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Note from the Editor

Skyscraper-pride

During the winter of 1992, I led a group of students on a study tour of India and at about half way into the trip we landed in Delhi. With about fifty students, we took a sight-seeing tour of the city while the Panjabi bus driver acted as our guide, introducing the various places of interest. The bus, at some point in the journey, stopped in front of the imposing Delhi Development Authority (DDA) building and the driver very proudly announced that it was the tallest building in Delhi. “How tall?” was the obvious question from some of the students. “Twenty-two stories,” the driver replied and at that the bus full of students laughed out loudly. The bus driver was, obviously, perplexed at that and asked to know the reason for the laughter. One of the students explained that Dhaka City had many such tall buildings and the tallest at the time was a thirty-one story building. The driver swallowed his pride and mumbled that he was just an illiterate driver and did not know much, but, in his defence, argued that Mumbai had many taller buildings.

Not many, Mumbai had only one at that time, the World Trade Centre building built in 1970. It was 156 meters tall with 35 floors. The bus driver was also wrong in that it was not the DDA building but the Vikas Minar, which was the tallest building in Delhi since 1976, with 23 stories and 84 meters in height.

The 31 storied and 137 meters tall Bangladesh Bank building in Dhaka was built in 1985 and remained taller than all buildings in India (other than the World Trade Centre) until 2000; all buildings in Pakistan till 2019 and Sri Lanka till 1996. The Bangladesh Bank building was surpassed in height by the Dhaka City Centre building, 37 stories and 171 meters tall in 2012. It was not until 2015 that Delhi, 2017 till Colombo in Sri Lanka, and 2019 till Kolkata in India or Karachi in Pakistan had any buildings taller than the Dhaka City Centre building. Mumbai had built a taller one in 2009.

So, it appears that my students were justified in their mockery of the bus driver. Dhaka City held up to their pride quite firmly.

Unfortunately, NO!

The story of “skyscraper-pride” for Bangladesh is a long and a frustrating one and I shall come to it later in the essay.
The definition of the skyscraper has changed many times since the first building, the Home Insurance Building, with just 10 floors in Chicago, USA, was dubbed as a skyscraper in 1885. In the USA and most engineers define a building which has 7 floors (23 meters or 75 feet tall) or more as a “high-rise” building and initially all high-rise buildings with 10 to 20 floors were considered as skyscrapers. The Council on Tall Buildings and Urban Habitat (CTBUH) defines a continuously habitable building with 40 floors or taller than 150 meters as skyscrapers. Buildings with 13 floors or higher, but shorter than a skyscraper, are often called “midrise” buildings. However, largely because the building technology has changed and there are many buildings today going higher than 40 stories or 150 meters, buildings above 300 meters tall are called “supertall” skyscrapers and higher than 600 meters are called “megatall” skyscrapers. Currently there are a few proposals for buildings taller than 1000 meters or a kilometer high, including one of 1350 meters, while there is already a building higher than 800 meters, the Burj Khalifa. Hence, I feel the CTUBH needs to come up with definitions for these soon. Perhaps, keeping with their previous ranking system, the buildings taller than 900 meters be called “hypertall” and those going higher than 1200 meters as “ultratall” skyscrapers.

Dhaka City with only one building in the skyscraper category (171 meters) is by no stretch of imagination in contention of being called a “skyscraper-city”. By the same token, neither Delhi, Kolkata, Karachi (Pakistan), nor Colombo (Sri Lanka) can make such a claim. That honour goes to New York, the skyscraper-city per excellence, and Chicago, where it all began. But, again, that is not the full story. Today, there are a dozen other cities, including Mumbai, which can make the same claim, and they do. There are presently nine cities with more than 100 skyscrapers (150 meters or taller) and they are Hong Kong (355), Shenzhen (289), New York City (284), Dubai (201), Shanghai (163), Tokyo (158), Chongqing (127), Chicago (127), and Guangzhou (118). Closing in on this number are cities in South East Asia like Jakarta, Manila, Bangkok and Kuala Lumpur and a half a dozen other Chinese cities. Mumbai, by some accounts, also has more than 100 skyscrapers. And today, nearly all major cities in the world host a few to a few dozen skyscrapers.

Before the skyscrapers were built, there were other signs of greatness for a city, such as being the seat of the government or a religious centre but there were always the large and imposing buildings, the royal palaces, temples and commercial buildings all through history adorning the city. In many parts of the world, pyramids, temple or church spires, and minarets soared to major heights and indicated the greatness of a city throughout much of history. These were replaced by the tall chimneys spewing out gas and dark smoke of the industrial powerhouses by the 18th century. Soon, however, these dirty industries were shipped outside of the cities and as the cities increased in population, larger and taller buildings began to showcase the importance and power of the city, look at the colonial cities like London and Paris. But there was always a major limitation to building tall. Since it was difficult to climb higher on foot, buildings were restricted to five or, at best six, stories high, Paris exemplifies this principle to its
best utilization. It was not until the invention of the safe elevator system that buildings could actually grow much taller and that happened first in the USA.

Skyscrapers, just by their imposing presence, overwhelmed people from the very beginning and began to define the greatness of the city in people’s mind. This simple fact, more than any other considerations, had propelled skyscrapers to proliferate across the world. The business world was quick to cash in on the importance of the “awe-inspiring” quality of tall buildings as it offered greater “visibility” even within crowded cities. So that, nearly all skyscrapers built in the USA are commercial buildings. Be it Woolworth, Singer, Sears, Chrysler or Rockefeller buildings, were all corporate offices. Indeed, all through the first decades of the skyscraper construction in the USA, there ensued an intense competition among business enterprises to build taller, to surpass one another, as if, announcing to the world, that “taller is better”, reliable, trustworthy, which bred in a sense supremacy for the owner, the institution, the city, as well as the country. Cities like Chicago and New York were in competition to build the “tallest” building while that laurel alternated between the two cities for over a century.

But these cannot be the only reasons to build higher. Scholars have regularly scratched their heads to identify the real causes for building a skyscraper. The economy of building higher in a land scarce area as in Manhattan or in highly valued land area like in a downtown, which immediately increases the floor area many folds, does seem to be the most convincing argument. The tall buildings in such an area do become cost-effective and profitable in the long run. The presence of skyscrapers in nearly all downtown areas of the USA attest to that assumption being true. Yet, that is not necessarily the case, as we shall see below in cases of recent skyscrapers being built in Asia. But more importantly, shown as early as in 1930 by W. C. Clark and J. L. Kingston that building beyond a certain height, 63 floors to be precise, become counter-productive. Yet, people, particularly in the present times, are building many times higher!

Perhaps, the social and psychological factors could explain the construction of skyscrapers better. First, the very notion of “prestige” got associated with the skyscrapers because they were being constructed in the most powerful economy and polity, the USA, as well as in the Soviet Union, the two superpowers of the last century. Building a skyscraper was a step to display such powers for a country. Second, the process of urbanization got intertwined with the growth of cities in the USA, and cities in the USA built skyscrapers. So the path towards urbanization, particularly in the newly independent countries of Asia and Africa, as well as in Latin America, was to imitate the process in the USA. The only exception was the Western European countries, who could have done the same while rebuilding after the World War II, but largely opted to rebuild their old cities (more on this later). And third, the very concept of modernization, as was promoted by the West, meant westernization. Therefore, the life in a country or a city needed to copy the life in the West. Building skyscrapers was the most visible way of doing so. Building skyscrapers, like in the USA, was to get noticed, get recognized as a developed country, or city.

1 W. C. Clark and J. L. Kingston (CK), an economist and architect, respectively, published a book called, *The Skyscraper: A Study in the Economic Height of a Modern Office Buildings*
Along with the sense of prestige, certain amount of “pride” also got mixed with being able to build like the USA, or becoming a city like New York.

Today, the building of skyscrapers in many parts of the world goes beyond the prestige factor, the pride of being able to build, “because we can”, dominates the psyche. We have the money, technology and the will, so we build, often just to satisfy our over-blown ego, the “pride of possession”, whether we need it or not. Technology has improved tremendously since the 1800s and particularly after the 1960, which have made building previously impossible structures possible, made the construction cheaper. The will is supplied by the need to get noticed and the sense of superiority associated with the possession of skyscrapers, to be like the developed countries. While for countries like China, building taller in already crowded cities, has become a necessity. Money is often available in abundance, many developing countries have huge amounts of money to spare, as do many individuals, and they can build to their hearts’ content.

But more importantly, we do not have to build in the costliest land, in the downtown area, any more to make it profitable. We can build, literally, wherever we want to. We can build in the desert, the new capital city of Egypt, or the whole cities of Dubai, Abu Dhabi, Kuwait, and Doha etc. We can build in a swamp or a marsh, like the Pudong area of Shanghai, or the low lying river basin, as in Shenzhen or Guangzhou. Or in agricultural land purpose for the same, as in Dhaka. We can build in reclaimed land from the sea, as in Colombo, Lagos or Malaysia’s “Forest City”. Or in a stone quarry, as the “Moscow International Business Centre”, or even in an abandoned mine, as in the case of “Intercontinental Shanghai Wonderland Hotel”. We do not have to build tall, we can build skyscrapers along the ground, and call them “ground-scrapers”, as in the Apple Headquarter, or on top of other skyscrapers, as the “Crystal” in Chongqing, and call them “horizontal skyscrapers”. We can build skyscrapers and abandon them, the 105 storied Ryugyong Hotel in Pyongyang in North Korea, or build whole skyscraper-cities and abandon them, as with the ghost cities in China. All, “because we can”!

And that is why, countries even with near zero supporting technology, build skyscrapers, if necessary, by buying everything: engineers, architects, workers, material, as well as equipment and technology to build dozens or hundreds of skyscrapers, even when the economy or the population does not require them; countries just coming out of poverty, or still in poverty, build skyscrapers; a pariah country, regularly plagued by famine and mal-nutrition, build skyscrapers; and even a country where 50% people lack basic toilet facilities, build skyscrapers!

Absence of skyscrapers pose an existential threat to these countries or cities. It is the “pride of possession”, of even just one skyscraper, spending billions, that they may not possess, can put a city or country on the map of the world, “see, I have what you have”! So, beg, borrow or steal, but put up one of those skyscrapers, often a misfit, totally out of place, out of harmony with the environment, culture and economy, an eyesore, where they should not be. But we must have those! Build me a skyscraper, please!
These social and psychological tensions initially played out in the USA as well, where, businesses and industries faced similar existential threats and had to put up skyscrapers not only in Chicago or New York but all over the country, even if they were just 20 or 30 story buildings in a small town with only a hundred thousand people, but had to build to get noticed! This actually became incumbent on the USA since it portrayed itself as the economic and political super-power. The sky-piercing buildings, publicized through numerous posters, pamphlets and books and used as the setting for the Hollywood movies, mesmerized the rest of the world. Ironically, it soon became obligatory on the other super power, the socialist Soviet Union, also to build skyscrapers for the same reasons, to project power.

By the 1930s the very notion of “urban” living in the USA got intertwined with the skyscrapers, and it seemed only befitting for the most powerful country to build those cloud-touching structures in its cities. The picture of Manhattan, the 13 mile long stretch of skyscrapers, etched in our memories, was like a living picture, as if we were there. I remember, the first time I visited Manhattan in the summer of 1978, I was entering the city from New Jersey and as I turned a bend on the road towards the Lincoln Tunnel, suddenly the whole vista opened up in front of me. An involuntary “wow!” was my only expression as I drank in the scenery.

Perhaps, like me, many millions, who have ever been to New York, or seen the city in pictures, have dreamt of having some of those awe-inspiring buildings in our own cities or countries. So that from the 1930s skyscrapers started appearing in other countries. After the World War II, from the 1950s, this fever, like a pandemic, spread across the world, city after city opted to build skyscrapers, including even in the socialist bloc countries. The Moscow State University building, 36 floors and 240 meters, was the tallest structure in Europe for nearly four decades. Soon skyscrapers spread to Asia and Africa as well. But the real craze in building skyscrapers did not unfold till the 1990s in China; the 2000s, in East and South East Asia and in the Gulf Countries and 2010s in India.

In China, as its economy improved and urbanization caught on, building skyscrapers seemed to be the only option to house the hundreds of millions that were flocking to the cities to escape poverty in the rural areas. China achieved miracles over the last four decades, converted a poverty stricken backward rural population into an industrialized, urban nation. Indeed, it attained a level of growth in its industry, commerce and basic structures comparable to the USA in just 40 years what the USA took 150 years to build. China’s cities reflect this growth more than anywhere else. The skyline of dozens of cities deserve the “wow”, while tens of skyscrapers adorn a hundred other city skylines.

I sit dumbfounded looking at the videos of the spectacular skyscraper designs and the skylines of these Chinese cities, whose names I never heard of and, am sure, few in the world knew of, even a decade ago. Hong Kong, completed construction of 54 skyscrapers in one year! Shenzhen has most skyscrapers measuring 200 meters and taller; Shanghai has the second tallest skyscraper in the world. Guangzhou,

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1 Wikipedia
Chongqing, Beijing, Nanjing, Tianjin, Wuhan and Changsha etc. are cities with enviable number of skyscrapers and skylines. China has most of the supertall and megatall skyscrapers of the world too. Overall, China has so far constructed 1980 skyscrapers in 35 or so years, more than double that of the USA and nearly as many as the top ten countries combined! Many more are under construction and in the proposal stage, to the extent that the Chinese authorities had to put a brake in the construction this year and limit the height and the types of skyscrapers to be built. Nonetheless, China is today a skyscraper-country, more so than the USA. China wanted to be like the USA and its economy is closing in on that. China wanted to build skyscraper cities like New York and it has built at least a dozen!

However, the notion of “pride” and the concept of “because we can” have played out most blatantly in the Gulf States. Because they have the “money”, gifted by nature, they can build to satisfy their super inflated egos, to become “proud” owners of, to put their names on, the “tallest” buildings on the street, in the city or the country and finally the world. And they DID! Cities like, Dubai, Abu Dhabi, Doha, Kuwait are today skyscraper cities of unprecedented growth. Built, primarily on perched dry land of the desert, these cities have grown from ramshackle villages into world class cities in a matter of just two decades. Skyscrapers in Dubai are the most spectacular, with furious competition for over 15 years to build the tallest, until the tallest building in the world, Burj Khalifa, 163 floors and 828 meters tall, was constructed in 2010. For a population of less than one million Emirati citizens, nearly 500 of skyscrapers, 100 meters and above, have been built or are in various stages of completion in the Emirates!

I can understand China building 2000 skyscrapers for a population of 1.4 billion but I find this to be sheer madness, there is no rational explanation other than to satisfy their ego, quench their “pride”, and build “because they can”, although the only input of the Emiratis is the huge amount of money needed for such a maddening construction spree. The world tolerates this appalling display of easy money for the simple reason that everyone, including Bangladesh, can profit from this ludicrousness of the novae riche. Indeed, if anything, the world encourages such wanton destruction of resources. In Dubai, 49 more skyscrapers were under construction in 2019 and 127 more are coming in the near future, the reason given is to transfer the oil based economy into one of tourism.

The population of the whole country has only 11% Emirati citizens and the rest 89% are expatriates, slaving away to build these wonders, reminiscent of the ancient Athens with 90% slave population! So, who are they building these skyscrapers for? The buildings lining up the E 11 Road is a horrid agglomeration of architectural experimentations, following no particular logic of arrangement or care for the harmony, let alone the aesthetic beauty. Are all those 100 story buildings really necessary? Who live and work in those? And what if, and when, the tourists stop coming, as is happening right now under the Covid-19 situation, what happens to these buildings!

The pride factor played out most nakedly in the construction, or not, thereof, of the “Dubai Creek Tower”. The 1350 meter tall tower was proposed to protect the title of having the tallest building in the world in

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1 Wikipedia
Dubai, as soon as The Jeddah Tower, a 1000 meter, (kilometer) high tower began to be built in Saudi Arabia, to overtake the Burj Khalifa. The Dubai structure was supposed to be more of a tower than a building with only 20 floors and the construction proceeded up to putting up the base. However, as soon as the construction of the Jeddah Tower, half done, got stopped due to corruption charges against the owners, the Dubai tower also stopped. It may or may not finally get constructed since the cost of $1 billion is hardly justified for a 20 floor building. However, the title for the tallest building may also be lost to Dubai in any case since other countries or cities may come up with a taller one, like the Burj Mubarak Al-Kabir, the 1001 meter tall building in Kuwait City in the pipeline or the proposed “mile high” (1,609 meters) one in Tokyo.

Skyscrapers are not necessarily good looking buildings, particularly during the construction phase, which may take ten years or more while they tarnish the skyline of the city, standing out like a sore thumb. The hotel in Pyongyang under construction for decades, became the laughing stalk of the whole world. In any case, it is not easy to make a skyscraper attractive looking. First of all, you cannot even see the whole building up close, you need to be hundreds or even thousands of meters away to appreciate its grandeur. Second, to build in the desert, or in a city that was only a fishing village just decades ago, with no particular character or a sparkling cultural background, the architects and engineers, left with no model or tradition to base their creation on, have to base the designs on imagination, rather than the culture or the history. Third, the architecture, in an atmosphere of competition among the owners to build the “tallest” and the most “extraordinary looking”, as well as among the architects, each following a different school of thought, of necessity, become experimental, each try to out-do others; and fourth, because the engineering has become easy, the architects can actually take full liberty in dreaming up, previously unconceivable structures. In the end, therefore, they produce a jumble of structures, each out of harmony with the rest, making the agglomeration into a dreadful looking ensemble. Some of the ugliest looking buildings, in my opinion, crowd these skyscraper-cities in the Gulf area. For some, Dubai is an “absolute mess”¹ and according to British architects, Dubai is not only “a sprawling mess” but “hell on Earth”².

China, too, fell into a similar trap. But with a centralized government, who often had a direct stake in the buildings, reigning in both the builders and the architects and engineers, and with a five thousand year culture to fall back on, have produced far better results. Conscious urban planning has also led to a more harmonious placement of tall buildings, and mixing them more judiciously, has produced far prettier settings. Over and above these, just this year, the government has put a stop to buildings taller than 500 meters and have ordered these to be of about 200 meters in height, and strictly reflecting the culture. The competition and the pride are there too, but because of such deliberate interventions by the powerful centralized government, Chinese cities offer some of the more beautiful looking skylines.

² Arabian Business: Tue 15 April, 2008.
However, the title of the ugliest looking skyline today is reserved for London. In the opposite scenario from the Gulf, the cities of Europe are steeped in thousands of years of traditions and culture. All their buildings, over the centuries, have built an environment of organic harmony and the modern skyscrapers, poking above the traditional setting, really stand out as eyesores. Londoners themselves are critical of their skyscrapers and have seen them as caricatures, giving them funny nick names, like the walkie-talkie, the cheese-grater etc. to these buildings. These are the results of experimentation by the architects to make the new buildings compete with the older traditional ones in looks and majesty, unfortunately, ending up with hilarious creations, one of the buildings can fry eggs on the street by the reflected sun rays!

