

The hearings across the department's 23 districts are expected to result in the closure of many schools with less than 100 pupils.

The department had reportedly indicated earlier this year there were already 500 schools earmarked for closure due to low numbers.

Makupula's statement comes after DA leader and Western Cape Premier Helen Zille's comments sparked outrage when she called Eastern Cape pupils flocking to the Western Cape in search of better education "refugees".

The Dispatch reported last month a Western Cape education department 10-day snap survey, conducted at the beginning of the year, showed about 8 000 children from the Eastern Cape have unexpectedly entered the Western Cape's education system.

Zille and her delegation, which comprises shadow education minister Annette Lovemore, shadow education MEC Edmund van Vuuren and MPL Vuyelwa Mvenya, are expected to visit schools faced with challenges in the province tomorrow.

COPE provincial leader Sam Kwellita said the party was concerned about the children.

"Our concern is for pupils who should be getting quality education and what happens to them when these schools are closed."

Kwellita said low quality education had caused movement of pupils between communities, not only provinces.

Van Vuuren said: "Parents feel their children are not getting better education. At certain schools there is a high rate of teacher absenteeism, resulting in the numbers of learners decreasing as parents send their children to other schools."

The DA supported the process to close

schools with too few pupils.

"It's a waste to pump resources into schools with low numbers that are in close proximity. Rather, close these schools and build a school with a hostel for these communities," they said.

UDM MPL Jackson Bici said the move by parents showed a breakdown of relations with the department.

"Parents want to see their children studying closer to their homes but their schools are unsafe and don't have teachers and the necessary equipment. This is why parents send their children elsewhere," he said.

Equal Education head of policy Yoliswa Dwane said it showed parents had given up on the department.

"The Eastern Cape has 395 mud schools and some bad structures. Principals get tired of writing to the

department which does not take action."

Lack of resources, Dwane said, had resulted in high drop-out and failure rates.

Sadtu provincial secretary Mncekeleli Ndongeni said the department should not be "excited" by the closure of schools just because it wanted to "save resources".

"This means they are failing to deliver. Parents are taking their children to where they can access food, transport and [adequate] teachers. All children are entitled to education."

Education spokesman Loyiso Pulumani said a list of schools affected would be known once they had been gazetted, which would be by the end of May. — msindisi@dispatch.co.za

● See page 4

Our concern is for pupils who should be getting quality education

Overcoming the odds at Grahamstown school

21 Nov 2014 10:11 [Victoria John](#)

Most pupils at Grahamstown's GADRA school come from disadvantaged backgrounds. So how has the school become the second-biggest feeder to Rhodes?



Marian Jayes, the Life Sciences teacher at GMS with pupil Sifanelwe Mini. Mini wants to study law at University of Cape Town (UCT) and to ultimately become the public protector. (Michelle Cunliffe)

It's not bells and whistles that have resulted in Grahamstown's GADRA matric school (GMS) becoming the second-biggest feeder school of students to Rhodes University. It's just good, old-fashioned teaching, sound management and an ethos of love and discipline.

"The teachers are the best, I'm not just saying that," Athenkosi Nzanzeka, first year Rhodes journalism student and GMS graduate told the *Mail & Guardian*. "They engage with the parents. They care. Even when I was away at hospital they called me all the time, checking how I am. Even when I came back they made sure I had transport to and from school."

The 20-year-old school, which caters for financially and educationally disadvantaged youth, also produced 52 bachelor passes last year. GADRA stands for Grahamstown Area Distress Relief Association.

Nzanzeka matriculated in 2012 from a Johannesburg school with a diploma pass. She didn't get the marks she wanted for the same reasons as many disadvantaged pupils – family responsibilities and household chores.

“I grew up in Joza township in Grahamstown, but in high school I went to live with my aunt in Johannesburg who needed help looking after her baby ... there were lots of household chores and I didn't have time to focus on my books,” Nzanzeka said. “It didn't help either that there were 40 pupils in my class so individual attention was not easy to come by.”

Overcoming hurdles

She knew she would have to improve her marks if she was going to get into Rhodes University in her hometown, so she joined GMS in 2013. But she met another hurdle when severely high blood pressure caused her to lose her eyesight temporarily in April. She was in and out of hospital until late



*Athenkosi Nzanzeke is now in her first year at Rhodes University studying journalism.
(Michelle Cunliffe)*

GMS teachers rallied round and gave her extra lessons and “attention like a parent [would]”, she said.

“It was an unhappy time but then I saw I was doing better. I understood things that I didn’t understand at school.” Being accepted to study at Rhodes was a shock, she said.

“I had a dream but I thought, ‘no man, it’s too big’.”

