



## **Fighting for Equality in Education: Student Activism in Post-apartheid South Africa Teaching Note**

### **Case Summary**

More than a decade after the African National Congress (ANC) in 1994 won the first democratic election in South Africa and ended the apartheid era, the majority black population remained mired in poverty. Expectations that the post-apartheid education system would put the country on a path toward equal opportunity gave way to the reality that persistent inequality in education was having the opposite effect. Formerly black schools—still attended by the vast majority of black students—remained poorly equipped. Some 93 percent of the country's 24,793 public schools lacked a functioning library, 46 percent still used pit latrines and some had no electricity or running water. The schools also had dismal graduation records. Ten percent of formerly black schools graduated fewer than 20 percent of their students, 35 percent graduated 20-39 percent, 32 percent graduated 40-59 percent, 16 percent graduated 60-79 percent, and just 7 percent graduated 80-100 percent of their students.

A group that called itself Equal Education (EE) launched in February 2008 to pressure the government to deliver on its promise to improve education. Equal Education had two powerful tools at its disposal: the constitutionally enshrined right to a basic education and a long national tradition of student activism. The organization's first campaign pushed for the repair of broken windows at a single township high school. In 2009, Equal Education went nationwide with a campaign to ensure that every school had an adequate library. In 2011, it expanded the libraries campaign to incorporate every aspect of school infrastructure, from toilets to electricity to running water. Equal Education organized mass protests, ran savvy media campaigns, attracted 5,000 student members (dubbed *equalisers*), and quickly rose to national prominence.

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The case tracks Equal Education's campaign to oblige Minister of Basic Education Angie Motshekga to fulfill her legal requirement to publish legally binding norms and standards for school infrastructure. The standards defined the minimum requirements for functioning schools, and compelled school districts and provincial governments to meet those standards. On March 21, 2011, Equal Education staged a rally that saw 20,000 people march to the parliament building in Cape Town.<sup>1</sup> In July, Equal Education demonstrators camped outside of parliament for two nights, garnering national media attention for the campaign. In August, it threatened legal action, and in October the minister informed EE that she would not issue binding norms and standards. On March 2, 2012, Equal Education sued the minister.

The reader follows the twists and turns as the minister settled out of court days before the trial in November 2012, only to issue a draft norms and standards on January 9, 2013 so brief and insubstantial that many EE members thought it was a summary. Then, less than a week before the May deadline to publish the final version, the minister told Equal Education that she would need more time. EE's leadership was deeply frustrated. It was also under the gun, with only days to respond to the minister. It decided to poll the *equalisers*: yes or no on granting the minister an extension.

Shortly after calling for the vote, the organization's legal team advised granting the minister a one-month extension. To refuse risked handing the minister a legal and public relations victory. Three days later the membership voted overwhelmingly against an extension. The leadership held a teleconference the next day on how to respond. They had to choose: refuse to grant an extension and put the norms and standards campaign at risk or grant a one-month extension and risk alienating the membership, the lifeblood of the organization.

## Teaching Objectives

Education is an important element of sustainable development. Activism can be a crucial tool in implementing reform. While this case raises for discussion issues of activism in education, it can be discussed within the context of advocacy work in a variety of domains, from the environment to poverty, healthcare or race relations. Specifically, this case gives the reader a window into the decision making process of a youthful activist organization forced to balance the legitimate anger of its membership against the need to maintain a strategic advantage on the legal front.

Use the case to start discussion about the role of advocacy groups in shaping public policy. Students should consider the advantages and challenges to an advocacy organization of combining

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<sup>1</sup> South Africa's federal government is divided geographically. The executive branch is in Pretoria, the legislative branch in Cape Town, and the High Court is represented in each province.

mass mobilization and litigation. What is the role of litigation? What are the challenges of pursuing protest and litigation strategies at the same time? Have students begin by asking them how instrumental Equal Education was in holding the South African government to account for the state of the nation's public education system. Was it enough for Equal Education to give South Africa's students, parents and educators a platform, or was it necessary for the organization to sue the government? How can a protest strategy support litigation? What are the risks of litigation for a protest movement?

Equal Education filed suit against the minister of basic education in part because the mere threat to sue proved ineffective. EE's leadership felt that the time had come to make good on its threat. Have students discuss the strategy of filing suit. Should Equal Education have sued sooner than it did? Should it have waited longer? What are the factors in an effective legal strategy? Given the ambiguity in the law, Equal Education did not have an obviously winning case. Which was the greater risk, filing suit or failing to do so? Did Equal Education make the right decision by accepting the minister's last-minute 2012 offer to settle out of court?

The case also gives students the opportunity to discuss the persistence of inequality in post-apartheid South Africa, the central role of education in tackling inequality, and the role of student activism in driving education reform. Many South Africans expected that, given time, education would help place the majority black population on an equal footing with the previously privileged white minority. Inferior schooling, however, has had the opposite effect. How can citizens turn a constitutional right to a basic education into a meaningful reality? Should students take an active role in improving their schools? If so, what are the advantages and limits of student activism?

Have students compare the South African schools described in the case to their own educational experiences. How does educational opportunity affect inequality? What are the limits to associating inequality with educational opportunity? Ask the students whether they would join Equal Education if they lived in South Africa. Why, or why not? If they were student activists in high school, what issues would motivate them to organize (e.g. classroom size, standardized testing, aging infrastructure)? What is the role of education reform in a broader sustainable development strategy? Can one exist without the other?