After resisting the temptations to build taller for many decades, some of these beautiful cities in Europe, finally felt left out of the rat-race, as if by not building skyscrapers they were losing out to the newly developing countries, and wanted to bring back their old glories. London, Paris, Rome, Istanbul, Madrid, Moscow all are rushing to erect their own skyscraper jungles. Just look at the muddle of eleven skyscrapers, the $15 billion dollar concrete jungle, in Moscow, put up on a few small acres of land which was a stone quarry only decades ago! How can these ever compete with the spires and onion domes of the Kremlin? Yet, they are planning a few more in the same tiny location. The view of the Eifel Tower gets tarnished by the newly built ugly monstrosities just behind it (looking from some particular angle). Only Frankfurt, which started early, and to some extent, Warsaw, have been able to balance their skyscrapers with the old traditional buildings. Fortunately, most European cities have remained out of the race so far and are satisfied with one or two midrise buildings. Nearly all of the over two hundred skyscrapers in Europe have been built primarily in five cities: London, Paris, Moscow, Istanbul and Frankfurt, and, regrettably, more are on the way in these cities.

The South East Asian (ASEAN) countries, some with a comparable history and culture, also joined the race to have their own skyscrapers as their economies began to flourish. It all began with the “PETRONAS Towers” in Malaysia. People used to seeing the world’s tallest buildings in the USA with the titles of the “tallest” alternating between New York and Chicago, suddenly woke up to a set of two 452 meters high, rather beautiful looking buildings based on Islamic culture, in the city of Kuala Lumpur as the world’s tallest in 1998. These were soon overtaken by “Taipei 101” in Taiwan, by a 508 meter tower, fully steeped in the Chinese culture in its design and functions in 2004.

These buildings, more than anything else, have broken through the “glass-ceiling”, of building tall, indeed the tallest, only in the USA, and boldly stated that even developing countries can build taller. Country after country in Asia, have since, either proposed or constructed buildings taller than in the USA, while the title of the tallest buildings for the last 20 years has been in Asia, with only one in the top ten and two in the top twenty tallest belonging to the USA. On the other hand, of the tallest 50 skyscrapers in the construction or the proposal stages worldwide, there is only one in the USA and the rest are in Asia, and these are all in the supertall or megatall categories, in fact, all taller than 400 meters. Of these under construction or proposed skyscrapers, again, half are in China, with the 700 meter “Shimao Shenzhen–Hong Kong International Centre” as the tallest, set to beat the current second tallest in the world, the 632
meter “Shanghai Tower”. The USA currently have a total of 7 buildings over 400 meters tall, of these the tallest is the One World trade Centre with 541 meters and 104 floors. However, to give the devil its due, in recent years, New York, as of before, has started a new trend of building skinny skyscrapers and is finishing up work on some of the most spectacular buildings of the recent times, including those in the Hudson Yard.

Malaysia and Taiwan have been followed by Thailand, Indonesia, the Philippines in the race to build supertall and megatall skyscrapers. While, Vietnam, has built the current tallest building in the ASEAN countries, the “Landmark 81”, 461 meters 81 floors. Cities like Bangkok, Jakarta and Manila have begun to claim themselves as skyscraper-cities and will soon have megatall skyscrapers like the “Grand Rama 9” (615 meters) in Bangkok and the “Signature Tower” in Jakarta (638 meters). Not to be outdone, Malaysia will have its own megatall structures: “Tower M” (700 meters), “Mardeka 118” (644 meters) is nearing completion, and “Tradewinds Square Tower A” (608 meters). These buildings are way taller than anything the USA have. Add to this list the hundreds of skyscrapers in Korea (the “Lotte World Tower”, 555 meters, the tallest) and Japan (“Tokyo Skytree”, 634 meters, the tallest building), and you have a continent full of skyscrapers, and it is not North America!

Left out of this list, so far, was South Asia, which, getting out of colonial rule earlier and by the 1960s was more promising than East and South East Asia and definitely far better off than the Gulf countries then. Unfortunately, India’s economy was inward looking till the 1990s while the breakup of Pakistan in 1971, left both parts, (West) Pakistan and Bangladesh, more impoverished, as a result very little progress was made in these South Asian economies. Pakistan is still in the doldrums, but India since the mid-2000s and Bangladesh since the 2010s have made great strides with their economies and are now breaking into the skyscraper world.

Pakistan, like Bangladesh, has just one completed skyscraper (above 150 meters), the “Bahria Icon Tower”, 300 meters and 62 floors, the current tallest in South Asia and 3 others are about to be completed. It is interesting to note that the “Habib Bank Plaza”, 102 meters and 25 floors, in Karachi, completed in 1963, was the tallest building in Asia till 1968 and South Asia till 1970. Sri Lanka has built a few more skyscrapers and all of these are in Colombo. Of the currently completed 9 buildings, “Altair-Straight Tower” is the tallest with 240 meters and 68 floors.

Though midrise buildings are noted in nearly all major cities of India, skyscrapers seem to be the exclusive possession of the financial capital Mumbai. Some skyscrapers are found in other cities like 20 buildings in Delhi and 9 in Kolkata, but, by far, most of India’s skyscrapers are in Mumbai. With nearly 100 completed and over 100 more in the construction and proposal stages, some in the supertall category, Mumbai is also a claimant to the skyscraper-city title. However, the title of the tallest building in India today is claimed by “The 42” (249 meters, 63 floors) in Kolkata. While the tallest under construction in Mumbai is “Three Sixty West, Tower B”, (372 meters 83 floors) and the “Supertech
Supernova Spira*, (300 meters and 80 floors) in Noida (Delhi). Delhi and Kolkata are also planning the construction of scores of skyscrapers.

Unlike in other countries, the skyscrapers in India are almost exclusively residential in nature. This is understandable in view of the huge population of India in general and these cities in particular. Unfortunately, most of the apartments in these skyscrapers are super costly, in the crores and tens of crore rupees range ($ 1 million equals 7 crores) and not built for the masses. They are called “luxury” apartments and let alone the lower class, luxury is not the word one associates with even the middle class in India. These apartments, therefore, remain beyond the reach of the common people. Add to this the largest slum population of the world in Mumbai, you end up with an anomaly of gigantic proportions.

Here again, like in the Gulf cities, India build skyscrapers “because they can”. Mumbai is a city of billionaires, 39 in the last count, and millionaires, close to 4,000 multi-millionaires (greater than $10 million) live there. Delhi has close to 2000 and Kolkata about 800 multi-millionaires. Indeed, with a total of 138 billionaires, which includes some of the richest people in the world, and 117 of their combined worth of more than $300 billion¹, one of whom is worth $88 billion, and with 330,000 millionaires in 2017, which is projected to rise to a million millionaires by 2027², India’s nominal GDP per capita of $1,877³ is partly inflated by these wealthy people and does not reflect the real picture. Nearly 74% of the economy is in the hands of 10% of the Indian population⁴, roughly 135 million, which includes these millionaires. Rest of the 26 % is, hence, shared by over 1,217 million people! No wonder, therefore, that the nominal GDP in some eastern states is less than $1000, it is about $666 in Bihar⁵, close to some of the poorest African countries. Compare these with the nominal GDP per Capita of Taiwan of $24,828, Malaysia of $11,373, China of $10,099, Thailand of $7,273 or even of Indonesia of $3,893, the recent builders of skyscrapers, and the folly of India’s sudden love affair with skyscrapers become only too apparent. The skyscrapers in India are built by the millionaires and built for the millionaires! The common people can only look at them and feel sorry for themselves.

In the recent Global Hunger Index India falls in the “serious” hunger category and is ranked 94th among 107, lowest in South Asia and is way behind Bangladesh, Nepal, Sri Lanka and Pakistan⁶. Hence, with hundreds of millions still in poverty or barely out of poverty and millions living in slums, construction of these skyscrapers are hardly defensible. And, as the saying goes, “it is dark under the lamp”, so is true of the gleaming skyscrapers of Mumbai. Under the lofty heights of the skyscrapers there are millions squandering away their lives in the largest slums of the world in appalling conditions. So, it doesn’t come as a surprise that one of the billionaire’s built the costliest home in the world, a 27 story, 173 meter skyscraper, in a cleared out slum! Yet, for the sheer pride of owning the tallest skyscraper, Mumbai has

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² https://qz.com/india/1316124/india-will-have-nearly-a-million-millionaires-by-2027/
³ IMF projection for 2020.
a proposal for 912 meter tall, “India Tower”¹ overtaking Dubai, in a country which probably needs to spend such resources for building basic toilet facilities for over half a billion people!

Bangladesh is doing better with most social and economic indicators compared to India and currently has a faster growing economy than India, thanks, unfortunately, to the poorly paid hard labour of the garment workers and remittances from the Bangladeshi manual labourers working under slave-like conditions to build skyscrapers in the Gulf countries. For the year 2020 the nominal GDP per capita is recorded at $2,173² and it is expected to rise to $2,326 in 2021³ and to $2,846 in 2024⁴. Impressive gains, no doubt, and looks better than India, but a far cry from the glorious pre-colonial economy, contributing half the GDP of South Asia to the tune of over 13% share of the world GDP, close to the same as the present US economy (with 15% of world GDP), for millennia. And, definitely, far from having enough resources to become a skyscraper-country. Indeed, Bangladesh, so far, has a more realistic approach than India, has only one skyscraper, completed back in 2012.

However, that is not the whole story.

While it would be foolish to expect one of the poorest countries, and for a long time dubbed as the “poorest” country in the world, to build skyscrapers, as I showed in the opening paragraphs, Bangladesh was doing rather very well in terms of building high-rise and midrise buildings compared to other South Asian countries. But that situation was in the past. Over the last five years things changed quite radically. Nearly all the skyscrapers in Delhi, Mumbai and Kolkata or in Karachi got built over these five years, while Bangladesh built none. Well, to be precise, a couple, just making the grade, are under construction in Dhaka and one in Kushtia city.

So, let’s look at this a bit more closely, and it is kind of a personal story in that my interest in skyscrapers is one of a lifelong passion. I have followed the rise of skyscrapers in Bangladesh and elsewhere with a kind of childish fascination and my wife often teases me for that, as to when I am going to build one of those for myself. (Never, I might add, with my professor’s salary and my recent retirement.) However, I remember, when the first high-rise building, the 11 story WAPDA building, was about to be completed in Dhaka in Motijheel area in 1961, I ran with my camera for a shot (even a camera was rare for a school boy to have those days). My motive was pure “pride”; to take it back to my school in West Pakistan and show it to my friends from Lahore, where, I knew, there were no such high-rise buildings. The picture, as can be understood, was of a very low resolution and the building was still wrapped up in bamboo scaffolding, so that you could barely make out the building amid that jumble. My school friends, instead of being awed, promptly dubbed the building as the “house of bamboo”!

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¹ Wikipedia
² IMF suggests $1888, still higher than India’s $1877.
The Motijheel area was then just being developed as a “commercial area”, sort of the “downtown” of the US cities and with the same intensions. Soon, high-rise and later, increasingly taller, midrise buildings started to come up in the Motijheel area, until the Bangladesh Bank, the 31 story, building, which made my students so proud, came up in 1985. To be sure, the area resembled not so much the downtown of a large city like Chicago or Huston, but definitely one of those small US towns, with 20 or so storied structures crowding in that location, the only such location in South Asia. However, by that time, a number of other “commercial areas” were opened up in the city, like Kawran Bazar, Mohakhali and Banani and later, Gulshan, where similar midrise buildings continued to be built. A drive through Gulshan Avenue and Kamal Ataturk Avenue in Banani, with their line-ups of midrise buildings, presents quite a sight! Currently, there are over 60 buildings 20 stories or taller and a total of 85 buildings taller than 17 stories in the city, nearly all are commercial buildings. But, as far as the real skyscraper (40 stories or taller) construction is concerned, it is still missing.

It is rather surprising since by the 1990s Dhaka city had begun to grow at a very rapid pace and the city population about doubled between 1991 and 2000 and then nearly redoubled between 2001 and 2010. To cater for such a fast growing population, in a rather small area of only about 306 sq. kilometers, the city had to build tall. Initially, Dhaka began to build the high-rise buildings and soon midrise buildings all over the city. Currently there are hundreds, indeed, thousands, of 13 stories and taller, midrise, residential buildings all over the city, largely because the government now allows construction of midrise buildings even in the posh residential areas. A dozen midrise buildings, 14 to 20+ stories are coming up within 250 meter radius of my apartment house in Gulshan, replacing the earlier three or four story buildings. I, too, live in a recently built 14 story building. The result is that the whole city has risen substantially in height. A cursory look at any picture of the city will confirm this, it is a veritable “concrete jungle”. My estimation is that the average height of the buildings in the city today will be at least 23 meters (75 feet) or 7 stories, possibly higher. Actually, one would be hard pressed to find a “single family” dwelling unit, a two or even three story building, let alone a one story building, in most parts of the city!

In a comparatively new residential area, Bashundhara, because it falls in the airport landing approach, no more than ten storied buildings are allowed and lo and behold, nearly every building in about a few square kilometer area of Bashundhara is ten storied. Another such area, Uttara, also close to the airport, has at least 8000, buildings over 6 stories, by one estimate, and nearly 4000 over 10 stories. Another 79 residential buildings, 16 stories tall have been just completed by RAJUK, the city development agency, in the same area. Perhaps, these buildings would have gone taller, but restrictions from various building authorities, have forced these buildings to be of certain heights only, particularly in the residential areas. However, that should not have stopped skyscrapers from coming up in the commercial areas. So, what happened?

1 Wikipedia
2 Sheikh Moshiur Rahman, “Uttara, Dhaka”, You Tube
After the Bangladesh Bank building 1985, no taller building has come up in the city for 35 years, except for the City Centre building, in 2012. Judging from the earlier start in 1961, which was even before Japan allowed skyscraper construction, it is difficult to see why Thirty-five years have gone by without a skyscraper being built in Dhaka. After scratching my head, now full of grey hair, I have identified two very important things that happened to the country: First, democracy happened and second, money laundering drained the country of disposable surplus.

Democracy, in whatever form it has operated in Bangladesh since 1991, has made a quick replacement of the people in power, five years at a time over the last thirty years, and as such, of people having access to wealth, be they politicians, businessmen or officials. And every new government allowed its supports and workers, often of poorer economic background, certain amount of leeway and they could enrich themselves, some in illegal and covert ways. It is not surprising, therefore, that Bangladesh has the fastest growing upper class in the world. The rate of growth of the rich in Bangladesh is double that of China and the USA.

And this brings us to the second point. The ill-gotten money is difficult to display, as in the form of tangible property, building industries, businesses or, as in our case, skyscrapers, and are syphoned off to offshore banks for “safe” keeping. Swiss Banks are no longer the best choice for stashing away ill-gotten money because they are bound by law to identify the owner, therefore, most of the money probably goes to other shady banks. In spite of that, even the Swiss authorities every year report $5 to $6 billion belonging to Bangladeshis.

At home, every successive government since the 1980s, in order to reign in illegal money out there, have permitted ill-gotten “black money” to be “whitened”, but had little success since most of it leaves the country. Bangladesh is still Kissinger’s “bottomless basket”, and as was true when the statesman made that comment in the first years after independence, whatever you put in the basket, it leaks out from the bottom. I am yet to learn how they actually do it, since people are not allowed to take even a single penny out of the country, except in some limited cases like student tuition fees or for tourism etc. So, all that transfer of money is definitely done illegally, such as over-invoicing or personal exchanges known as “hundi”. These are termed as “money laundering” in the formal financial circles.

There are reports in the media of $8 to $10 billion leaving the country every year! Until very recently, ten billion dollars were not even earned by the country from trade or remittances! There is a saying in Bangladesh that the profit from selling sugar is eaten away by the ants. The amount of sugar is too little but there are too many ants in this country. As an inevitable result, the progress of the economy has stalled over and over again. The growing economy, built at the cost of unimaginable hard labour of the poor, have regularly been subverted by the rich and the powerful of the country, indeed, by anyone who ever had access to power. The economy should have grown at a much faster rate if its hard earned

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surplus could be invested in the country and not taken away to reside idle in some foreign banks, or to build property abroad, in Malaysia, Canada, and the USA and even in the Emirates, but not in Bangladesh!

This also explains why the economy is so consumption or service oriented and not building enough industries and businesses to the extent that it could, also why no skyscrapers are built in the country. Few in Bangladesh have the money to put up skyscrapers, and those who do, unlike like the millionaires in India, have taken their money out of the country. I am sure, the rich in India also send their money abroad covertly, but, being far more patriotic, they like to have one foot in the country as well. The Bangladeshi rich, on the other hand, simply jump ship as soon as they make their millions. After shipping off their ill-gotten money and the family abroad, at some opportune moment, they also leave the country. It is not, therefore, surprising to note that some of the richest Bangladeshis, who made their millions, even billions, in Bangladesh, live abroad!

Interestingly, again, those who had some money, particularly, land and a house in Dhanmandi or Gulshan residential areas in the 1960s and 1970s (the “rich” of those days) passed on their properties to their children upon death. Most of these children are now residing abroad permanently, including the owner of my rented apartment in Gulshan, in the USA, Canada, or Australia, transferring their inherited land and houses, which have little or no real value for them and are often seen as a burden, to the “developers” (real-estate firms). For them it is kind of a bonus to make some money from a property that means little to them, so they exchange it for whatever money they can make by selling their share of the apartments, normally around 50%, after hard bargaining, of the number of apartments built in their parent’s lot by the developers.

For the developers also the land comes as a bonus since it is received in exchange for some apartments, whose prices are fixed by them! In the cat and mouse game of bargaining, the developers are cautious and do not take too much risk by building huge skyscrapers, where they have to part with a lot of apartments as the share to the land owner, while the rest may or may not sell. I am sure, some of the developers do have the knowhow and the money to build taller buildings but they play it safe. Also, in most cases, they try to build in high priced areas, like Dhanmondi and Gulshan, for maximum profit, but these areas are often under various government regulations and restrict tall buildings. Skyscrapers are not permitted in any of the rich neighbourhoods. However, just recently, some allowances have been made in selected places, like in Gulshan, where one skyscraper, a 35 floor and 152 meters tall hotel, is currently under construction.
The continued lack of growth of skyscrapers in Dhaka soon translated into my lack of interest in skyscrapers. I had lost interest in general and did not keep any account of the world skyscrapers after the 1980s, was not even aware of the City Centre building coming up in 2012. Also, during my occasional trips to the USA, primarily New York, I noticed very little change in the skylines there too. As a result, I came to the wrong conclusion that the days of the skyscrapers were in the past. Little did I suspect that a whole new revolution in skyscraper construction was going on right in my back yard, in Asia! I did learn, with some excitement, about the tallest buildings in the world as they were completed in Kuala Lumpur, Taipei and Dubai respectively, but I treated these as one-off incidents.

Friends often talked of the great cities like Singapore and Bangkok which they visited and of the gorgeous structures there but I actually told a friend once that after seeing the skyscrapers in New York and being on top of the Empire State Building and the (previous) World Trade Centre Building, these Asian structures would hardly impress me. Singapore was still a small town and Bangkok, a playground for the American soldiers. Korea, Taiwan and Hong Kong were just catering to the American economy and of little interest to me, they could never have an economy independent of the US economy. I did some research on Chinese poverty and was happy to learn that they had taken 800 million people out of poverty, but I was not aware where they were taken to! In every way, I was still living in the 1980s, and after visiting Kolkata and Delhi in the early 1990s, I was doubly assured in my beliefs. I also remained busy with my own life issues and did not have much time to explore.