Success stories like these have resulted in GMS becoming the second-biggest feeder school into Rhodes, GMS manager Ashley Westaway, told the *M&G*. The biggest is Victoria Girls High School in Grahamstown.

“By the end of October, 25 members of the Class of 2014 had been offered places at Rhodes in 2015”, said Westaway, while others went on to study at other universities.

Last year’s figure of 52 bachelor passes looks set to rise further if the 2014 trial exams marks are anything to go by; pupils produced marks equivalent to 81 Bachelor passes.

“If one looks at performance in this regard over the past three years, GMS has produced half of all working class black bachelor passes in Grahamstown. Put another way, GMS produces the same number of Bachelor passes as all the local township schools combined.”

He said the standard of Eastern Cape education was “very low” and the fact that GMS produces the results that it does, “at a cost per learner that is lower than the cost of public education, after a learner has been subjected to twelve years of public school, is an indictment on the Eastern Cape Provincial Department of Education”.

The school’s reputation precedes it and this year it received 520 applications from pupils who had either failed outright or received low passes. It only had capacity for 140 of them.

Back to basics

It owes its success to “focusing on the basics”, Westaway said.

“We don’t do anything particularly innovative in terms of resources. We offer good, old-fashioned teaching, good management and an ethos of love and care.”

“Although all of the teachers are employed on a part-time basis, each of them is a subject matter specialist, a qualified teacher and a person who is passionate about the youth of Grahamstown and the Eastern Cape.”

He said it was “remarkable” that the school, which runs on donations from big business and individuals, “has more teachers with Masters degrees than some of the ultra-exclusive and very expensive private schools in Grahamstown”.

The Eastern Cape city of Grahamstown might be small but it is a bustling education hub, with its university being ranked in what is known as the top five universities in South Africa. Its many educational establishments range from wealthy private schools like St Andrew's and DSG, to public schools that constitute an education district that performed the third worst in the province in the 2013 matric exams, Westaway said.

Fees at GMS are worked out according to what pupils' families can afford.

"The lowest fee we charged for this year was R3 200 but in the event that a pupil doesn't pay, we don't chase them away. If they can't afford to pay then they don't," said Westaway.

He said corporates, trusts, foundations, and individual donations were responsible for paying teacher salaries and keeping the school running.

Expectations

Gcobisa Mjele got a bachelor pass when she matriculated in 2012 from Mary Waters High School in Grahamstown but she did not have enough points to get into Rhodes so she spent the following year at GMS.

"From the beginning of the year [teachers and management] tell you what they can offer and what they expect from you," she said. "They will meet you halfway. If you put in the effort then they are more than willing to go the extra mile for you. They help us with applying to universities, and we have kept in touch with our mentors." She is now in her first year

studying a bachelor of arts in law at Rhodes.



Gcobisa Mjele is a GMS graduate and a first year law student at Rhodes university.

Ntsika Kitsili is an old-time GMS graduate who is now teaching pupils in the way he wished he had been taught. He matriculated in 2004 at a school where the facilities were adequate but “we had to share textbooks and teachers not trained well enough to teach all learning styles or all capabilities”.

He matriculated with a straight pass but after spending a year at GMS he, got enough points to be accepted into Rhodes’ bridging course and then its journalism degree.

“My family was not poverty-stricken but my home environment was not conducive to studying. Our house was crowded. There were about 11 of us in a three-bedroom house. There was no space to study and you felt guilty asking for things like stationery and new trousers for school.”

It was the close attention at GMS that helped him succeed.