Have students consider the organizational dynamics of advocacy organizations that derive power and legitimacy from rank-and-file membership, and that harness the emotions and energy of young people. When Equal Education reorganized in 2012, it committed itself to including members in the decisionmaking process. Keeping members informed is a challenge for any mass movement, especially when events unfold rapidly and there is little time to make decisions. How should an organization's leadership honor the will of members while also making decisions with the best available information? Is seeking a mandate from the membership an appropriate tactic for settling disagreements within the leadership?

## Class Plan

Use this case in a course/class on sustainable development, education reform, public policy, or social activism.

*Pre-class.* Help students prepare for class by assigning the following question:

1. Should Equal Education's leadership honor the membership's vote or follow their lawyer's advice?

Instructors may find it useful to engage students ahead of class by asking them to post brief responses (no more than 250 words) to the above question in an online forum. Writing short comments challenges students to distill their thoughts and express them succinctly. The instructor can use the students' work both to craft talking points ahead of class and to identify particular students to call upon during the discussion.

*In-class questions:* The homework assignment is a useful starting point for preliminary discussion, after which the instructor could pose any of the following questions to promote an 80-90 minute discussion. The choice of questions will be determined by what the instructor would like the students to learn from the class discussion. In general, choosing to discuss three or four questions in some depth is preferable to trying to cover them all.

a) Given a consensus on the need to improve basic education, why form an education advocacy group?

b) What are the advantages and challenges of building a democratic mass movement from a population of frustrated young people?

c) Is the right to education a necessary component of sustainable development? How might education reformers broaden their effectiveness? (eg collaboration with other social, environmental, health etc. activists)

d) Did it make sense for Equal Education to broaden its libraries campaign to encompass all school infrastructure issues? Why or why not?

e) How does Equal Education's organizational structure evolve as it grows from local to national movement? Are the changes sufficient?

f) Given the momentum in its mobilization and public awareness campaign, did Equal Education file suit prematurely? Should it have filed suit at all?

g) How can an organization's mobilization and public awareness campaign benefit its legal strategy? Vice versa?

h) Should Equal Education have accepted the minister's last-minute offer in November 2012 to settle out of court?

i) Should Equal Education have polled its members on whether to grant the minister an extension?

j) What do you think of EE, its goals and tactics? Would you join such an organization in your own country?

### **Suggested Readings**

Website for Equal Education

SYNOPSIS: Equal Education has a rich website containing videos, info graphics and documents, including annual reports and all of the legal documents from its school infrastructure norms and standards court case. The annual reports are strongly recommended.

<http://www.equaleducation.org.za/>

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Servaas van der Berg, "Apartheid's Enduring Legacy: Inequalities in Education," *Journal of African Economies*, Volume 16, Number 5, published online August 2, 2007, pp. 849–880.

SYNOPSIS: Journal paper with statistics about persistent inequality in South African schools. The paper examines the economics of inequality in education in South Africa a decade after the transition to democracy. The researchers find that race remains a major factor—alongside socioeconomics and education quality—in determining educational outcomes.

<http://jae.oxfordjournals.org/content/16/5/849.abstract>

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Sipho Hlongwane, "All Hail Equal Education," *Business Day*, June 21, 2013.

SYNOPSIS: Newspaper column about Equal Education and other South African education advocacy groups. The column places the campaign for improved school infrastructure in the context of South African politics at the time.

<http://www.bdlive.co.za/opinion/columnists/2013/06/21/all-hail-equal-education>

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Robyn Dixon, "With dire South African schools, activists take to Twitter," *Los Angeles Times*, June 14, 2012.

SYNOPSIS: This newspaper article about Equal Education's use of social media in the school infrastructure battle focuses on EE's Twitter campaign, #Questions4Motshekga.

[http://latimesblogs.latimes.com/world\\_now/2012/06/with-dire-south-african-schools-education-activists-take-to-twitter.html](http://latimesblogs.latimes.com/world_now/2012/06/with-dire-south-african-schools-education-activists-take-to-twitter.html)

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Celia W. Dugger, "South African Children Push for Better Schools," *New York Times*, September 24, 2009.

SYNOPSIS: Newspaper article about Equal Education's march on parliament in support of the libraries campaign.

[http://www.nytimes.com/2009/09/25/world/africa/25safrica.html?\\_r=2&hpw](http://www.nytimes.com/2009/09/25/world/africa/25safrica.html?_r=2&hpw)

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Edward B. Fiske. and Helen F. Ladd, *Elusive equity: Education reform in post-apartheid South Africa* (Washington, DC, Brookings Institution Press) , 2004.

SYNOPSIS: This book examines South Africa's attempts to reform its education system in the wake of apartheid. It describes the political and socioeconomic dynamics of the reform process, and the broader socioeconomic context of post-apartheid South Africa.

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Haroon Bhorat and SM Ravi Kanbur, eds. *Poverty and policy in post-apartheid South Africa* (Pretoria, HSRC press), 2006.

SYNOPSIS: This collection of essays addresses the state of the South African economy and efforts to reduce poverty and inequality a decade after apartheid.

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Andrea Cornwall and Vera Schatten Coelho, eds. *Spaces for change?: the politics of citizen participation in new democratic arenas*, Vol. 4 (London, Zed Books), 2007.

SYNOPSIS: This book looks at the potential of social activism to promote democratic change. It provides case studies from around the world, including several from South Africa.