Then, a couple of years ago, I began hearing in my social circle of professors, engineers, doctors etc., about the second tallest building in the world being built in Dhaka. Some, mostly engineer friends, were super excited at the prospect of such a building in Dhaka while others, mainly the professors, were sceptical and did not much believe in such a huge building in the first place. Debates often ensued between those in favour and those who thought the building could not be built in Dhaka. We did not have the soil for it, there was no bedrock on which to place such a huge structure. We did not have the know-how or the skill to construct such a building and, most importantly, the billions of dollars needed to construct such a huge structure was definitely not available, were all legitimate concerns. I was a mere listener, may I say, a very unconvinced listener, and could not participate because I had no knowledge of the project, other than what I heard during such exchanges.

But, the debates became a regular phenomenon in my circle and, by then, had picked my curiosity and after learning about “the building” being a common topic among the people in general, as it had become talk of the town, and a “pride” project for everyone, I decided to learn more and went to the internet and the You Tube, which were buzzing with the news of an “Iconic Tower” in Dhaka. Upon further research I found out that a Bangladeshi born American businessman, originally a physician, Dr. Kali Pradeep Chowdhury, of the KPC Group, a billionaire in his own right, had actually proposed to build not only this one building of 142 stories and 734 meters tall, second only to Burj Khalifa, but also a whole complex of

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1 Because of the absence of serious journalism in the country, I stopped reading newspapers and watching local television channels from the mid 1990s and been happily out of touch with much of what goes on in the country.
twenty-seven buildings, some of the others as tall as 70+ stories on a hundred acre land, to be allotted for the purpose in Purbachal, a satellite town of Dhaka, only minutes’ drive from the airport, at a cost of over $3 billion. The town, though it is yet to be habitable, is a planned project of the government on more than six thousand acres of land, originally agricultural land, acquired for the purpose. The building and the whole Iconic Tower complex with a hospital, convention centre and even a stadium, would take over three years to be completed and the construction would start any day now. To say the least, I became seriously impressed. My only regret was that I was so late in learning about it.

While researching this Iconic Tower, the whole world of the Asian skyscrapers opened up to me, almost as a revelation. For the first time, I learnt about and was completely overwhelmed by the skyscrapers in China, of all the places! Hundreds of videos on the You Tube showed me sights, which I had shut out for a long time now. Not only China but Singapore, Korea, Taiwan, Thailand, Indonesia, Malaysia, Philippines and even Vietnam had forged so far ahead in their own ways, while I slept. Since then, I have literally spent hours after hours watching the videos of skylines as well as of life in so many of their cities with the wonder of a discoverer, resulting in this essay. They have all impressed me, a skyscraper buff, enormously, but nothing like the developments in China. I could have never imagined this China even a couple of decades ago, when I was writing on Chinese poverty, no one could have! Mao’s China! Impoverished, famine and hunger driven population in ragged clothes, have been transformed into a vibrant nation, with industries, roads, bridges and houses to match any of the developed nations and surpassing even the USA in many spheres! WOW and HOW were the only two words that could express my amazement.

Compared to all that, Bangladesh, Pakistan and India are still very poor. Suddenly, an intense sense of inferiority took hold of me, while these East and South East Asian countries rushed forward, we South Asians went backward, or at best, were static with little or not much real progress since the 1960s! The glamour of the Indian society portrayed by the Bollywood movies, are only that, scenes from the movies. The reality of life for hundreds of millions in India, particularly in the rural areas, as well as millions in Bangladesh and probably in Pakistan, (since I have not been to Pakistan for decades, I know little about their current situation) is one of stark poverty, does not matter how much one tries to hide it. Compared to these East and South East Asian countries, we, in South Asia, are a pathetic lot, in spite of the talk about the fastest growing economies, which, in reality, translates into a growth of only a few dollars per year. The poverty is still very genuine and millions, hundreds of millions in case of India, are poverty stricken. India tries to mask that poverty by building skyscrapers among the slums of Mumbai, the “Iconic Tower” in Dhaka, I felt, in the same manner, may conceal some of our poverty and shame as well, offer an opportunity to be among the best, return some “pride” for us! And that was exactly the reason for so much excitement among my friends and people on the streets of Dhaka as well.

Unfortunately, as days and years went by, and the “Iconic Tower” failed to materialize, I too began to doubt the authenticity of the project. But an interview of Dr. Chowdhury in the social media, restored some of my confidence. In this interview, Dr. Chowdhury was narrating his reason for building the tower and that impressed me immensely. He noted that the inspiration to build such a skyscraper came from
Tunku Abdul Rahman, the Malaysian Prime Minister (1955 to 1970), who in one of his speeches argued that to put a country on the world map, something “extraordinary”, something spectacular, something totally unexpected from that country, needs to be done. Malaysia put up the PETRONAS Towers, which did come as a real surprise, if not a shock, for many, and look where they have taken Malaysia! Malaysia is not only a powerful economy today but has hundreds of skyscrapers to show for.

Dr. Chowdhury, a son of Bangladesh, wanted to give something back to the country of his origin, in the same manner, to shock the world into recognizing Bangladesh, to jumpstart an economy by bringing foreign investments that would follow in its wake, as it did in Malaysia. It would not only put Bangladesh on the world map and restore some of its lost “pride” on the world stage but also put food on the table for millions as the economy would also prosper. At the very least, it would contribute $3 billion dollars to the economy of a country which barely manages to receive FDI of that amount in any given year.

Well, the country held its breath for the Tower to be built for years now, since 2016, and it was suddenly announced at the beginning of this year that the construction of the Iconic Tower was about to start. However, in reality, Dr. Chowdhury, even after making nearly 40 trips to Bangladesh to talk to the authorities, could not manage to get all the necessary clearances and had actually pulled out. Neither Dr. Chowdhury nor any government authority made any clarification as to why the project did not work out. However, in another recent interview Dr. Chowdhury noted that he was still committed to the project and the finances and expertise were still at hand and that he could build the “dream project”, if and when the permission and the land to build upon were made available.

This failure to have the “Iconic Tower” in Dhaka has come as a heart wrenching blow for many, who like me, rather unexpectedly, had something big to dream about in this poverty stricken country. Something to be “proud” of. The critics, as of before, continued to argue that it was never going to happen in Bangladesh. Bangladesh did not have the resources, the expertise or even the soil to build such a tall skyscraper, all the same old arguments reinforced. Dr. Chowdhury had managed to overcome all such obstacles but could not manage the authorities! The title of the Second Tallest Building will no longer be uttered with the name of Dhaka city! Sad, though, for many, but it definitely felt good while the prospect lasted.

Then, for Dhaka skyscrapers, it is never the end of the story.

And, surprise, surprise! Dhaka is going to have its supertall skyscraper after all, a skyscraper that will outshine the tallest buildings in South Asia again! The government has, in place of the Iconic Tower, set up a “mega-project”, like many of its other mega-projects, costing Tk. 96 thousand crores or a little over $11 billion (the source of fund is not known), to build the Central Business District (CBD) of the Purbachal Satellite Town, in the same location of the Iconic Tower. As a part of this mega-project, a supertall skyscraper will be built to celebrate the legacy of the Prime Minister, to be called the “Legacy Tower” of 465 meters and 111 stories. The complex will also have two more towers, the “Language Tower”, 52 stories and 259 meters and another supertall, “Liberation Tower”, 71 stories and 338 meters, combined,
to be called the “Bangabandhu Tri-Tower”, to commemorate the legend of Bangabandhu, also, the father of the Prime Minister. There will be another 49 skyscrapers of 40+ story each, along with a convention centre, a stadium, with the name of the PM, the “Sheikh Hasina Cricket Stadium”, to be added to the complex, one of the costliest real estate development projects in the world, scheduled to be completed by 2027. According to some reports in the media, work on the Towers has already started (from September 2020).

So, there you have it. The tallest skyscraper in South Asia will again be in Dhaka! Along with ten other skyscrapers proposed and under construction, totalling 60 or so skyscrapers, Dhaka may soon claim the title of a skyscraper-city as well.

Unfortunately, the pride of housing the tallest building in South Asia will not last very long for Dhaka. A building in Karachi, the “Karachi Port Trust” building, of 1947 feet (593 meters) tall, to commemorate the year of their independence from colonial rule, has been proposed and likely to be built by 2030. While another skyscraper, a megatall building, the “Al-Aman World Trade Centre”, already approved for construction in Colombo, Sri Lanka, will overtake all with its 625 meters, possibly earlier.

As it stands, the “Legacy Tower” is ranked 45 among the skyscrapers currently under construction and proposed in the world. It falls a few more notches, if one includes the 12 taller buildings already in existence, and ranks 57, nowhere close to the Second Tallest. So, the “proud moment” will be lost almost as soon as it arrives.

While, on the other hand, the “Iconic Tower”, if Dr. Chowdhury can get the approval in the near future, and even if it can be built by 2030 or later, will still hold the second place in the world since the Jeddah Tower and the Dubai Creek Tower, now on hold, are very unlikely to be completed. While, if either of the proposed India Tower or the Burj Mubarak Al-Kabir gets built, the Iconic Tower will still be number three, and definitely offer a bit of pride to Dhaka.

Yet, and in spite of all that has been said above, the real skyscraper-pride for Bangladesh does not rest on a building, it resides in a person, again a Bangladesh born American structural engineer and architect by the name of Fazlur Rahman Khan, or F.R. Khan for short, who, in the early 1960s, achieved a successful marriage between architecture and engineering of skyscrapers and is respected all over the world for that. “His central innovation in skyscraper design and construction was the concept of the "tube" structural system, including the "framed tube", "trussed tube", and "bundled tube". His "tube concept", using all the exterior wall perimeter structure of a building to simulate a thin-walled tube, revolutionized tall building design”1. Besides the economic efficiency, these construction systems are very flexible and allow tremendous freedom in the building designs and the result is that the architects and engineers are no longer tied to the “box-shaped” structures and can make all kinds of experiments. Numerous skyscraper designs, often gravity defying designs, with unbelievable twists and turns, reflect

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1 Wikipedia
this flexibility. Hence, nearly all skyscrapers built in the world since the 1960s follow these innovations and the name F.R.Khan is tied to all those skyscrapers and therein lies the real skyscraper-pride for Bangladesh!

Nazrul Islam
Aristotelian Habitus and the Power of the Embodied Self: Reflections on the Insights Gained from the Fakirs in Bangladesh

Mohammad Golam Nabi Mozumder

Abstract: This article traces back classical Greek and Medieval meanings of habitus to show that Bourdieu’s redefinition of habitus discarded a seminal feature of Aristotelian habitus—the power of radically transforming the self at will. I elaborate how the practices of purposefully training the embodied self remains marginalized in Pierre Bourdieu’s re-conceptualization of habitus. Examining Aristotle’s habitus, this paper brings back the focus on the long-neglected insight of the power of deliberately (re)training the self in constructing a heterodox but ethical way of being and socializing. As an example, I refer to the Fakirs in current Bangladesh, who cultivate antinomian life-practices. The main argument of the paper is that habitus in Bourdieu’s formulations is less suitable than Aristotle’s in analysing the praxis of the Fakirs. I suggest that instead of sticking to a universal conceptualization of habitus, sociologists should consider with equal importance both models of habitus articulated by Aristotle and Bourdieu. Doing that could benefit contemporary sociology in two ways: First, Aristotle’s conceptualization of habitus is an important tool in identifying the sociological importance of the praxis of marginalized groups, e.g., Fakirs in Bangladesh; and second, extending the focus of a key sociological concept, i.e., habitus, addresses the apparent disconnect between the wisdom of heterodox practitioners in the Global South and dominant social theories built upon the analyses of European and American social traditions.

Keywords: Body, Subjectivity, Fakir Lalon/Lalan, Habitus, Power, Self

Introduction
There has been a disjuncture between Aristotle’s model of training the self and later developments in social theories of the body, such as embodiment and biopolitics. The disjuncture surfaces in Bourdieu’s redefinition of the term ‘habitus.’ Bourdieu purged the term ‘habitus’ of its classical meaning of ‘virtuous dispositions,’ which was characteristic of Aristotle’s model of training the self. Aristotelian understanding of habitus remained dominant in the writings of Roman and Medieval thinkers (Nederman 1989; Sparrow and Hutchinson 2013), including Islamic philosophers (Mahmood 2005: 137). Bourdieusian habitus discards the essentially ethical nature of training the embodied self, originally laid out in the Greek conceptualization of habitus. The ripple effect of the disjuncture, orchestrated by Bourdieu, concerns the role of the embodied self. In the Aristotelian model, the self holds the power to train it to embody virtuous dispositions, in other words, to cultivate an ethical subjectivity. But later literature on embodiment by Marcel Mauss (1973), Mary Douglas (1984, 1996) and Pierre Bourdieu (1990, 1977, 1985); and biopolitics by Michel Foucault (1995, 2008) put the body under the strategic command of power through society, culture and the state. Aristotle’s paradigm of training the self has been missing in social theorizations of the body, except in Foucault’s later works, especially on Pagan technologies of the self (1988, 1990a, b, 2012).
The lack of research on the power of training the embodied self in cultivating a virtuous subjectivity (or nurturing ethical dispositions of the body) was evident in the review of existing literature on the body conducted by the founding editors of Body and Society (Featherstone and Turner 1995). The authors identified six major study areas of sociology of the body: Symbolic aspects of the body, the body at play in everyday life, gender and sexuality, technoscience and the body, sociology of health and illness, and sociology of sports. Their review exposed the insufficient attention to the radical power of the embodied self to cultivate an alternative subjectivity and sociality (not merely to resist, subvert, transgress, or defy dominant systems, on which ample research has been conducted). However, they did not specify this lack of research. In 2010, during the re-launching of the same journal, the editors indicated a shift of scholarly attention from ‘disciplining, normalizing, and regulative techniques (modification)’ to ‘the relational dimensions of corporeality (what bodies can do, for example)’ (Blackman and Featherstone 2010: 5). Yet, they stop short of specifying the insufficient attention to the radical power of (re)training the body to (re)constitute the self, society, or culture. Aristotle’s conceptualization of habitus, I argue, is an important sociological tool that has remained underappreciated but can be readily used to theorize the power of the embodied self.

This paper addresses the gap by presenting evidence collected for a study conducted in rural Bangladesh among the spiritual practitioners known as Fakirs. The study design included ethnographic fieldwork with Fakir Gurus. Several phases of fieldwork were conducted during 2014-2018. In the first phase, I stayed at Fakirs’ dwelling and practicing places, known as akhras, in the remote villages of Kushtia and Meherpur districts and interviewed the Gurus, their spiritual partners, and disciples during June-October 2014. Subsequently, follow-up interviews were made over the phone at different times in 2015 and 2016. Further follow-up interviews were conducted during January-July 2018. For in-depth interviews, three prominent Gurus—Nohir Fakir, Rowshan Fakir, and Fakir Doulat Shah—were selected.

As a senior Guru, Nohir Fakir usually inaugurates the annual gatherings at Lalón’s dham. In addition, I observed and participated in the ritualistic performances, such as singing Lalón’s songs collectively and attended sadhusangas (annual gathering of initiates). As a native Bengali speaker, I conversed with the Fakirs in Bengali language. A local journalist and documentary filmmaker, who has been working with the Fakirs for about ten years, helped me get access to the Gurus.

The paper consists of three broad sections: 1) Habitus before Bourdieu, 2) critiquing Bourdieu’s habitus, and 3) reinventing classical Greek habitus. The first section traces the classical Greek and Medieval meanings of habitus; the second section points out that Bourdieu’s redefinition of habitus discards a significant feature of classical habitus—the power of radically transforming the embodied self at will; and in the third section, I argue that re-inventing Aristotle’s habitus contributes to social theorization of the body in two ways: First, it brings back the long-neglected insight of the power of deliberately training the embodied self in cultivating heterodox subjectivities and socialities. As an example, I show how the Fakirs—followers of Fakir Lalón Shah (1774-1890)—in current Bangladesh train their bodies to cultivate an alternative way of being and socializing. This section also shows a way how sociologist can avoid trivializing the wisdom of marginalized traditions, such as the Fakirs in Bangladesh, i.e., by initiating a much-needed dialogue between the insights of the Fakirs and established social theorists. Re-inventing
Aristotle’s habitus could be an important first step in addressing the perennial problem of “oversocialization” (Wrong 1961) or “oversocialized conceptions of the embodied actor” (Shilling 2017: 216).

Habitus before Bourdieu: Classical Greek Habitus

Habitus originated from a Greek root word ‘hexis’ meaning state or condition. It was one of the most important concepts that the Romans (such as Cicero) and Medieval thinkers—including scholars of the 12th and 13th centuries, such as Thomas Aquinas, Godfrey of Fontaines, Duns Scotus, and William of Ockham— inherited from Aristotle (Nederman 1989: 87; Carlisle 2013).1 Unlike Mauss’s conceptualization, habitus was not a repository of socio-cultural knowledge or wisdom (Neederman 1989). For Aristotle, habitus is not something one can have temporarily; instead, it is the quality that one must ingrain deep into one’s core self that cannot be altered easily. Carlisle (2013: 33) explained by quoting from Aristotle’s Categories, ‘a hexis is constitutive of the person, insofar as it has “become through length of time part of a man’s nature and irremediable or exceedingly hard to change.”’

Habitus is not simply a set of virtues naturalized in one’s self, but one’s habituated capability of virtuous activity. Aristotle’s hexis requires one to examine the particularities of situations and act accordingly (Lockwood 2013). Embodying the hexis of justice means only that one is predisposed to act justly, but one must rationally calculate what just actions are in different situations. To be able to determine what a just action is in a particular situation, one needs to go through a long-term training, e.g., ‘proper’ upbringing (Bowditch 2008). Habitus is, thus, called human’s ‘second nature,’ which is equally difficult to achieve and alter (Nederman 1989: 90-91).

Humans are naturally endowed with the capability to act according to our will, and by exercising that capability one can be virtuous or immoral. Both virtues and vices are acquired dispositions, as we deliberately choose to act in a particular way towards a particular end (Aristotle 1962: 153). ‘But virtue, like art, is constantly dealing with what is harder, since the harder the task the better the success’ (Aristotle 1962: 83). Cultivating virtuous dispositions is difficult; the process is a lengthy, industrious one. However, humans can perform that difficult task, if they wish to. One of the strengths of Aristotle’s habitus is precisely the capability of overcoming the challenges and embodying virtue. Human beings embody the willpower of transforming themselves into ethical subjects. This key power of Aristotle’s habitus, as I show later, has been marginalized in dominant social theories of the body.