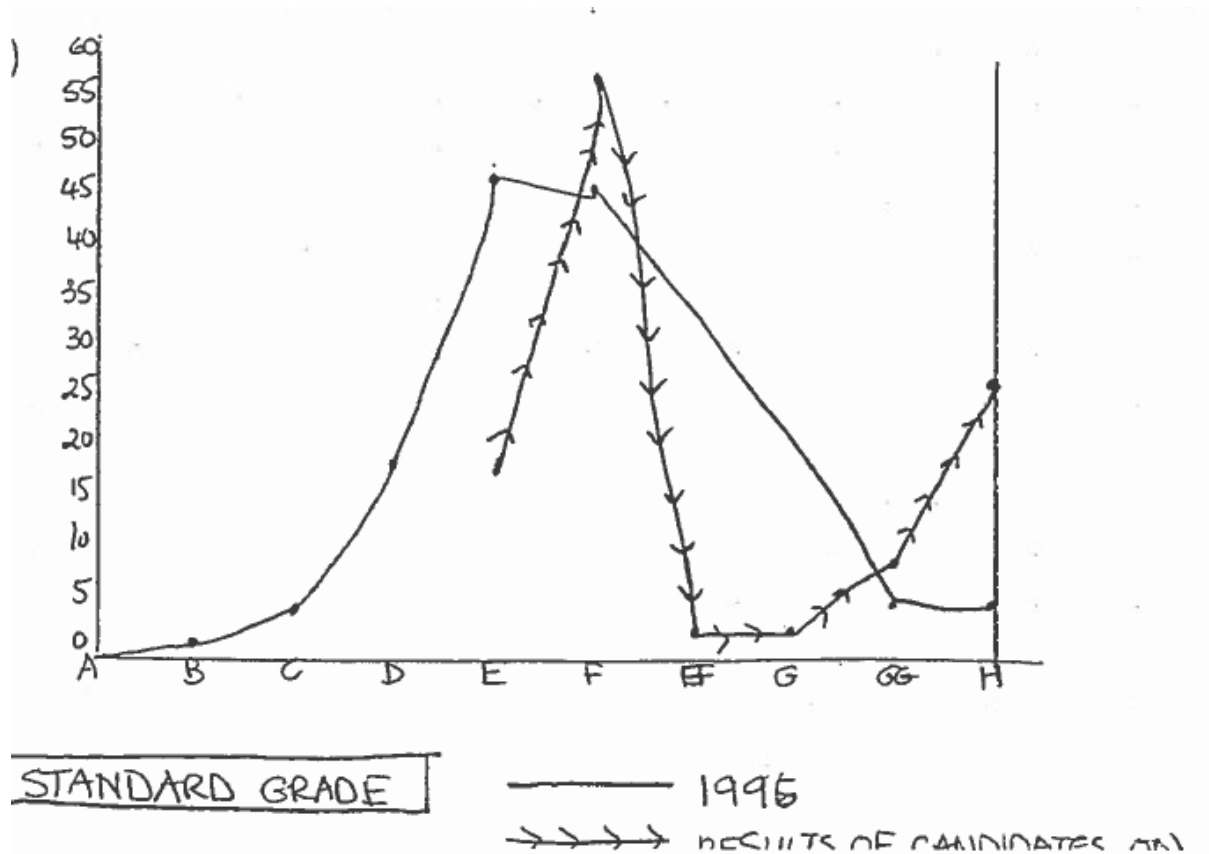
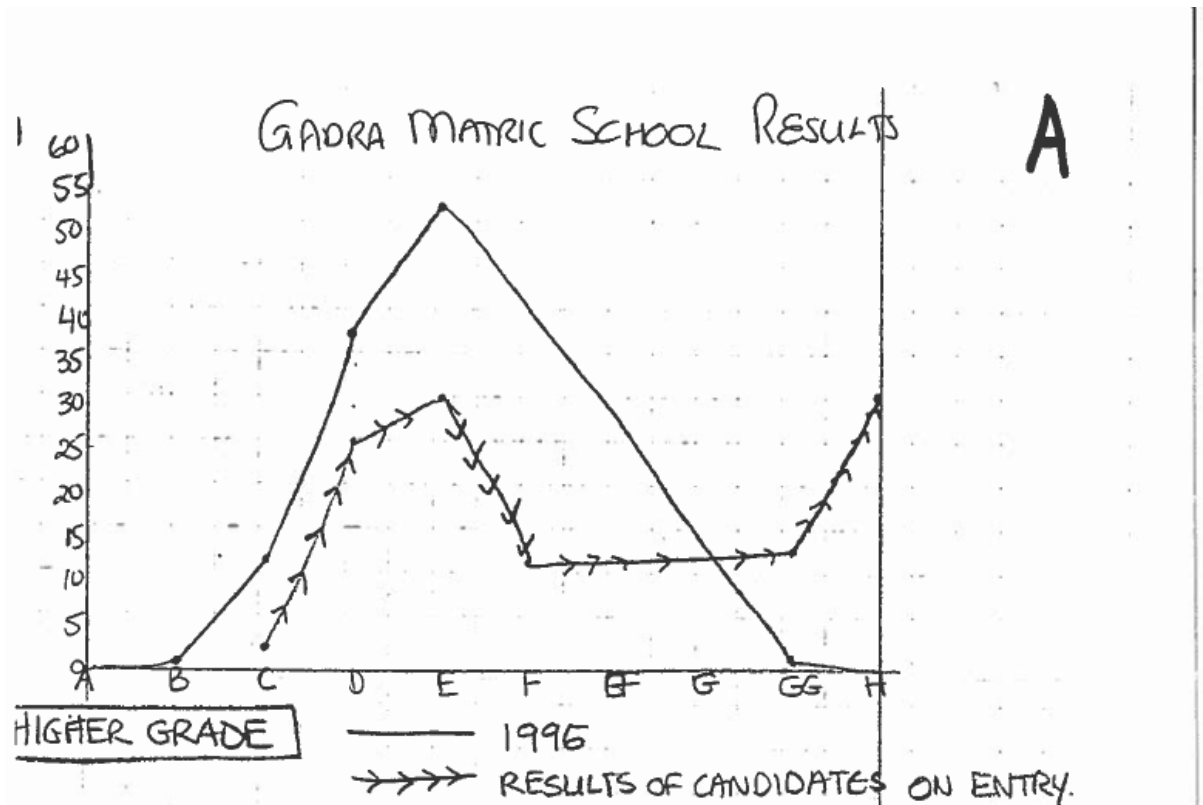
*Ntsika Kitsili is a GMS graduate. He completed his studies at Rhodes and is now a teacher.
(All photos by Michelle Cunliffe)*