Medieval Christian monastics continued the Aristotelian use of the term ‘habitus.’ The Stoics considered habitus as ‘a way of being or acting’; monastics made it synonymous with virtue (Agamben and Kotsko 2013: 13). Constituting the monks’ mind and the body through communal habitation was a distinctive feature of their way of life. And, when that constitution of the body and mind became habituated and ingrained, it was called virtue—habitus. Later, Marcel Mauss (1973) revived the concept ‘habitus’ in explaining variations among different communities regarding routine, mundane bodily movements, such

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1 Carlisle (2013) argued that the Greek word ‘hexis’ was translated by Roman thinkers to mean ‘to have’ following the verb ‘habere.’ Later habitus and habit were often used interchangeably.
as walking, swimming, and moving. He virtually disconnected it from Aristotle’s model. Bourdieu (1990: 53, 56) revised the concept further with a double move; he added the socio-cultural and historical component and removed the pedagogy of private training of the self. In contrast, Aristotle’s model of habitus claims that one can choose to radically transform oneself and embody a heterodox subjectivity.

Refocusing on Aristotelian habitus, this paper goes beyond the agency of the body, typically found in transgressive, subversive practices, such as drag shows (Butler 1990, 2004), carnivalization (Braun and Langman 2012), and body modification (Featherstone 2000; Pitts-Taylor 2003). While ‘neo-tribals’ or ‘modern primitives’ appropriate the age-old rituals of indigenous peoples in Africa or Asia in subverting the dominant systems in Western cosmopolitan cities, I highlight the antinomian traditions in the Global South. I also emphasize that, despite the geographical distance and the considerable differences in practices, the spiritual traditions in the Global North and the Global South speak to each other and are comparable.

Bourdiesian Habitus

Although Bourdieu’s habitus claimed to recover ‘an acting agent’, both from structuralism and methodological individualism, he failed to highlight the practices of deliberately training the embodied self in constructing heterodox subjectivities. Bourdieu used habitus to transcend the binary categories of structure and agency. ‘By taking up the old Aristotelian notion of *hexis*, converted by scholasticism into *habitus*,’ Bourdieu explained, ‘I wish to react against structuralism and its odd philosophy of action, [\ldots] with the agent reduced to the role of bearer-*Trager* of the structure; [\ldots]’ (Bourdieu 1985: 13). He also added:

I wish to put forward the <<creative>>, active and inventive capacities of habitus and of agent (which the word usually does not convey) but to do so by recalling that this generative power is not of a universal mind, nature or of human reason [\ldots] (Bourdieu 1985: 13).

Bourdieu preferred ‘habitus’ to ‘habit’ as the conception of habit may confine an agent into the mechanistic or instinctual impulses by denying an agency any effective control on those impulses. Bourdieu’s habitus endows a subject with pre-reflective and reflexive dispositions. He aimed to redeem ‘an active, creative’ subject from the deterministic clutches of structuralism. His habitus allowed a subject to be creative within one’s familiar settings; it freed one to invent ways to adjust with, accommodate, or at best slightly modify her surrounding conditions. But, Bourdieu’s habitus limits the possibility of subjects to willingly participate in the process of constructing antinomian subjectivities and socialities.

Bourdieu’s definition of the concept recognized the unconscious use of habitus (1990), but it failed to address the deliberate, long-term practices required to nurture non-conformist subjectivity and sociality. Habitus, for him, is ‘embodied history, internalized as a second nature and so forgotten as history – is the active presence of the whole past, of which it is the product’ (Bourdieu 1990). He recognized the

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1 One of the reasons for the use of the term habitus is the wish to set aside the common conception of habit as a mechanical assembly or preformed programme, as Hegel does when in the Phenomenology of Mind he speaks of “habit as dexterity” (Bourdieu, 1977: 218). To know more about the difference between ‘habit’ and ‘habitus’ see Crossley (2013).
Bourdieu highlights the socio-cultural, historical repository of embodied dispositions, whereas Aristotle’s habitus was the cultivation of the self-performed by an individual. For Bourdieu, habitus works below the level of consciousness, which is not exactly unconscious but conscious unconscious that human beings embody through socialization. On the contrary Aristotle’s habitus requires fully conscious, deliberate training of the self. Aristotle also highlights how the body can potentially (re)define, pre-empt, protect, prevent, shape, dictate, and control. While Aristotle’s habitus accords the embodied self the power to consciously re-configure itself, Bourdieu’s conceptualization takes it away strategically—not always forcefully.

Bodies came under strong administration of dominant social and cultural injunctions in the writings of Mary Douglas (Douglas 1984, 1996) and arguably Foucault (1980b, a, 1977). One highly controversial argument is that Foucault considered the body ‘essentially as an object’ of power, and power exerts control on the ‘passive physical body’ (Turner 1994). Turner labelled the body in Foucauldian discourse as ‘theoretical body’ (Foucault 1980b). Csordas summarized Turner’s appraisal of Foucault this way: ‘The absence of agency and the possibility for critique in the key concepts of power, discourse, and body lead Turner to define Foucault and his followers not as theorists of the body, but as ‘anti-bodies’ (Csordas 1994). The theorizations of ‘the body as an outcome of social processes’ by Foucault and Norbert Elias were criticized for ignoring the other perspective of ‘the body as social agent’—The bodies they deal with are the bodies of individuals subjected to forces over which they have no control’ (Lyon and Barbalet 1994).

The active-passive dichotomy, regarding the role of the body, is not fully convincing. Following Mauss’s (1973) proposition that there can be no natural body or behaviour which is not at the same time social or cultural, Douglas (1996) claimed that what the ‘natural’ is necessarily cultural. And the success, strength, legitimacy of a culture or society depends on the extent to which it effaces the distinction between the social/cultural and natural. Foucault also echoed her by saying that power operates through an art of disguising—the more one hides the more successful s/he is regarding domination, control, or instituting hegemony or being recognized as legitimate authority. The same applies for the dominated subjects—the freer they seem to be the more they are subjected to power. Careful readers might take issue with the much-discussed issue of freedom/agency of an individual in Foucault’s analyses of the body. I respond by quoting Foucault himself:

Power is tolerable only on the condition that it masks a substantial part of itself. Its success is proportional to its ability to hide its own mechanisms (Foucault 1990a: 86).

My critique of Foucault does not point to the lack of agency of the body or an embodied subject. Instead, I underscore the insufficient attention to the power of the embodied self to willingly educate itself and cultivate alternative forms of living and socializing (Mozumder, forthcoming). In Foucault’s formulation, to be able to work, power needs to make sure the actors play by the pre-set rules of the game. My
argument is precisely this: Is it possible that the body/embodied subject not only plays by the existing rules (or at times conducts routine and expected deviations from the rules) but also performs well-planned, systematic actions to constitute radical changes? As it happens in Aristotle’s habitus, can the embodied self be trained in certain ways so that it refuses to play by the set rules, and instead introduces new sets of rules?

Although Bourdieu’s habitus lacks the power to consciously and deliberately transform the self, it does not entirely fail to explain change (Wacquant 2016). Bourdieu’s habitus adjusts, adapts, and changes to varying conditions (Aarseth, Layton, and Nielsen 2016). Silva (2016b) summarized the debates to demonstrate the potentiality of reading habitus as a non-rigid, dynamic concept. Specifically, Bourdieu’s concept of clivé habitus (Bennett 2007; Friedman 2016) or split habitus is the closest in terms of explaining any disjunctures in one’s habitus. When objective conditions contradict an embodied habitus, one’s self becomes split, and Bourdieu called that state of ‘double consciousness’ a ‘hysteresis’ (Bourdieu and Passeron 1990: 60). Yet, the possibility of fundamentally changing one’s self and subjectivity as a deliberate choice seems to be beyond the scope of Bourdieu’s habitus. Recognizing the fact that Bourdieu generally considered radical transformations as exceptions, Crossley (2003) explained why Bourdieu’s habitus can still be a useful tool in understanding social movements and their consequent changes. Drawing on social movement research, Crossley argued that activists acquire a ‘radical habitus,’ which is to find themselves greatly transformed because of their active participation in protest activities. Those who participated in social movement activities, such as demonstrations, tend to develop life-long dispositions to do so, often at the cost of their personal interests. In the process of transforming the self radically, Crossley added, pre-conscious habitus cannot be unlearned entirely. Instead, in times of crises, some of the unconscious elements of habitus come under conscious examination and consequently new dispositions emerge. These new dispositions slowly and steadily turn into durable dispositions of one’s habitus.

While Crossley stretched Bourdieu’s formulations of habitus to explain the ‘radical habitus’ of activists, I argue that Aristotle’s habitus is readily useful in explaining conscious attempts to change the self profoundly. I suggest that habitus in Bourdieu’s formulations is less suitable than Aristotle’s conceptualizations of habitus in explaining the wilful transformations of one’s dispositions, sensibilities, and propensities. For example, I analyse the praxis of the followers of Fakir Lalnon Shah in contemporary Bangladesh. I show how the initiates follow the instructions of their Gurus to deliberately and fundamentally transform themselves.

Recent scholars have proposed to enrich Bourdieu’s habitus by connecting it to psychoanalysis (Darmon 2016; Silva 2016a) and (new)biology (Warin et al. 2015). While these developments are important, I argue that by re-examining classical Aristotelian conceptualizations, habitus can be rediscovered as an important sociological concept. To illustrate this point, I first show how the Aristotelian conceptualization of habitus remains marginalized in the analyses of Bourdieu. Subsequently, I explain how Aristotle’s habitus (despite limitations) is more useful than Bourdieu’s in theorizing the spiritual praxis of the Fakirs.
Rediscovering Aristotle’s Habitus
Following Bourdieu (instead of doing ‘theoretical theory’), I consider Aristotle’s habitus—the power of training the embodied self—a modus operandi for explaining the practices of the followers of Fakir Lalon Shah (1774-1890) in contemporary Bangladesh. I find Aristotle’s habitus useful in understanding the Fakirs’ spiritual praxis of cultivating an alternative way of being and socializing. My analyses show how the initiates consciously choose to participate in the heterodox, antinomian training of the embodied self with the stated goal of cultivating selfless subjectivity and ethical sociality. I also avoid marginalizing the Fakirs by extending the discussions from area studies literature to broader social theorizations of the body, subjectivity, and sociality.

Saba Mahmood (2005) found Aristotle’s habitus more useful than Bourdieu’s in explaining the mosque based ethical-spiritual activism of Muslim women in Egypt. In explaining the practices of piety, Mahmood particularly emphasized an interesting point of Aristotle’s habitus: Ethical state of mind does not precede ethical behaviour of the body; instead, ethical dispositions are the result of performing ethical acts. Following Aristotle, she claimed to invert ‘the usual [Anthropological] routing from interiority to exteriority’ (Mahmood 2005: 121). According to the traditional route, behaviours and actions of individuals are considered results of (un)conscious thoughts and convictions of a person. Instead of highlighting the dynamics of interiority and exteriority, I focus on inseparability. Similarly, it is not a question of precedence or posteriority, but of simultaneity. Bodily practices of the self neither precede nor follow relevant thoughts or sensibilities; they are coterminous. The mutual influence of bodily actions and the state of mind is instantaneous. In the Fakirs’ praxis, interestingly, cultivation of selfless love and combating the vices of the body are always simultaneous and inseparable from one another.

Fakir Lalon Shah is known as the most influential ‘mystic minstrel’ in Bengal—Bangladesh and West Bengal, India. The followers of Lalon are known for their practices of inverted gender hierarchy (Knight 2011; McDaniel 1992; Cakrabarti 1989; Jha 1995, 2010; Openshaw 2002). As part of their spiritual training, Fakirs consciously choose to embark on a strictly ritualized, carefully crafted, and a lengthy training of the embodied self. One important objective of the initiate Fakirs is to learn how to submit themselves to Guru and become a “slave” of that spiritual master. Fakir Doulat Shah elaborated:

Guru is the teacher, above all [...] both in terms of knowledge and behaviour. Following the rules and regulations, laws and prohibitions, Guru and disciples bond with a promise.

He elaborated in repose to another question:

Disciples are sold to Guru, sold meaning [devotees must obey, promise to comply, surrender, [need to be] kind of obedient [onugoto houa]. [--] These are done observing, if needed, by knowing, hearing, mingling, sitting, standing, eating, [or performing] other similar behaviour or act, by knowing and learning, socially.

Unconditional submission and blindly following the Guru in conducting everyday activities is essential in the spiritual training. The deliberate attempt to surrender oneself to Guru is considered a vital part of the process of combating egoistic dispositions of the self. Under the direct supervision of Guru, an initiated Fakir reportedly aims to unlearn the self-centric inclinations. Instead, the disciples are supposed to long
for embodying the dispositions of their Guru, in an effort to become a Sadhu or Fakir. Rowshan Fakir explained:

A sadhu [Fakir] is calm, pure and slave-like. Being a slave of Guru is sadhu bhab [the mode of a sadhu]. One must cultivate that mode by oneself. No one can force you to do that. [...] One who complies with the instructions of Guru will be able to have that mode. At that stage, the ijat [status] of Guru and a devotee will be the same. Guru's characteristics will be the characteristics of the disciples; Guru's features become the same of devotees.

A beginner must be initiated by Guru to begin the life-long journey of a Fakir. Gurus teach, guide, and supervise the activities of disciples. And devotees are supposed to comply with the instructions of Guru without any question. The long-term goal is to learn to serve others at the cost of the interests of the self.

Doulat Shah concluded:

Lalon Shah said my master's [probhu] opinion is the essence. Whether you come along or not, that's not the issue; [...] whatever is my Guru's opinion is my opinion. Other than that anyone who may be great, may fly in the sky or walk on the ocean, nothing matters! Guru is the religion of this community [jat]. My Guru's teachings, my grand Guru, my Guru, what they have been doing, I will do that [too].

When pressed about any possibility of differing opinions, he observed: “Various sages may have various opinions. Here Guru's opinion is the right one.” Ali Hossain Fakir, a long-term ally and disciple of Doulat Shah concurred, “There is no reform here!” Doulat shah readily agreed by insisting, “no” [there is no reform]. Insisting on keeping no difference regarding thoughts actions or desires, Fakirs act on the promise to unify themselves as one imagined body. They aim to realize the promise of dissolving the individual self into one divine entity, the universal “Self” or the Absolute aka param.

The immediate goal of devotees is to prepare themselves to embody the dispositions of their Guru. Gurus in turn take the trouble of teaching disciples about the perceived sense of virtues and vices of the body, dietary restrictions, the idea of embodied divinity, and preparing the body to materialize the indivisibility of the humans and all other beings (Jha 2010; Knight 2011; Openshaw 2002).

The community of the Fakirs as a unit plays an important role in ensuring that all of its members perform the rituals properly. Fakirs usually keep an eye on fellow practitioners. They do not aim to oversee other practitioners’ activities; instead, they aim to ensure that Fakirs perform the rituals properly and collectively. Rowshan Fakir clarified:

Sadhus or Fakirs also keep an eye on fellow practitioners. If we see some fellows doing something that does not go with the principles of Fakirs, we ask them why they are doing or saying that; we say, that isn’t right. That cannot be considered an acceptable behaviour of the Fakirs. Then they realize and confess that they are not doing the right thing. [...] We can understand by looking at them if anyone is not doing the right thing, if someone is not right internally, that person cannot be right on the outside.

Keeping an eye on fellow Fakirs’ activities plays an important role in developing the sense of a community among themselves. As Fakirs believe the body is not an isolated unit, the training of the embodied self of an individual Fakir requires performing the rituals collectively. Collective performance of the rituals serves another spiritual purpose of the Fakirs: Trying to overcome the individuated sense of self in order to realize the presumed state of the indivisibility of all bodies.
As did Aristotle in his conceptualization of habitus, Fakirs developed their own understanding of the vices and virtues regarding the body. Aristotle defined virtue as the mean of two vices—excess and deficiency (Aristotle 1962: 97). The mean of confidence and cowardice is courage, which is a virtue. Fakirs, however, identify six different vices of the body: Lust, greed, anger, ignorance, pride, and envy. And their two important virtues are selfless love and devotion to all beings, especially to Guru. Fakirs refrain from eating meat to combat lust, to avoid the ‘hot energy,’ and to maintain ‘calmness,’ as Nohir Fakir explained. They avoid meat to prevent the supposed transmission of animal aggression and shamelessness to human bodies. Following the instructions of their Guru, Nohir Fakir, Rowshan Fakir, and Shamsul Fakir transferred the ownership of their inherited private property to their organization of the Fakirs. They did it to combat egoism and greed. They often go for begging to collect food, which is considered as a mandatory ritual needed to unlearn the inclinations of pride. The practitioners also claim to practice humility by ritually singing devotional songs of Lalon during sunrise and sunset. The songs reportedly remind them of the difficult task of nurturing the mood of selfless love and devotion (bhakti).

Fakirs believe that human beings are born with the power and potentials to prepare their dispositions as they like, be it virtuous or vicious. It’s the choice of actions that determines whether one will be virtuous or vicious. Lalon stated in a song that one can be in control of her actions by learning to perform the spiritual practices effectively. Similarly, in Aristotle’s analysis of habitus, humans can consciously choose to embody vices or virtues: ‘[A] man is the origin of his actions’ (Aristotle 1962: 139). Humans, according to Aristotle, have considerable control over means, if not the end, of their actions. Virtue is an outcome of training the self accordingly; as is vice. Fakirs insist that with the proper guidance of Guru, initiates can realize their innate but untapped power of the universal ‘Self’ or God. With that spiritual power, Fakirs claim that humans can surpass the power of deities. Thus Lalon sang, ‘even deities desire to be born as humans’ (Rafiuddin 2009: 70).

As a way of training the self, Aristotle’s habitus primarily aims at constituting a virtuous subject or an ethical subjectivity, which is contrary to Bourdieu’s habitus. The relegation of ethical dispositions from a mandatory to voluntary aspect of habitus in its recent reconceptualization is consistent with the Foucauldian observation that the modern world favours expertise not ethics, juridical subjectivity not an ethical one (1997: 279, 294). However, like Aristotle’s habitus, cultivating ethical dispositions is a seminal feature of the Fakirs’ praxis. Fakirs’ education of the embodied self produces an unconventional meaning of life and sociality. Three features of the Fakirs’ praxis are somatic divinity, ‘selfless’ subjectivity, and ethical sociality (Mozumder, forthcoming). Fakirs believe that the human body is divine, as it is assumed to be an embodied expression of God. Only under the supervision of Guru, can an initiate train the embodied self and realize the power of the embodied divinity. As part of their deliberate attempt to unlearn selfish dispositions, Gurus ritually go for begging, transfer the ownership of private property to the community of the Fakirs, stop reproduction, ritually kiss the feet of their own master—Guru, and avoid

1 As part of an ethnographic study, I conversed with them in Bengali.
2 আত্মারূপে কর্তা হবি সাধন করতে পারেন (Rafiuddin 2009: 54)
3 অদুষ্ট রূপ সৃষ্টি করলেন সাহী মানবের তুলনা কিছু নাই দেব দেবতাগণ করে আরাধনা জনম নিতে মানবে। (Rafiuddin 2009: 70)
maintaining conventional social relationships with the broader community. They gradually solidify their identity as Fakirs, and as members of the community of initiates, cultivate a non-conventional relationship with the rest of the members of the society.

Fakirs mostly live in their akhrs (practicing and dwelling places of initiates), but they believe that they have the spiritual obligation to serve others, even at the cost of the self, which is the basis of their ethical sociality. Nohir Fakir reflected on his life to elaborate what Fakirs mean by ethical sociality and how they nurture that:

> Over the last forty years, I do not recall any time having a meal alone. I always look for people who are around to share meals with me. That is how I get to know people and become connected. [...] We never have any meal alone. When we [Fakirs] eat, none of us ends before others do. We start together and end together to maintain solidarity. That is the rule of Lalon Shah ghor [school]. [...] The most important thing for us is to obey Guru’s bidhan [instructions]. That’s how we maintain order. [...] when four sadhus [practitioners] come together, there is a sadhu samaj [society of sadhus]. To have a sadhu samaj, we need rules. Our rule is to let others enjoy [bhog], to sacrifice our own. We say atmo sukh byabacari [pleasure of the self] is incest. When any devotee brings something for me, I never eat that alone. I always share it with everybody around me.

Sacrificing the interests of the self is an essential step in realizing Fakirs’ ultimate spiritual goal of dissolving the individuated self into the universal ‘Self.’ They reportedly interact and nurture relationships with the members of the broader society as part of their attempt to unlearn selfish dispositions. Nohir Fakir, for example, sold most of his inherited property to organize Sadhusanga (annual ritual gatherings). He has lost the property over the years of his tenure as Fakir, but gained respect from people all around Bangladesh. He is now one of the most respected and well-known Gurus in Bangladesh. Reflecting on his experiences, Nohir Fakir said, ‘I am a Fakir [literally meaning a beggar] but I have disciples almost in every district in Bangladesh.’ Nohir Fakir exemplifies the radical transformations that Fakirs go through in their spiritual journey. In understanding these transformations of the self, Aristotle’s conceptualization of habitus becomes useful. Bourdieu’s reconceptualization of habitus, conversely, marginalizes this pedagogy of the self, which is a characteristic feature of classical habitus, specifically Aristotle’s habitus.

Aristotle’s conceptualization of habitus also has major limitations in explaining the practices of the initiates in Bangladesh. While the soul is central in Aristotle¹, the animated body plays the supreme role in Fakirs’ spiritual training. Fakirs believe that educating the body is the precondition of being able to discover God within the self, which is one of Fakirs’ main goals. Whereas Aristotle’s habitus celebrates the notion of an independent self, the initiates desire to “annihilate” the egoistic self, or to dissolve the individuated self into the universal Self, which is their God.²

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¹ ‘But human goodness means in our view excellence of soul, not excellence of body’ (Aristotle 1962: 61)
² Lalon sang, ‘আপনার আর আপনি ফানা হলে, দেখা দেবে সাহ রাখালাম’ [If you are lost, I will see you here.] (Choudhury 2009: 113)
Despite the limitations, revisiting classical Greek habitus could be useful not only for understanding the sociological significance of the Fakirs’ praxis in Bangladesh but also of various antinomian traditions in India, China, and elsewhere. Broadly speaking, Yogis (Alter 2011; Samuel 2008; White 2011), Tantrics (Samuel 1989; White 2001, 2012), T/Daoists (Blofeld 1981; Kohn 2000, 2001; Oldstone-Moore 2003), Christian monastics (Asad 1987; Wiesner-Hanks 2014), among others, share important beliefs and practices with the Fakirs. Their commonalities amidst differences make them sister traditions of the Aristotelian paradigm of training the self.

In analysing the Fakirs’ praxis, this paper highlights the relevance of the Aristotelian habitus in our times. However, it does not undermine the usefulness of Bourdieu’s habitus. Nor do the analyses warrant reproducing the archaic conception of habitus. Instead, I argue that recognizing the importance of the seminal feature of the classical habitus, which is lost in its contemporary theorizations, can potentially strengthen the key sociological concept. One possible way of doing that is to consider that there is another dimension of habitus, which is its classical conceptualization that remained marginalized in contemporary formulations. This classical dimension of habitus is better equipped, as I have argued elsewhere (Mozumder, forthcoming), to theorizing the power of voluntarily educating the body to fundamentally transform self, society, and culture. The classical habitus highlights the practices through which agents consciously choose to construct and cultivate alternative forms of subjectivity and social relationships. In Bourdieu’s habitus, subjects play active roles in finding their ways of (re)producing the social world, but individuals fail to choose the principle of their choice:

[--) it is clear that they have not chosen the principle of their choice, that is, their habitus, the schemes of construction they apply to the world have themselves been constructed by the world. (Bourdieu 2000: 149)

In Aristotle’s formulation of habitus, however, individuals retain the power to deliberately choose the principles of their choice to embody virtue, as they define it. Agents in this case may not isolate themselves entirely from dominant social systems, but they effectively defy the seminal features. Similarly, Fakirs voluntarily decide to denounce the dominant principles of social relationships; instead, they introduce heterodox rules that constitute the antinomian life-practice of the initiates.

Although the classical formulation of habitus is less suited to explaining majority cultures in our contemporary times, Aristotle’s conceptualization of habitus remains useful in addressing a significant gap in Bourdieu’s reconceptualization. Bourdieu hinted at the possibility of sudden ruptures in habitus, specifically when the objective conditions contradict one’s habitus. But Bourdieu’s habitus fails to account for the consciously planned and radical changes in life-practices that generate the heterodox habitus of the Fakirs.

When the objective conditions of fulfilment are not present, the habitus, continuously thwarted by the situation, may be the site of explosive forces (resentment) which may await (and even look for) the opportunity to break out and which express themselves as soon as the objective conditions for this (e.g. the power of an authoritarian foreman) are offered. (Bourdieu 1993: 87)
Due to a mismatch between one’s habitus and the surrounding situation, Bourdieu anticipated that there might be chaos, disruptions. And it is unclear what follows the ‘break out’. More importantly, Bourdieu’s analysis fails to account for the radical changes in beliefs, practices, dispositions, and lifestyles that the Fakirs consciously embody. Bourdieu’s reconceptualization of habitus is suitable in explaining gradual and continuous changes, but it is inadequate to explain rare but fundamental changes of the self: ‘[...] it [habitus] constantly performs an adjustment to the world that only exceptionally takes the form of radical conversion’ (Bourdieu 1993: 88). The strength of Aristotle’s habitus is precisely that it shows how subjects can deliberately train themselves to engender the rare ‘radical conversion’ of the self.

Conclusion

Reconsidering the old conceptions of habitus does more than highlighting the changes of the meaning of habitus. I showed that the craft of a consciously planned pedagogy of the self—the signature characteristics of Aristotelian conceptualization of habitus—is missing in the modern understanding of habitus. I explained how re-examining the classical habitus provides us with an important conceptual tool to explore the broader theoretical significance of the heterodox, spiritual praxis of the Fakirs in Bangladesh. In Aristotle’s formulation, the seminal feature of habitus is the power of the self to deliberately transform itself and cultivate an ethical subjectivity. Aristotelian habitus has remained an inadequate but important conceptual tool in theorizing the power of voluntarily training the body to constitute heterodox models of subjectivity and sociality.

The radical conversion of the self that Fakirs experience in their spiritual journey may not be possible for majority population, especially for those who are non-initiates. As Fakirs must leave their previous community to become members of a heterodox group, two relevant questions arise. Does one have to leave the community in which one was born to experience radical changes in her habitus? In other words, is it possible to see oneself fundamentally changed while staying in similar socio-cultural settings? Bourdieu’s answer is well-known: Fundamental changes are possible but they are rare. Aristotle’s conception of habitus, on the other hand, is well-equipped to explain vital changes of the self, specifically, made possible by those who go through specialized psycho-somatic training. However, one may wonder what happens to the people who do not participate in any specialized pedagogy of the self? Can they also radically transform the self? Aristotle’s formulation of habitus does not seem to have a good answer. In the same vein, how do changes come about in a heterodox culture? Neither Bourdieu nor Aristotle seems to have satisfactory answers to the questions. Sociologists also must not have a single answer to questions arising from significantly different socio-cultural perspectives. Likewise, there is no need to have one conceptual model of habitus that fits all. To ensure sufficient room to accommodate diverse viewpoints, Sociologist might consider both Aristotle’s and Bourdieu’s conceptualizations of habitus with equal importance. While Bourdieu’s model, championed by Wacquant (2014, 2015, 2016), seems to be working well for understanding majority populations, Aristotle’s model appears to be more appropriate in explaining the praxis of heterodox groups, such as Fakirs. The spiritual training of the embodied self that Fakirs voluntarily subject themselves to seems to result into a heterodox habitus. The two conceptions of habitus in their current forms remain discrete. How these two apparently incongruent
conceptions of habitus may be unified has yet to be explored; any attempt to do so will require comprehensive rethinking of the seminal sociological concept.

Paying careful attention to the power of a conscious (re)education of the embodied self in cultivating alternative subjectivities and socialities serves two other important purposes. First, it highlights that by studying the praxis of marginalized communities, such as Fakirs, scholars can enrich social theories of the body, particularly by reviving the long neglected but important insight: One can consciously train the embodied self to constitute an alternative way of being and socializing. Recognition of the potential theoretical contributions of the wisdom of the Fakirs can be considered a good reason why marginalized communities both in the East and West deserve more careful attention of social theorists.

Despite the strong roles of dominant social-cultural structure in reproducing them, individual agents, such as Fakirs, manage to play active roles in deliberately (re)shaping the configurations of the self, subjectivity, and sociality. Constituting a radically different praxis, however, does not happen regularly. Such radical transformations are likely to take place in unconventional social settings, for example, among heterodox groups and marginalized communities, who tend to enjoy more flexibility in constituting an alternative life-world (Chatman 1996; Schutz and Luckmann 1973). Bourdieu’s habitus fails to take into account the possibility of such changes actively initiated by individual social agents: “The whole problem of the habitus is that it blocks any social change which Bourdieu subsequently assumes” (King 2000: 428). Arguably, Bourdieu’s conception of habitus has also become irrelevant in explaining the experiences of the people living in a rapidly changing socio-cultural context (Archer 2012). Aristotle’s habitus, on the other hand, remains an appropriate conceptual tool to theorize the deliberate training of the embodied self practiced by the Fakirs. The classical conceptualization of habitus, however, remains fundamentally constrained in explaining any significant changes within the heterodox community of the heterodox initiates.

The experiences of Fakirs in Bangladesh can be considered one special case in which individuals manage to play strong roles to voluntarily (re)constitute the self, subjectivity, and sociality. This is, of course, not to argue that “structure” and “agency” can be thought separately. But to argue that in some cases, the way Fakirs do in Bangladesh, one can deliberately isolate oneself from an established social-cultural structure and cultivate an alternative habitus. As dominant socio-cultural systems offer little room for radical transformations, changes of that kind are likely to happen among people of marginalized communities, e.g., Fakirs. Aristotle’s habitus is more appropriate than the Bourdieusian model in explaining the changes within an established system. Specifically, Bourdieu’s habitus fails to account for individuals’ practices to reflexively engage with the rapidly changing socio-cultural settings (Mellor and Shilling 2014).

Finally, it is up to the community of social theorists, which has been overwhelmingly dominated by scholars from the West, to examine whether the wisdom and praxis of the marginalized Fakirs in Bangladesh, will be considered worth taking seriously. Attempts to theorize “the alternative discourses” developed by analysing the societies in Asia, the Middle East and Africa are rare but noteworthy (Alatas
2001 a,b). Currently, it appears to be a distinct possibility that, in the near future, social scientists will make serious attempts to analyze Fakirs' praxis and develop new theorizations of the body, subjectivity and sociality.

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Paving the Pathways for Black African Women into Management Echelons in the Private Sector in South Africa

Dennis Matotoka¹ and Kola O. Odeku²

Abstract: The achievement of gender equality in all spheres of society is one of the aspirations of the South African government post 1994. The achievement of gender equality has been supported by the adoption of an array of legislative prescripts that bars all persons to discriminate unfairly against women on the grounds of gender, sex, pregnancy, religion etc. Notwithstanding these legislative prescripts, the South African private has failed to adhere to these principles of equality due to existing glass-ceilings that bars black African women from participating fully in the South African economy. It is demonstrated in this article that the key sectors of the South African economy are hesitant to employ black African women in managerial positions. As such there is a striking perceptible under-representation of black African women in managerial and decision-making positions in private companies. It is argued that without multi-pronged strategies, the South African private sector would continue not to reflect the demographics of South Africa and ultimately the economic growth would be at a snail’s pace. The reduction of poverty in South Africa and economic growth is largely depended on the change of attitude of the private sector. The article accentuates that private sector should improve on its corporate social investment by identifying, developing and capacitating black African women through quality training and education that will position them to become astute managers in the sector.

Keywords: management, economic-growth, finance, black African women, South Africa

Introduction
There has been significant discourse in South Africa regarding the progress made in the public sector to accelerate black South African women in managerial and decision-making positions (Horwitz, & Jain, 2011). The private sector, however, lags behind in accelerating black women in decision-making position. Consequently, this article focuses on the private sector to ensure, strengthen and accelerate the representation of black South African women in these positions in order to promote equality and equity in the private sector workplace (Ponte & Van Sitter, 2007).

Notwithstanding the progressive strategies, measures and institutions established since 1996 that aim to proliferate the representation of black women in the private sector, the private sector remains resistant to sharing managerial and leadership positions with black South African women (Lewis, 2001). Black South African women are not yet accepted as an integral part of decision-making in the private sector contrary to the public sector that has progressed to place black women in key decision-making positions in government (Beall, 2005). It is well-known in South Africa that due to the astute management of the private sector, they contribute significantly to the economy and the development of the country. However,

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the underrepresentation of black African women essentially denies them of economic participation and equality in the private sector workplace (Wing & De Carvalho, 1995).

Undoubtedly, the private sector is predominately dominated by white South African minority and black South African males. Because of this, this advantaged race to wit; white males and females enjoy more benefits emanating from high levels of recruitment to promotion opportunities as compared to black African women (Maphai, 1989). Therefore, this article assesses the extent of compliance by the private sector to the gender-related interventions and measures that promote equality and equity in the private sector workplace. It also promotes a radical improvement and acceleration of the representation of black women in the private sector by showing quantitative data that reflects their underrepresentation in decision making positions in the private sector.

Social justice, Diversification, Inclusivity of women in the Workplace

There are perceptions based on the theory that women particularly black African women do not have potential to fulfill management positions unlike their male counterparts (Heilman, 2001). These perceptions are influenced by both conscious and unconscious biases because there have been instances where women were afforded opportunities to occupy managerial positions and yet they performed very well to the best of their ability. Heilman (2001) explains the patriarchy discrimination tendencies against women in the workplace thus “the scarcity of women at the upper levels of organizations is a consequence of gender bias in evaluations. Gender stereotypes and the expectations they produce about both what women are like and how they should behave can result in devaluation of their performance, denial of credit to them for their successes, or their penalization for being competent. Because of gender bias and the way in which it influences evaluations in work settings, it is argued that being competent does not ensure that a woman will advance to the same organizational level as an equivalently performing man. This raises a concern as to whether black African women will be promoted to managerial positions in instances where the companies are compelled by circumstances to appoint black African women.

The failure to transform top management positions in the South African private sector has its genesis to the country’s historical classification of women as perpetual minors and secondary earners. Prior 1994 women were generally confined to household activities and if employed, they were generally provided employment that was linked to their household activities, these included work as domestic workers in wealthy family and working at the factories. Essentially women were not seeing as primary earners but rather secondary earners due to their status in society. Society limited women’s participation in societal activities. During apartheid, the South African private sector perpetuated the discrimination and abuse of female employees by also paying them low wages and post 1994 little progress was made notwithstanding the Constitutional imperatives that mandates the South African private sector to promote equality between men and women equally in the workplace. It is thus evident that significant progress has been made by South Africa by the adoption of key legislative frameworks, such as the Employment Equity Act 55 of 1998, Labour Relations Act 66 of 1995, Broad-Based Black Economic Empowerment Act 53 of 2003, that seeks to ensure fair participation of women in the workplace and at
society at large. Notwithstanding these significant progress, the glass ceiling in the private sector continues to deprive women on equal opportunities in the private sector, particularly participation at managerial positions. Gupta defines “glass ceiling” as “the unseen, yet unreachable barrier that restraints women from rising to the upper step of the corporate ladder, regardless of their qualifications or attainment” (Gupta, 2018).

Essentially the glass ceiling, although it’s an unofficial and unwritten policy, seeks to limit women to occupy managerial positions, to the contrary, it provides women with traditional roles linked to their household roles. It is against this background that women in the private sector are predominately dominating unskilled positions which largely includes cleaners.

The Employment Equity Commission unearthed that white males in South Africa were over-represented in all economic sectors at the top management level, with notable representation in agriculture (72.7%), retail and motor trade/repair service (65.3%), manufacturing (64.2%), mining (62.4%), construction (60.9%), and wholesale trade/commercial agents/allied services (60.5%) sectors (Employment Equity Commission, 2015-2016). The Employment Equity Commission determined that all the sectors were predominately dominated by males with only the electricity, gas and water supply sector that has an almost balanced racial and gender representation (Employment Equity Commission, 2015-2016). Women were only featuring in the community, social and personal services sector (30.7%) which had a large representation of government employers, followed by catering/accommodation/other trade (29.5%) which is mostly service oriented. The Employment Equity Commission further determined that Black women (Africans in particular) feature prominently in the electricity, gas and water supply and community, social and personal services sectors at this level (Employment Equity Commission, 2015-2016). The Employment Equity Commission observed that more still needs to be done to break the artificial barriers for the development of black African women (Employment Equity Commission, 2015-2016).

A brief Comparison and Contrast between the Public, Private-companies

According to the Employment Equity Commission white representation at the private sector, particularly top management level is 73.7% (Employment Equity Commission, 2015-2016). Black people, the majority being African males are most represented in all tiers of government, i.e. (74.3% in National, 88.5% in Provincial and 87.7% in Local government). Government (especially the provincial sphere) and state-owned companies are leading with regard to the representation of females, with special emphasis on African women, while the same cannot be said for the private sector (Employment Equity Commission, 2015-2016). White women seem to be preferred in the private sector, educational institutions and non-profit organisations. The private sector was also showing a significant representation of male foreign nationals at the top management level which was even more than the Black females (Employment Equity Commission, 2015-2016).
The white groups appear to be afforded preferential treatment in the private sector for recruitment, promotion and training opportunities at top management levels. This is an indication that the private sector has failed to ensure that adequate conceptualisation, implementation and reporting of gender mainstreaming and this shows that gender equality is not prioritised in the private sector. There seems that there are signs of resistance to transformation in the private sector and this included inter alia, racial favouritism in employment, gender wage gap, and insufficient measures taken to recruit and promote black African women. The underrepresentation of black women in the private sector arguably denies them of full economic participation.

This necessitates a stout question as to whether the strategic interventions and measures that are in place are being implemented in order to achieve their objectives to eradicate discrimination and entrench equity in the private sector. The private sector in South Africa continues to lag behind in terms of black women representation in the top management positions when compared with the public sector (Mathur-Helm, 2005). This view is also attested by the findings of the Commission for Gender Equality (CGE, 2013) during its public investigative hearings into the public and private sector in 2014. The purpose of the public investigative hearings was inter alia to assess the extent of compliance with the quotas prescribed for the public and private sector. The CGE findings revealed challenges in both sectors, although there was a more progressive picture in the public sector than in the private sector. In the public sector, the Department of Public Service and Administration (DPSA) observed that the public-sector departments failed to report adequately on Employment Equity as a result of lack of accountability within departments, and a lack of consequences with no punitive measures (CGE 2013). The DPSA asserts that the public sector has failed in the adequate conceptualisation, implementation and reporting of gender mainstreaming.