“I was called each and every term for an interview with the principal. They give you such close attention. At my school no one took time to help me reflect how I did in the previous term. Those little things motivated me,” he said.

After completing his course he did a post-graduate certificate in education and now, aged 29, he teaches at Holy Cross School outside Grahamstown.

“It was the most amazing feeling getting into Rhodes. It was so surreal. Besides the excitement, it changed that perception for me that your background doesn’t have to determine where you end up in life.”

Appendix 5: Gadra Matric School results 1995 (First Year of existence)



GADRA MATRIC SCHOOL RESULTS : 1995

64 candidates offered 233 subjects.

14 subject failures = 6% subject failure rate
= 94% subject pass rate.

Candidates can obtain a matric certificate with 1 subject failure.

2 Candidates had 2 subject failures and are thus outright failures.
= 3% candidate failure rate
= 97% pass rate.

ANALYSIS OF HIGHER GRADE RESULTS.

SYMBOLS ON ENTRY	0	3	26	31	13			14	31
1995 RESULTS	1	13	38	53	-	-	-	2	-
	B	C	D	E	F	FF	G	GG	H
	70-79	60-69	50-59	40-49	33 $\frac{1}{3}$ -	30-	25-29	20-	0-19
	%	%	%	%	39%	33 $\frac{1}{3}$ %	%	24%	%

SEE GRAPH 1

— PASSMARK.

ANALYSIS OF STANDARD GRADE RESULTS

— PASSMARK.

SYMBOLS ON ENTRY	/	/	/	19	57	3	3	10	23
1995 RESULTS.	1	5	19	47	30*	-	-	6	6
	B	C	D	E	F	FF	G	GG	H
	70-79	60-69	50-59	40-49	33 $\frac{1}{3}$ -	30-	25-	20-	0-19
	%	%	%	%	39%	33 $\frac{1}{3}$ %	29%	24%	%

*+12

LG
CONVERSIONS

SEE GRAPH 2.

SUBJECT ANALYSIS HIGHER GRADE

		A	B	C	D	E	F	FF	G	GG	H
ENG	1995		1	10	29	18					
	PREV.			3	26	22	8				
BIOL	1995			2	5	21				1	
	PREV					6	2			5	4
HIST	1995			1	3	8					
	PREV						1				
GEOG	1995				1	2				1	7
	PREV					2					
SC.	1995					2	2			1	
	PREV					5				1	
MATHS (ONLY OFFERED AT SG)	1995					1				5	9
	PREV										
										2	11

STANDARD GRADE

		A	B	C	D	E	F	FF	G	GG	H.
HIST	1995		1		1	6	4				2
	PREV					1	6		1	1	6
MATHS	1995			4	6	9	10			4	4
	PREV					2	7			3	11
BIOL	1995			1	4	14	13				
	PREV					12	22	2	2	5	2
GEOG	1995				6	4	8				
	PREV					3	10	1			2
SC	1995				2	14	7			2	
	PREV					1	12			1	2
VG (ONLY OFFERED AT HG)											

SWEDISH POINTS

SWEDISH POINTS ON ENTRY (TOTAL) = 406
 1995 = 679
 IMPROVEMENT = 291

SUBJECT IMPROVEMENT PER CANDIDATE ON AVERAGE

ENGLISH.	5%
MATHS	19%
BIOLOGY	10%
GEOGRAPHY	11%
HISTORY	24%
SCIENCE	15%.
<u>TOTAL AVE</u>	<u>13%.</u>

SUBJECT PASS RATE.

ENGLISH	100%	HG	100%	—
BIOLOGY	98 84 %	HG	97%	SG 100%
GEOGRAPHY	100%	HG	100%	SG 100%
HISTORY	92%	HG	100%	SG 86%
MATHS	78%	—	—	SG 78%
SCIENCE	91%	HG	84%	SG 92%