Some of the hurdles preventing women to attain managerial positions are lack of training, development and growth opportunities, lack of career pathing and succession planning and a lack of or ineffective mentoring and coaching are specific barriers to retaining black employees (Booysen, 2007). It is against the backdrop of this drawbacks that it is imperative that women should be availed high quality education and training that will equip and skill them to have the capability to attain managerial positions and perform very well. This is said against the backdrop that the principle of equality denotes that black African women in the South African private sector should be afforded same recruitment, training and promotion opportunities like white males, white females and black African males. Furthermore, the same recruitment, training and promotion opportunities that are afforded to black African women in the public sector should be afforded to black African women in the private sector. By so doing, there will be a careful balancing of interests in the private sector is required to ensure the advancement of women into management positions, attainment of profit and contribution to the South African economy. It is trite that both the public and the private sector often requires to an extent a level of education to all prospective employees to qualify for positions in the respective sectors. One of the fundamental reasons that serve as a barrier for black South women in both sectors, apart from the glass-ceiling that deprives women to assume leadership roles, is the fact that most black South African women have poor education background to enter the labour force. This results in minimal women who participating in the South
African economy. The below is a graph that illustrates the extent which black South African women are unable to acquire educations and ultimately fail to enter the labour force.

![Figure 1: Educational level of South Africans classified by race](image)


Figure 1 gives detail on the educational level of South Africans classified by their race. A large proportion of black South African women 25 years old have no formal schooling compared to coloured, Indian and white women. Similarly, less than 10% of black women and coloured women and men have qualifications higher than Grade 12. It is deduced from this graph that a large proportion of black South African women are likely to be excluded from participating effectively in the South African economy due to lack of formal schooling. The lack of formal education consequently perpetuates black African women to continue to be employed in unskilled jobs. There is need to continue to encourage and motivate young girls to enroll and complete their education. This will surely be the source of recruiting young women to companies and work place. This approach will increase the number of black African women who would, given all the necessary opportunities definitely attain the status of chief executive.
Figure 2 highlights the percentages of women and men aged 15–64 years within each South African racial population group who were employed in 2001 and 2011. The graph shows that in both years South African black women were the least employed when compared to black African men and other women and men of other race (SSA, 2011). In 2011, less than a third (33%) of black women were employed compared to more than half (56.1%) of white women and more than a third (43.2% and 40.2%) of coloured Indian/Asian women respectively (SSA, 2011). It is deduced from this graph that post 1994 the status of black African women in the workplace has not changed as they continue to be underrepresented.

Assessing the Impact of Employment equity on Managerial Positions in the Workplace

In recent times, due to mounting pressure by the government, the South African top private sector companies have reluctantly taken steps to appoint black South African women in very few management positions. In 2017, BP Southern Africa appointed the first black woman chartered accountant as its new chief executive officer. She became the first black African woman in the history of South Africa’s oil industry to head a multi-national company. Similarly, in 2017, KPMG South Africa also appointed a black South African woman amid widely reported scandals over audits and reports that affected the reputation and credibility of the company. The astute handling of the KPMG scandals by the newly appointed CEO displayed the competency of a black woman in an international leadership position. The appointments of these two black women in key managerial positions marked a significant milestone in the private sector. The public sector continues to perpetuate racial representation at these key positions. Due to the slow pace of improvement of representation of black African women for the period 2014-2016, the...
Commission for Employment Equity Annual report 2016/2017 has indicated that it is highly unlikely to achieve equitable representation at top management levels in the near future in the private sector.

Nienaber (2007) postulates that employment equity is one of the most difficult processes experienced by South African managers of companies in the private sector. It is assumed that many companies undervalue the course of inaugurating “employment equity on different organisational procedures, practices and roles, as well as on organisations’ climate and culture.” This suggestion accords with a view that those tasked with implementing the interventions to promote employment equity in the workplace do not regard women emancipation as the company’s constitutional priority. Thus, the need to redress the legacy of discrimination against women in the workplace is often overlooked (Calitz, 2004).

The Commission for Gender Equality observed that it is easier for the private sector to transform in terms of race, but often very difficult to transform in terms of gender (CGE). This is influenced by the realisation that the interventions that task companies to promote economic transformation to enable meaningful participation of Black African women. The emphasis is thus more on race than gender participation. Lack of gender transformation in the workplace has its roots in the historical segregation of women in the workplace and patriarchy is a reason that hinders gender transformation in the workplace (Hacker, 2017).

Challenges, Prospects and Success of Women Occupying Managerial Positions in the Private Sector

The private sector in South Africa is burdened with challenges to increase the representation of black African women in managerial positions (Burger & Jafta, 2010). Recent data clearly demonstrates that black African women in leadership and executive positions are still under-represented in South Africa (Booysen, 1999). The private sector has relatively increased representation of black African women at the lower levels however similar representations have not been achieved in managerial positions (Mathur-Helm, 2005). To address this underrepresentation, it is critical for the private sector to understand from the onset that the employment of black African women into a leadership position is a corporate social investment (CSI). Undoubtedly, “most households in South Africa are headed by a woman who is usually the sole bread-winner” (Knight et al., 2017). It is against this backdrop that the “South African government encourages the appointment of women into leadership positions by giving tenders to companies that, among other things, appoint women into senior management positions” (Knight et al., 2017).

It is essential that the private sector understands that it is not sufficient to merely change the numbers of black African women in managerial positions, but additionally the private sector must change the organisational structure that is stereotype and patriarchal in nature (Bowmaker-Falconer & Searll, 1996). It is therefore critical for the private sector to make intentional commitment to fast-track the advancement of black African women in managerial positions by adopting clear and defined gender-sensitive policies (Moalusi, 2012). According to Mkhize and Mswel (2011), it is important to create a “supportive and enabling business environment for women to reach their full potential. This environment can be achieved
through support strategies such as women-tailored training and development, partnerships and networking, and mentoring and coaching.” Similarly training and promotion opportunities that are afforded to black South African women in the public sector should be afforded to black South African women in the private sector. It is often contended that qualified black women are not available to take up managerial positions, it is from this premise that the private sector must create a pool of competent black African women by for example, providing them with acting positions in management in the company. This measure will afford managerial skills to black African women which will be needed in such permanent positions in future.

In addition to the adoption of policies and creation of a suitable environment for black African women in the workplace, it is critical that the attainment of black African women in managerial positions be included in the performance contracts of the Human Resources departments in the private sector. The consequence of this will ensure that the recruitment processes specifically takes gender into consideration. Essentially, the private sector can ring-fence managerial positions to black African women when they are underrepresented.

SWOT Analysis
The private sector contributes significantly to economic development and therefore inclusion of women would not only eradicate poverty but has the propensity to boost the country’s economy. The Organization for Economic Cooperation and Development (OECD) asserts that an increase in female labour force participation or a reduction in the gap between women’s and men’s participation results in faster economic growth (OECD, 2012). As such investing in women in the workplace is key to economic growth and social cohesion, especially in the private sector where women are underrepresented. Essentially interventions that target gender and economic inequalities will result in reshaped economic systems that promotes inclusivity and diversity. Conversely, the South African private sector seems not to fully embrace the diversity and inclusivity as part of growth strategy. Similarly, the private sector does not have an in-depth understanding of employment equity legislations that mandates to ensure fair representation of women in the managerial positions in the private sector. Consequently, lack of compliance with the employment equity legislations is prevalent in South Africa (Commission for Gender Equality, 2017-2018). It is observed that the failure by the Employment Equity Act to include a quota system that compel company to have a specific percentage of women at managerial positions exacerbates the underrepresentation of women at managerial position. The lack accountability to proliferate black women in managerial positions is further exacerbated by the fact that the private sector budgets for the possibility of fines for non-compliance with the EEA as these have minimal impact on the finances (Matotoka & Odeku, 2018). In other words, the enforcement of the EEA has not necessitated the private sector to ensure equitable representation of black African women in managerial levels in the workplace.

Against this backdrop, the underrepresentation of black African women in managerial positions in the private sector has been on the spotlight. It was unearthed by the Employment Equity Commission there has been a slight decrease of white males’ representation at top and senior management both in the
public and private sector (Employment Equity Commission, 2015-2016). Despite this decrease, the white males still dominate the managerial positions in the private sector. The slight decrease should be celebrated and be viewed as an indication that South Africa has come to the realisation that the overrepresentation of white males in the private sector needs to be addressed. The reduction of white males at top management positions should open opportunities to black African women.

Financial implication to achieve the inclusivity of black South African women to mainstream of the South African economy

Women in South Africa are reported to be 51% of the total population (Statistics South Africa; 2017). Essentially South Africa has more women than men and it is therefore expected that a large portion of women, should be employed and occupying top management positions. There is a growing understanding that addressing concerns to women economic empowerment is fundamental to lasting, inclusive and sustainable economic growth, poverty reduction and to the advancement of gender equality (ANC). As such the inclusion of women in the South African economy could be the elixir to reduce inequality, unemployment and poverty in South Africa. It is argued that when more women enter the labour markets including employment in decision making roles, it results in gross results domestic product.

Figure 3: Key sectors that contribute to South Africa’s economic growth
Source: Statistics South African 2017, Economic sectors that contribute to South Africa’s GDP: Q3 2017

Figure 3 above indicates the key sectors that contribute to South Africa’s economic growth and these are manufacturing, wholesale, retail trade, financial services, transport, mining, agriculture and tourism. During the year 2017-2018, the Employment Equity Commission found that the black African women
were insignificantly represented at top and senior management levels of manufacturing mining, finance transport and communications and trade. (Employment Equity Commission, 2017). This essentially suggests that black African women are not partaking in making strategic decisions in the private sector that contributes to the South African economy due to their insignificant representation at managerial positions.

It is settled that patriarchy and the systems set during the apartheid era ensured that women, particularly in the private sector do not participate in the South African economy. However, post the advent of democracy women, particularly black African women continued to be economically marginalised, impoverished in the private sector. Consequently, South Africa needs to develop economic policies that will provide real opportunities, dignify and empower women, particularly in the private sector that contributes significantly to the South African economy.

It is a conceivable argument that the private sector is wary to employ women in general because of the financial costs associated with female employees. The financial cost is largely towards maternity leave which relatively results in disruption of work schedule and a career derailment for individual women. Women are different from men, but what increases their cost to a company is principally the clash of their perceptions, attitudes and behavior with those of men, which is to say, the policies of male-led corporations. (Schwartz, 1989). It is important to note that a company that reflects the demographics of a society enhances a company’s reputation. As such, a diverse workforce supports both credibility and trust of a potential customer base. Whilst maternity leave and breastfeeding facilities may have financial implications to the private sector, this cannot be used as an excuse not to employ women in managerial roles. The Constitution of the Republic of South Africa bars the private sector to discriminate against a woman on the grounds of sex, pregnancy and gender. As such, the failure to employ women in general who meet the criteria for a vacant position would not pass the constitutionality test.

Conclusion
The key sectors that contribute to the South African economic growth insignificantly have black African women in managerial positions. The lack of equitable representation and slow pace of transformation at top management at manufacturing, wholesale and retail trade, financial services, transport, mining, agriculture and tourism sectors raises concerns regarding the future sustainable economic growth of South Africa particularly because these sectors continue to not to be inclusive and representative of the demographics of South Africa. Interestingly white women seem to enjoy preference in managerial positions in the private sector over black African women. These demonstrate that women, notwithstanding the associated financial costs in the event of maternity leave, are employable at managerial positions however the private sector seems to prefer one race to the exclusion of the other.

To attain equity at managerial positions at these key sectors it is recommended that a quota system be introduced by the Department of Labour to compel key economy drivers in the private sector to have black African women in managerial positions. A quota system will essentially encourage the private sector to create opportunities and capitalise existing opportunities by training, recruiting and promoting
black African women at managerial positions. In creating opportunities, trained and qualified black African women the private sector should further create opportunities for the pool of candidates to act in managerial positions. This measure will enhance the managerial skills and experience which is largely required in the private sector.

To ensure that the targets for black African women become the integral of the private sector, the department of labour must compel the private sector to include targets of black African women in the performance contract of Employment Equity Managers and Directors of companies. A failure to attain these targets, there must be consequences that must be categorised as non-performance of contractual obligations.

References


Statistics South African 2017, Economic sectors that contribute to South Africa's GDP: Q3 2017
Abstract: Patriarchy and subjugation of women in many societies in Africa seems to be endogenic with structural origin before the industrial revolution. It appears that this has made it more or less a conventional orthodox order to see women as subordinates or second class citizens, as such, relegating them to the background using language, family and religious structure and by extension, modern social structure. From the pages of anthropological data, patriarchy and gender equality have existed as potential opportunity for whoever was interested in activating them into living phenomenon. Due to the destabilization of the small scale societies by the colonialists and empire builders, patriarchy was activated against gender equality making women to appear as subordinate and commercial article. Having been unconsciously placed in the social structure as opposite of superior, they now live at the mercy of the men in the hierarchy of social structure. Following the industrial and academic revolution concurrently, door for self and group liberation was opened, which until now many societies outside Africa have used to fight women rights abuse and structurally-induced subjugation. However, among the African women, things seem to be in the order of the ancient patriarchy that permanently reduced them to properties of men and the social system without value for their dignity and right for self-determination. The above socially-induced anomaly is what necessitated the present work to x-ray the structurally induced subordination position of women in African society especially in the current historical epoch, relying on the principles of structuration theory by Giddens while capturing the indices of self-victimization, ignorance and unseen reinforcement of the age long social problem. This paper also juxtaposes self-reflection of African women in the light of the debate among feminists.

Keywords: African Women, Living in Passivity, Patriarchy, Social Structure, Women Plight Anti-gender-equality

Introduction

Patriarchy as a social concept is embedded in the everyday activities of the members of the society, making it a tool of control over the women among the uninformed and unenlightened members the society. Technically speaking, patriarchy is beyond the surface argument of whose responsibility it is, to do certain activities in the family, church and other public settings however, it involves more of inherent feelings and capacity in men to see women as inherent property and subordinate rather than equal being who can only be subordinate by the rules of social ladder, which functions by the ability and inability of the individuals to climb the ladder (Walby, 1997; Engel, 1972). Similarly, patriarchy on the side of the women in most uninformed and unenlightened societies appears in the form of inherent self-deprecation due to observed and unobserved subordinate roles of women beyond the common logic of superordinate and subordinate, which run on the string of social values of achievements and relevance. At worst, women in an uninformed setting, overwhelmed by the dominant influence of patriarchy system tend to surrender their achieved social status to the nearest male counterparts.

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in order to live out the inherent understanding of and fear about patriarchy system and its attending social consequences.

Patriarchy, as a micro social institution of its own, has grown beyond other socially induced inequality in the society causing more harm than good especially in the current historical epoch when the door for self-manifestation has been opened for all and sundry (Chafetz, 1998; Acker, 1992). As a concept, patriarchy operate to reinforce the men’s ego and inherent desire for domination over others (West & Zimmerman, 1987; Ward, 1993; Sprague & Kobrynowicz, 1999). This ego and desire to dominate others is the inherent instinct in every living thing including human beings and the lower infra sentient beings, which can only be made possible by the help of socially and environmentally undue advantage of one family, specie, group or gender over the other. As a social tool, it operates as the socially accepted strategy developed over the years to help men [even the weakest men] especially, in an uninformed and unenlightened societies of this era, to get women obey the slightest unwholesome order to their (women) detriment provided it made the man appear as the one in charge of the affairs of the current situation.

Although at the macro level of analysis and outlook, patriarchy system seems to be the dominant outlook of gender relation in majority of the human societies ever studied (Walby, 1990, 1997), at the micro social analysis using the available anthropological field data, patriarchy as social institution seems to be weak and unconscious social wave. In most of these societies in the past especially in Africa, there appeared to be indices of gender equality in the responsibilities of the members of the family and the society at large save for the ritualized social functions and conditions, which excluded or compelled the women to appear as the lower citizens of the society before men (Bohannan, 1949; Coker, 1958; Gluckman, 1940). The responsibilities given to women in some of these small scale societies were as good as the position assumed to be occupied by the Queen of England in the present day sociopolitical analysis of the modern England. Almost all the positions of authorities and responsibilities given to the women to give these small scale societies an image of quasi gender equality, gradually fizzled away in the face of colonialists’ gender-specific approach to the management of the affairs of the colonized.

In the light of gender specific approach to the management of the social affairs of the colonized, especially in favour of the men in the society as the then reliable man power, the subsequent change in historical epoch of these small scale societies resulted in the total domination of the society by men and relegation of the women to the background. Having been exposed to the understanding of men as more important to the colonial administration and women as permanent housewives and inferior subordinate, men strengthened the absolute patriarchy and institutionalized it. From this point, every member of these small scale societies [that were later merged into countries in different regions of Africa] became the instrument for reinforcing patriarchy. While the men by their postures bully women into understanding that they are in charge, women on their own became generational reinforcement of the understanding by constantly training their males and female wards into the same understanding. By their attitude also, women constantly behaved in the direction of encouraging the elements that subjugated them and uphold the male dominance continuously and unconsciously.
In light of the above excerpt, this paper is interested in the explanation of the phenomenon of patriarchy in the current historical epoch of the African societies through the lens of structuration theory by Anthony Giddens. More importantly, the paper aims at theoretically devising a strategy for liberating the African women from the wave of self-deprecation through a generational transformation of understanding of gender equality and its place in everyday human activities.

Structuration Theory: The Human induced Slavery to Social System

Structuration theory, having its conceptual basis on the concept and schema about structure, is one of the social theories that has attempted to see human behaviour as the product of social system, which man has built consciously and unconsciously (Weber, 1946; Giddens, 1977). Structure in the sociological theoretical parlance, is more of the supporting networks that reinforces and upholds the status quo (Kalberg, 1977b), for the ongoing social system, provided it is serving the interest of the dominating class or group (Vogel, 1983; Stockard, 1999).

Structuration theory as Giddens conceived it, is more of advancing the structuralisms’ perspective, which is embedded in the understanding that the social system operates on invisible structure, which had been created and at some point, preceded the individuals living in such structure (Fisher, 2010; Geertz, 1980); however, the individuals living in this structure can either in ignorance or fear continue to reify the structure over their affairs irrespective of the implication of their action (Wallace, 1989; Sanday, 1981; Sacks, 1974). Structuralisms’ perspective also observed the tendency of every phenomenon in the social system such as language, family, religion, politics, economy, etc. upholding a structural setting, which in extension foretell the actions and attitudes required towards other phenomenon such as gender and power relation (Sattel, 1976; Sprague & Zimmerman, 1993; West & Fenstermaker, 1993).

According to Giddens, the social structure and human actions are the two sides of the same coin (Giddens, 1977; 1979; Haralambose & Holborn, 2008); with human actions appearing as the fore bearers of the intents of the structure (Heike, 2012; Barbara & Georgiann, 2012). The structure of the social web, which appear first as rules of engagement over certain human activities, continue to be expanded and reinforced by the actions of the members of the society. In most circumstances, these actions or rather activities of men in the society, appear to be unconscious move and reactions of the members of the social system (Giddens, 1980), but latter become a reified order or superimposition on the same people in the social web who have created the situation (Choi & Fuqua, 2003).

In a more distinct conceptual framework, which created a fluid departure for the Giddens’ structuration theory from the dominant structuralism paradigm (ie. Duality of structure), Giddens maintained that the social structure has no existence independent of the knowledge that the agents have about what they do in their day-to-day activities (Giddens, 1980). In essence, what people believe, what people do, what people follow, are all the product of their past experience reproduced in form of prevailing order, norms and expected attitude (Green, 2007; Kan, Sullivan & Gershuny, 2011). Using English language grammar as an instance, Giddens explained how the elements of the social system survived by human activities acknowledging these elements. For instance, according to Giddens, the English grammar is automatically reproduced, reinforced and survived
when an individual speaks this language in their daily interactions. Nonetheless, the introduction of the new elements of grammar and disuse of the old elements of the grammar are all subject to the human day-to-day interaction in this language (Giddens, 1979; 1980). In Giddens’ structuration theoretical parlance are the concepts of rules and resources, and their applications in daily human activities.

Rules are appropriated with their interpretations in the daily lives of the members of the society. These rules can only be interpreted and applied and even further be extended to unfamiliar circumstances that were not present while the rules were being made by the individuals and groups in the society. Again, the resources, whether material or non-material are put in use by the members of the society of which in the absence of human manipulation and application of these resources, they may be irrelevant and unnoticed as valuable (Giddens, 1980; Burke, 1992; Cooke, 1994).

In the social system, according to Giddens human beings are the agency of reproduction; something that manifest through the daily use of what the structure had offered the members of the society. Of course Giddens was not alone in this understanding even though the theoretical imagination at some point sounds superficial and axiomatic (Archer, 1982; Haralambose & Holborn, 2008). In the works of Max Weber [Economy and Society: An Outline of Interpretive Sociology, 1968 & The Theory of Social and Economic Organization, 1947], which appeared more deductive compared to a number of other classical theorists, human actions were seen to be strongly attached to structural dictates from the social super structure.

The dictate by the social structure are not visible but operates through the same members of the society who at one point or the other feel uncomfortable with the same system (Goldberger & Otis, 1973; Giddens, 1984; Fukuyama, 1999b). Human-agency in the social structure concept as captured in Giddens’ structuration theory has not only appeared in the axiomatic and superficial analysis of the society as some scholars (Archer, 1982; Haralambose & Holborn, 2008) claimed against Giddens theoretical orientation; this has appeared in the everyday living of the members of the society via language (Saussure, 1966); kinship relationship (Levi-Strauss, 1963); gender relation (Blumberg, 1984; Bonvillain, 1995; Cahill, 1983; Chafetz, 1990; Chafetz, & Dworkin, 1989); family structure (Blumberg, 1988; Bell, & Newby, 1976; Chafetz, 1980, Chafetz, & Hagan, 1996; Chodorow, 1978); religion, politics and the economy (Eisenstein, 1979; Hartmann, 1979; Scaff, 1989; Novak, 1982; 1996).

In Giddens’ structuration, theory, the structure and the agent (human beings) cannot be separated as both work in tandem to reinforce each other (Giddens, 1980; Haralambose & Holborn, 2008) however, Giddens did observe that human actions in the social structure are voluntary and by implication vulnerable to change in view of the prevailing circumstance in the hierarchy of human needs for development and improvement.

Pre and Post-Colonial African Women: Potential opportunity for Gender Equality/Patriarchy

Historically, we may not have an encompassing information of the nature of gender relation in all African small scale societies compared to other regions of the world. However, from the pages of cultural and social anthropological empirical work, we can piece together what the situation looks like in the past. Among different small scale societies in the past, there are different ways women were viewed and treated before the culture...
contact with the colonialists (Onwuejiogwu, 1975). In most of these small scale societies, there are some evidence of consistency with respect for women in terms of social status and positions (Bohanann, 1949; Bascom, 1952; Gluckman, 1940), while in some societies, there were some evidence of serious relegation of the women to the background (Smith, 1955). In whichever way, the position of women before the colonialists’ domination in Africa were not as bad as it was latter presented owing to the empowerment of men against the women by the colonialists, who were more interested in using men for empire building than the general wellbeing of the members of the society.

Among the people of Dahomey [in the present day Benin Republic], women were active part of political activities making them more or less, the major stakeholders in the political and leadership affairs of the kingdom (Bohanann, 1949, Herskovits, 1938; Fage, 1969). According to Bohannan, the political decision among the people as at the time of his study, were reached considering the imputes of the women. This, according to him were extended to the family affairs where, women were not presented or viewed as men’s property. In the military affairs of the kingdom, women were unbiasedly recruited into the indigenous army giving them, equal stake with their male counterparts. However, in the current situation as it has to do with gender and politics, Benin republic where the kingdom of Dahomey was located had falling into the degeneration of women marginalization in politics and other human affairs following the crushing of the indigenous system by the French colonialists, which opened the door for religiously influenced domination over women rights.

Taken an instance from one of the major ethnic group in Ghana before the penetration of the colonialists and the empire builders, the Ashanti people of Ghana were formidable force politically and otherwise with the respect for gender equality. Among the Ashanti, the political office of the mother of the king was practically observed with its responsibilities at all levels of leadership (Rattray, 1923, Fage, 1969; Kaberry, 1952). The position of the king’s mother at all levels of political and social affairs did not occur in passivity but with some level of robustness that saved the women at all levels from the misconception of the value of women by men in the society. Among the lovedu or Balobedu [in present day South Africa], women were observed as sacred as men can be in some domineering positions. For instance, women were made the rain queen; a position, which made some men in certain small scale societies even today to appear unapproachable to women and by implication, place women in the second class citizenship while consulting with such men. Among the lovedu, the rain queen is an independent queen whose existence symbolizes the powerful nature of women in public functions (Krige, 1943; Kaberry, 1952). Nonetheless the leadership of the women did not create misrepresentation of the members of the society as it has to do with gender equality. However, the encroachment of the foreign social and cultural orientation has made the activities that bestowed the women

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1 The Kingdom of Dahomey was an African kingdom that existed from about 1600 until 1894, when the last king, Béhanzin, was defeated by the French, and the country was annexed into the French colonial empire.
2 The Ashanti Empire was an Akan empire and kingdom in what is now modern-day Ghana from 1670 to 1957. The Ashanti Empire expanded from Ashanti to include the Brong-Ahafo Region, Central Region, Eastern Region, Greater Accra Region and Western Region of present-day Ghana.
3 Lovedu or Balobedu is a southern African tribe and an ethnic group of the Northern Sotho group. They were initially known as BaKwebo (wild pigs). The name “bolobedu” means place of tribute, go loba/lobela. Hence BaLobedu are people who receive tribute from others. They have their own kingdom, the Balobedu Kingdom, within the Limpopo Province of South Africa with a female ruler, the Rain Queen Modjadji.
leadership position, an article of religious taboo while the women gradually retreated to the back seat for the domination of men.

In Mende¹ [in the present day Sierra Leone], women were organized prior to the domination of the westernization influence making them, competent and ready for political positions and activities (Smith, 1954; Kaberry, 1952; Little, 1948). According to Little (1948), the women of Mende organized a secret society that even assisted them in manipulating and obtaining political power in the society prior to the intrusion of the foreign cultural elements. Sexual abuse against women were controlled in all ramifications by the women in Mende. This, led to a form of fines and other levels of punishments against men who were found wanting in the rules of societal ethics on sexual relationship even among married couple. In the case of Yoruba women and that of the Nupe², women were economically influential in their somewhat social logic that women were depended on, by the men in the society especially at the family level. According to Smith (1954), Coker (1958), Bascom (1952) and Nadel (1935), the Yoruba and Nupe women were such influential that they could determine the direction of the public decisions by the male elders via their (the women) contribution financially to the financial needs of the community as a whole. In the case of Nupe women, they were revered by men as they are typically perceived to be operating with witchcraft power in the witchcraft belief system (Nadel, 1935).

In the ancient Zulu³ system, women were respected and observed as sacred as long as their fertility lasted and were accorded great social status like men after the age of menopause (Gluckman, 1940). While the sacredness during the years of fertility protected them from women abuse, the social status accorded to them during the age of menopause offered them the leverage to live above abuse and domination by men in the same society. Among the Igbo⁴ and Ijo [Jaw]⁵ women of the present day Nigeria, women were more or less at liberty to influence their social status in terms of marriage and participation in the social affairs of the society (Ottenberg, 1959; Williamson, 1962; Onwuejeogwu, 1969; Mc Call, 1959, Green 1947). Among the Igbo people before the colonialists, the Eze in council do reserve a sit in the cabinet specifically occupied by the women however represented by a symbolic leader known as Ilumandinate; this was found in the structure and arrangement of the leadership of the last Eze Nri and with indices of such being in existence for centuries even before the last Eze Nri (Onwejeogwu, 1969). Similarly, among the Ijaw women, the forms of marriage they entered into determined their chances of self-determination (Williamson, 1962).

¹ The Mende people are one of the two largest ethnic groups in Sierra Leone; their neighbours, the Temne people, have roughly the same population. The Mende and Temne each account for slightly more than 30% of the total population.
² The Yoruba people are one of the ethnic groups of southwestern Nigeria and southern Benin in West Africa. The Yorubas are a distinctive people who are bound together by a common language with various different dialects. ... According to Yoruba mythology, all Yoruba people are descendants of Odua or Oduwuwa.
³ The Zulu are a Bantu ethnic group of Southern Africa and the largest ethnic group in South Africa, with an estimated 10–12 million people living mainly in the province of KwaZulu-Natal. Small numbers also live in Zimbabwe, Zambia, Tanzania and Mozambique.
⁴ Igboland, also known as Southeastern Nigeria, is the homeland of the Igbo people. It is a non-governmental cultural and common linguistic region in southern Nigeria. Geographically, it is divided by the lower Niger River into two unequal sections – an eastern and a western section.
⁵ Ijaw people (also known by the subgroups "Ijo" or "Izon") are a collection of peoples indigenous to the Niger Delta in Nigeria, inhabiting regions of the states of Ondo, Bayelsa, Delta, Edo, Akwa Ibom and Rivers.
Among the Hausa women, it was not until the spread of purdah\(^2\) that they became enslaved under marriage and other social circumstances. Purdah according to Smith (1955) and Onwujeogwu (1969) was introduced by Mansa-Musa of the Songhai\(^3\) empire after his visit to Saudi Arabia around 15\(^{th}\) century. In the absence of purdah, the Hausa women were as free as other ethnic groups mentioned above before the culture contact with Europe and other nations (Mc Call, 1959; Linton, 1936; Fage, 1969).

The status of women from the structures of the small scale societies, at least from the already presented societies across Africa here, seems to be gender neutral making it more or less an opportunity for women advancement as well as relegation to the background. Whichever one that appears to be the case, has been the outcome of the attitude of the people in the system itself. Take for instance, the affiliate macrocosm of the same societies mentioned above in terms of nations/countries via amalgamation of the small scale societies, are the typical examples of internationally designated women abuse and men domination possibly after the culture contact with the outside world. For instance, in the same Dahomey where women were recruited into military like men and operated in every facet of the society, the report of the Social watch as at 2012 showed that women participation in economic activities were as low as 0.14%, gender equality (0.41%) and empowerment (0.66%) (Social Watch, 2012). The implication of the findings according to Social Watch is that women had falling in the hole of men domination and gender inequality at extreme level.

In Ghana where Ashanti small scale society is located with their traditional living pattern before the encroachment of the British Empire, the entire nation was among the nations with poorest score in terms of gender equality, women empowerment, women participation in economic and political activities. Worst still are the other ethnic groups included in the above ethnographic analysis of the previous small scale societies in the African setting before culture contact. They all fall below average in the analysis of the Social Watch report of 2012.

In the same Benin republic with antecedents of gender equality from the ethnographic information, a study carried out within the framework of the 2008 Empowerment project, reported that sexual harassment was the most common manifestation of sexual abuse; 37% of respondents declared being victims of sexual harassment, followed by rape (20% of respondents) and incest (10% of respondents) (CEDAW, 2012). From 2003 to 2011, the percentage of elected women was consistently low, rising from 7.2% (or 6 out of 83 ministers) to 10% (or 9 out of 83 ministers) between 2007 and 2011 (CEDAW, 2012). The poor representation of women in the political sphere is explained in part according to CEDAW (2012), by the fact that, as stated in the JICA country profile for Benin, “Women’s involvement in any activities, whether social, economic or cultural, is subject to men’s decision”. In most of these countries where these ethnic groups were located before the

\(^{1}\) The main Hausa-speaking area is northern Nigeria and Niger. Hausa is also widely spoken in northern Ghana, Cameroon, Chad, Sudanese Hausa in Sudan and the Ivory Coast among Fulani, Tuarag, Kanuri, Gur, Shuwa Arab, and other Afro-Asiatic speaking groups.

\(^{2}\) Purdah or purdah is the term used primarily in South Asia, to describe in the South Asian context, the global religious and social practice of female seclusion that is associated with Muslim communities. Due to Islamic influence, it is also prevalent among some Hindu communities in the northern part of South Asia.

\(^{3}\) The Songhai Empire was a state that dominated the western Sahel in the 15th and 16th century. At its peak, it was one of the largest states in African history. The state is known by its historiographical name, derived from its leading ethnic group and ruling elite, the Songhai. It is located in the present day Mali.
amalgamation of the small scale societies into nations/country, there has been a dramatic change of the women social status with regard to women participation in social activities, their liberties and dignity.

Patriarchy and Self Victimization among Women in Africa

Patriarchy in its crude definition is the domination of men over women in the society with such indices as institutional domination by men, women subjugation by the social structure and relegation of the dignity of women to the background. More than the crude definition of patriarchy, there are other perspectives that have come into play as far as the concept and phenomenon of patriarchy is concerned. More specifically, in the Hegelian-Marxian concept of thesis, antithesis and synthesis (Ball, 1991 in Ritzer, 2011), patriarchy at least in African setting, from the available historical and anthropological data (Ottenberg, 1959; Williamson, 1962; Onwuejeogwu, 1969; Mc Call, 1959, Green 1947; Linton, 1936; Fage, 1969), appeared to be ongoing process of the social relationship aptly defined and sustained by the weaknesses and strengths of one group before another. Nevertheless, the situation in the sociological parlance of social structure and the ongoing system, can be defined as the accepted but not inherent status of women, to serve as the opposite of the strong (weak), head (tail), leader (led) superordinate (subordinate), etc.

While the concept of patriarchy in its crude form focus the searchlight beam on the social institutions and their contribution to the survival of male domination in the society, the Hegelian-Marxian concept of socio-historical movement of the society singles out the problem of epoch-making decision of the members of the society to pursue or not to pursue the needed change especially as regards to gender relation. More importantly in this paper as we were determined to explain, is the impact of social structure on patriarchy system in Africa especially in Giddens’ structuration theoretical paradigm.

Patriarchy in Africa has continued to survive for years with the help of social structure upheld and re-enforced by the members of the society. While the men have exploited the opportunity as resources lying potentially for use [as is found in the Giddens’ structuration theory (Giddens, 1984; Haralambose & Holborn, 2008)], women have ignorantly or rather, fearfully maintained the same system without the understanding that they are the oxygen for the survival of patriarchy [see Giddens’ concept of language and structuration; Giddens, 1984]. Women in their daily activities contribute to the continuation of patriarchy even in the absence of deliberate desire for domination by men.

In the language structure, especially in the indigenous dialects and adages, women are being depicted as the second class human beings compared to the opposite sex, and this is also acceptable and appreciated by most women such that when they want to psychologically submit to difficult tasks, they simply look for the structurally embedded women weaknesses in the local dialects to defray their mind from striving further. From the classical text of Ferdinand de Saussure (1966), we found the inherent capacity of language to socialize man into his permanent status in terms of gender in the society. Similarly, Levi Strauss (1963), indicated that language in the kinship system appear so powerful that the members of the society become classified in their relationship with one another in the micro components of the local dialects. This, also, leads to the situation, in which the members of the society become inherently weak or strong towards each other on the line of gender (Nobuhle
Ndimande-Hlongwa & Leonce Rushubirwa, 2014; Atanga, Ellece, Litosseliti & Sunderland 2012). Although the role of language structure here in sustaining patriarchy appear to be general, in the specific, women unconsciously transfer this inherent anti-gender-equality in the language to their wards knowing fully well that they are the custodians of child upbringing in the family and society at large (Spence, Helmreich & Stapp, 1975; Tichenor, 2005; Cubelli, Daniela, Lorella & Remo, 2011). What these children learn especially the female ones are solely what they were thought and exposed to by their mothers and it is these same female wards that grow to become mothers, who becomes relegated to the background and become properties of men due to inherent emotional weakness. In certain circumstances where the female children try to be actively involved in the social activities with the male counterparts, their mothers do speak into their ears “are you aware that you are a woman who will be married to a man?”. This kind of statement though silent, appear salient to the understand of the social logic of gender relation in the mind of the female folk when they gradually start seeing themselves secluded and isolated from active participation in the social activities (Boroditsky, 2009; Buthelezi, 2004; Dirven & Verspoor 1998). For instance, women involvement in political rally and other public functions has not been openly or statutorily frowned at or discouraged by the males in particular rather, it has been maintained and sustained by this form of quiet statements that carries anti-gender-equality. Whichever way language became the gun in the hands of the women to shoot themselves in the foot in the problem of patriarchy in Africa, our concern here is to unveil how women participate in using the language structure to maintain patriarchy against themselves.

According to Giddens (1979; 1984), when you speak the English language for instance, you help to sustain the English grammar, when you stop using some words in English grammar, you help to put those words into disuse and by implication, encouraging new entries in the English grammar. There are countless instances in the local dialects across Africa, which are psychologically inducing weaknesses and self-dehumanization among the female folks, that ought to have falling into disuse, to gradually build the courage among the females from childhood to stand out as human beings with dignity and equal rights with men (Feinstein, Feinstein & Sabrow, 2010; Goldstein, 2007; Makoni & Meinhof, 2004; MacWilliam, 1986). However, the ignorance of the women about what they are unconsciously doing continue to level and label the females second class human beings compared to their male counterparts.

In Giddens’ theme of rules and resources, the rules guiding a particular social setting cannot be absolutely comprehensive as to involve all behaviour and rules guiding them at the same time; likewise, the resources, which can be lying potentially useable until when human beings put them in use. The rules guiding human behaviour in the family and public setting if in written form in most African society, did not specify the limit of women participation and how women should train their female wards however, these rules have been given strength and sometimes new dimensions by the people applying them. For instance, among the people of Obowo¹ in south eastern Nigeria, women are expected to respect their husbands but not to condole the

¹ Obowo, also spelled Obowu, is a Local Government Area of Imo State, Nigeria, and is headquartered in Otoko. Other towns in the LGA include Amanze Umuagu, Umungwa, Obowo, Okwuohia, Amuzi, Alike, Avutu and Umuokeh. Former Imo State Governor Sam Mbakwe was born in and died in Obowo. Obowo is located about 45 minutes from Owerri. The area is right across the Imo River and is less than 30 minutes from the Umuahia and Ahiara in opposite direction, with the Amanze seven and half (71/2) junction and landmark in-between.
excesses of the husbands. In the case of abuse of the woman, the husband was to be reported to umu nna, umu ada and the community women association. Strictly speaking, women can only be divorced with the support of the family, umu nna, umu ada or the community women association on the ground of marital infidelity and abomination specifically identified by the culture for every member of the community. In view of the unwritten code of respect to the husbands, many women in the past and currently have given further interpretations to this unwritten code to the detriment of gender equality and right of women. In extension, some women have interpreted keeping quiet over abuse and maltreatment of women as part of the respect to the husband, to ignore him in some unwholesome acts such as starving the wife and children. For example, men can easily abuse their wives, abandon their wives and children and secretly elope with another woman either married or unmarried with the knowledge of only the wife. Normally, it is the duty of the rightful wife to bring such to the knowledge of the family through the elderly person in the family or other avenues the entire community trusted to handle such matter. However, in this situation, many victims of such abuse and maltreatment have been found to be keeping silent with the impression that properly reporting the matter to the right persons and groups will earn them problems from the husband. However, there have been countless number of men that have been sanctioned by the mentioned avenues over issues of such, and this brought peace to the family and protected the dignity of the women involved.

Other scenarios include wife battering and humiliations from the husband, which the women in most cases in this part of the world keep to themselves or even lose their lives because of such. Contrary to the women fear of what the husband does, men had been reprimanded and fined for maltreating their wives; in some cases, as far as the woman has maintained her marital vows, the husband never find it easy with the family members and even the kinsmen for maltreating his wife. This of course has been one of the instances that women determine their fate as far as this locality is concerned but can do such by understanding and exploiting the unwritten codes guiding their relationship with men.

Every social activity here, save for the traditional religious rituals have, been open for males and females, it is only left for the women at different levels to decide, which activity to participate in. Women in this part of the world instead of utilizing this lacuna between the social structure and human action, have resorted to promoting anti-gender-equality concepts such as women ought to be isolated from majorly social activities for their inherent kitchen responsibilities; evidence of future good wife is exhibited in the quietness of the ladies and avoidance of too much social exposure, etc. Beyond the interpersonal treatment, women participation in political and other social affairs have been the choice of the women and not the determination by men.

The unconscious rules guiding the individual participation in the socio-economic and political affairs of the society in most African settings have operated on the ground of dependency on who may likely interpret and give the rules life of its own. In Giddens’ example, it is the daily interaction with the members of the community that give the rules life and expansion for continuity, while the interpretation goes in the favour of who understands and is willing to exploit the rules (Giddens, 1984). From the pages of anthropological documentations, the pseudo patriarchal rules governing the small scale societies in Africa, had operated and continued to operate as a potential opportunity for who cares to activate them in their own favour and because
of passivity and unnecessary fear among the women, men have continued to activate and give most of these rules energy and direction against the manifestation of women in the society.

Resources in Giddens’ theoretical orientation is both material and non-material resources. In Durkheimian theoretical parlance, the society runs on the principles of social facts\(^1\). The social facts according to Durkheim are into material and non-material social facts. In comparative as well as chronological arrangement, the Giddens non material resources stems from the Durkheim’s concept of non-material social facts. In Giddens’ theoretical legacy, which is guiding the present work, material resources such as land, raw materials, e.t.c. cannot be operational without human beings putting them to use. More importantly, the non-material resources, which lies more invisible cannot also be put to use except by human beings who observe and understand such.

There are resources to the disposal of women in Africa before and after the colonialists’ intervention. These resources included beauty, which had appealed to the hearts of most powerful kings and heads of authorities; wisdom, which had exposed many women to global leaders and personalities; talents, which have given the entire society a good image before the outside world; leadership opportunities, which have put the decision of women in records across generations, etc. however, these resources in most cases have ended up in presenting the women as men’s property and articles of no commercial value.

Many beautiful women across Africa have used their beauty to pursue personal and unwholesome interests that presented women generally in a derogatory manner. Among them, some have decided to use their bodies for adverts and public presentations, which simply depicted them as harlots and sex objects available for men who can buy time and even take them whole sale for private property. Most of the women in this capacity by all indications, would have used their beauty and popularity to project the power of women and relevance in the society\(^2\). Many who even succeeded in marrying popular leaders at different levels lost conscious of their equal right and dignity with men. The opportunities they have to penetrate the system in introducing and securing status for women, they took for granted or at worst promoted the understanding that women are meant for the kitchen chores (Martin, 2003; Maume, 2011; Penner, & Harold, 2010). After the colonialists’ intervention, which to a large extent, relegated the women to the background, women across the African continents have appeared on the national, continental and global stages with one natural endowment or the other but mismanaged such as an opportunity to strike the balance between men and women.

In the absence of international intervention for women in Africa, women in Africa even those with access to political and economic power, still lack the consistent zeal to pursue gender equality and the elimination of patriarchy using indigenous designed approach. Most of the efforts made so far for gender equality in Africa still have the foreign elements, which appeared as alien to the indigenous social institutions and by implication were viewed as derogatory and anti-indigenous culture. This of course reveals the scarcity of indigenous

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\(^1\) Social fact. In sociology, social facts are values, cultural norms, and social structures that transcend the individual and can exercise social control. French sociologist Émile Durkheim defined the term, and argued that the discipline of Sociology should be understood as the empirical study of social facts.

\(^2\) We are not implying that all the beautiful celebrities are prostitutes or appear as such but that most of these celebrities have abused their beauty by using it to project women as sex objects and commercial properties to men who care to buy.
women in the fight against patriarchy and by implication project the continued problem to the effort in neutralizing patriarchy in Africa. Strictly speaking, any approach without the understanding of the indigenous traditional institutions and the involvement of the experienced fellows in these institutions may amount to aimless efforts.

Conclusion and Recommendations

The social structure and the human actions are two dual structures that re-enforce each other. While the human beings in the society grow into the structure to survive, the structure itself depends on human beings in the society to continue in existence (Giddens, 1979; 1980). The patriarchy as social construction is dependent on the human actions to survive in existence [especially the women who are the custodians to children upbringing], while at the same time, human beings in the same system depend on the entire system to survive. According to Giddens, even though the social structure affects the way the members of the society behave and operate, there is still the lacuna between the lifeless social structure and the human action [that gives it life], which offers opportunity for self-determination and self-liberation from the unfavourable rules of the social structure; these are what Giddens called determinism, voluntarism and agency transformation. In the case of African patriarchy, the condition has existed for years unconsciously from the small scale societies to the present amalgamation of these small scale societies [the present African nation’s outlook and posture] but was made more pronounced by the colonialists who awakened the consciousness of male domination among the colonized. This, has continued due to living in passivity among the African women even after the colonial domination, which accelerated gender inequality in the system.

From the structuration theoretical perspective, what appeared to be ceaseless patriarchy among the African societies, did not appear as definite rules compelling everybody to obey them rather, they were the expansion of micro concepts by the members of the society especially the women through their actions and inactions. These micro concepts with the help of the colonialists graduated into principal components of the social structure controlling the fate of the women.

In the Marxian-Hegelian theoretical legacy of thesis\(^1\)-antithesis\(^2\)-synthesis\(^3\)-thesis\(^4\), the current situation of women in African societies in terms of gender inequality can be said to be moving from synthesis to thesis. However, caution should be taken to avoid bias and improper approach to the situation.

For transformation to take place [changing the status quo for gender equality], understanding the indigenous traditional social structure should not be ignored. This is necessary in view of the fact that the indigenous social structures will offer more understanding about the inherent opportunities for women liberation. Consequently, the determination and voluntary involvement among the women in the move for gender balance appear to be the starting point for the actualization of the goal of eliminating patriarchy in African continent. This is from the

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\(^1\) Gender neutrality before the upset by the colonialists and empire builders
\(^2\) The crisis of gender inequality inspired by the colonialists who awakened the consciousness of men against the women freedom
\(^3\) The enlightenment era on gender equality for African women and their awakened consciousness to pursue their rights and dignity in the society
\(^4\) Change in the present status quo and the return to gender neutrality
application of the Giddens’ theoretical orientation [structuration theory] even though we are aware of the inherent incapability of the women in the present historical epoch in handling the situation absolutely (see Stainback, Kleiner & Skaggs, 2016; Baron, Brian & Newman, 1991; Berrey, 2014; Brink, Van den & Yvonne, 2012).

References


Empowering Women Farmers through Livelihood Strengthening Model in Eastern Nigeria

Chigozie Azunna

Abstract: Improvement in livelihood capitals of vulnerable women farmers has been a concern in the developing countries. Governments around the world particularly in the developing countries try various policies and models to enhance the productivity of these vulnerable women farmers, they do this to protect them against shocks and losses considering that rural food production contribute significantly to national food security. Such is the case in Nigeria, where Adopted Village Model (AVM) was initiated in 2009. The objective of the study includes but not limited to protect, improve and sustain food production in Nigeria through capacitating the rural women rice farmers. AVM was initiated and women farmers where provided information, farm equipment, training, seedlings and subsidized fertilizers. Structured questionnaires and interviews were the basic instruments applied in the data collection. The methodology was guided by sustainable livelihood framework theories. Structured questionnaire was used to extract desired information from the women farmers. The data was analysed with SPSS version 25, interpreted and presented for public consumption. The study found that AVM was introduced to the women farmers at the right time when yield and livelihood capitals of the rice women farmers were very low.

Keywords: Livelihood, Rice, Women farmers, Model, Agriculture

Introduction

In the world of rapid population growth, migration and globalization, agriculture serves as core sector to sustain feeding and consumption patterns of the world’s population. In rural Africa and most parts of Asian countries like, India, Bangladesh, Malawi, Ethiopia, Kenya, Taiwan, Sri Lanka and Nigeria, majority of the population depend fully on agriculture and in most cases practice subsistent agricultural production (Akinola et.al, 2013; FAO, 2013).

As a result, agricultural production and activities in Nigeria has witnessed great attention recently because the sector is also a major source of food supply and foreign exchange. The sector employs about 60 to 70 percent of the Nigerian labour force, at the same time serves as a potential alternative to diversifying the Nigerian economy. Nigeria with massive arable land, favourable weather conditions and huge population advantage that have the potential to produce enough food for domestic consumption. However, less than 50% of the agricultural land is under cultivation and are cultivated by small land owners and traditional farmers who use rudimentary production techniques leading to low yields (Olajide et.al, 2012).

Therefore, the quest to improve livelihood through agricultural activities has resulted in adoption of various agricultural strategies, policies, programmes in Nigeria. A model by Federal Ministry of Agriculture and Rural Development (FMARD) recently introduced in Abia State is the Adopted Village Model (AVM). The model target specific set of women farmers to improve their livelihood. AVM is seen as a paradigm shift from conventional agricultural activities particularly in rice farming and rice production in Abia State (Ogunsuni, 2013; Akinola et.al, 2013). Increasing population growth in Nigeria which is currently estimated at 190million (Nigeria Bureau of Statistics, 2019), has pushed up rice

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consumption to 6.5 percent while the domestic production growth rate is estimated at 3.7 percent (Akintayo, 2011). Rice yields in Nigeria since the late 1980s has witnessed low productions, averaging about 1.8 tons of paddy rice per hectare, compared to national potential average of 3 tons per hectare for upland system and 5 tons per hectare for the lowland system (Chigozie, 2018). In 2002, Nigeria became the sixth largest rice importer in the world (Yusuf et al. 2009) and by 2009-2012, Nigeria became the second largest rice importer after China (FAO, 2013; Akor, 2014).

AVM as a model on rice farming and production in the Abia State, is also important to poverty alleviation, income generation and yields of rice, since rice is the most common cereal consumed within the State and Nigeria at large. Consequently, if the Sustainable Development Goal (SDGs) to alleviate poverty by 2030 is to be realized, then supporting rural women rice farmer and rice production is an important step to improving the livelihood of the most vulnerable women rice farmer’s (Chigozie, 2018). Sequel to this, agriculture has been identified by Federal Government of Nigeria (FGN) as the major source of food supply, employment, raw material and means of livelihood to majority of the population. Jalaludeen (2012), stated that Africa produces an estimated 15.08 million tons of paddy rice on a scale of 10.23 million hectare which is about 3.3 to 6.11 percent of the world’s total rice production and rice areas. This estimate has over the last two decades seen steady growth rate from 7 – 8tons production in the 1980s to 11.5tons in the 1990s then 27tons per capita per year within the period 2001–2005 and 491, 603 metric tons in 2010.

Paramount contributing factors to this steady but continuous growth in rice production include but not the least- population growth, consumer and individual taste and preferences, urbanization and migration. Arguably, people in the cities consume more rice than those in the rural areas, hence the high concentration of rice consumption in cities. It is therefore necessary to determine the impact of AVM on livelihood capitals of the rural women rice farmers. This is because estimating the changes in women rice farmers adoption of AVM and the impact of the adoption on their livelihood may not provide sufficient insights, as such, constructing AVM model around some associated livelihood capitals of the women farmers with respect to the services provided by AVM becomes critical to be effective and a sustainable livelihood prediction model.

The specific objectives of the paper include:

a) To identify various variables necessary to facilitate improvement in livelihood capitals of the rural women rice farmers.

b) Evaluate the association between AVM services and livelihood capitals of the rural women farmers.

c) Make policy recommendations based on the research findings.

Hypothesis

H0: There is no significant association between AVM services and livelihood capitals of the women rice farmers.

Methodology

The research was conducted in Abia State, Nigeria. Purposive sampling technique was used in the selection of the two Local Government Areas, autonomous communities while simple random sampling was used to select the women farmers. The local government areas selected were Umuahia South zone and Ohafia zone.

A sample size of 231 women rice farmers constituted the sample population of the study. The respondents were zone into two (2) that is, Umuahia zone with one hundred and eleven (111) respondents, and Ohafia zone with one hundred and twenty (120) respondents. All the respondents were
rural women rice farmers in the various villages. They were sampled based on their knowledge and experience on rice farming in the State. For the purposes of this study, descriptive and inferential statistics were used. Descriptive statistics used include tables, percentages and frequencies. The economic analyses adopted in this paper followed that of Ezeh (2006), in some functional forms of multi regression were analysed. It’s specified as follows:

\[ L = f (X_1, X_2, X_3, X_4, X_5, X_6, X_7, X_8, \ldots e) \]

Where 
- \( L \) = livelihood capitals of the women farmers
- \( X_1 \) = Farming experience in years
- \( X_2 \) = Household composition
- \( X_3 \) = Gender
- \( X_4 \) = Income
- \( X_5 \) = Yield
- \( X_6 \) = AVM training
- \( X_7 \) = Education level
- \( X_8 \) = Age
- \( e \) = error term

For this study anova linear regression model was chosen for predictive equation of AVM based on the number of significant variables that are correctly signed to the capitals with values significant to 0.05.

**Result and Discussion**

Table 1 shows that 34.9% of the women rice farmers experiences in farming ranges between 11 - 20 years, closely followed by (31.4%) of respondents with 1 – 10 years experiences. This implies that the women in the study area had significant rice farming experiences required to be included in the study to design the model for rice production in Nigeria. Women rice farmers with greater years of farming experience are better positioned to make rational choice and decide among alternative farm inputs (Onwuka, 2005).

**Table 1: Distribution of respondents characteristics (n=231)**

<table>
<thead>
<tr>
<th>Experience by years</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 - 10</td>
<td>72</td>
<td>31.4</td>
</tr>
<tr>
<td>11 - 20</td>
<td>80</td>
<td>34.9</td>
</tr>
<tr>
<td>21 - 30</td>
<td>60</td>
<td>26.2</td>
</tr>
<tr>
<td>31 - 40</td>
<td>17</td>
<td>7.4</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Households</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Female Children Only</td>
<td>8</td>
<td>3.5</td>
</tr>
<tr>
<td>Male Children Only</td>
<td>15</td>
<td>6.5</td>
</tr>
<tr>
<td>Male and Female Children Only</td>
<td>208</td>
<td>90.0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Gender</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>70</td>
<td>30.3</td>
</tr>
<tr>
<td>Female</td>
<td>161</td>
<td>69.7</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Seasonal Income</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 100,000 naira income</td>
<td>35</td>
<td>15.9</td>
</tr>
<tr>
<td>100,000 - 300,000 naira income</td>
<td>119</td>
<td>54.1</td>
</tr>
<tr>
<td>300,001 - 600,000 naira income</td>
<td>45</td>
<td>20.5</td>
</tr>
<tr>
<td>600,001 - 900,000 naira income</td>
<td>12</td>
<td>5.5</td>
</tr>
<tr>
<td>900,001 - 1,200,000 naira income</td>
<td>9</td>
<td>4.1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Yield</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 1 ton of rice</td>
<td>90</td>
<td>40.9</td>
</tr>
<tr>
<td>1 - 5 tons of rice</td>
<td>107</td>
<td>48.6</td>
</tr>
<tr>
<td>6 - 10 tons of rice</td>
<td>6</td>
<td>2.7</td>
</tr>
<tr>
<td>11 - 15 tons of rice</td>
<td>5</td>
<td>2.3</td>
</tr>
<tr>
<td>16 - 20 tons of rice</td>
<td>4</td>
<td>1.8</td>
</tr>
</tbody>
</table>
Table 1 also show that household composition of the women farmers with male and female children constituted 90% of the respondents. Hence Eze (2006), argues that large household sizes supply the much-needed labour for farm work as well as serve as a cushion against social insecurity in terms of old age. Nwite et.al (2008), found that there is a correlation between rural women rice farming experience and adoption of technologies which leads to improved management practices and substantially proliferate increasing yield in rice production. The results show that majority (67.7%) of the respondents are female rice farmers with 54.1% seasonal income. According to Nwankwo, Peters and Bokelmann (2009), found that in Nigeria, women are beginning to engage more in agricultural activities and production. However, low income status has serious deleterious implications on their farm investments and agricultural productivity (Ezeh, 2006).

Furthermore, 48.6% of the respondents had sustainable seasonal yield of 1 – 5 tons of paddy rice harvest. According to Marco (2015), the production growth rate in sub-Saharan Africa increased from 3.2% per year before the rice crisis (2000–2007) to 8.4% per year after the rice crisis (2007–2012) and paddy rice production increased by 2.8 Million Tons (MT) from 2000 to 2007, and then accelerated, increasing by 4.7MT in the period 2007–2012. As indicated by the rural women rice farmers, 69.9%, were trained by AVM through the extension agents, women farmers cooperatives and other mediums such as the community engagement programmes, demonstrations and home visits. Adesope et.al (2010), and Akinola et.al (2013), have noted that in Nigeria, women rice farmers contact with extension agents provides them with the opportunity for transfer of skill, knowledge and information which facilitate adoption.

Majority of the rural women rice farmers (45%) highest level of education is the secondary school. The literacy level among the women could be attributed to the seemingly positive effects of the free (Universal Basic education Scheme) and AVM skill trainings. Because the more literate the women, the more likely they are to adopt new ideas (Onuoha, 2006). While the age bracket of 51 – 60 years constituted the highest women with 31.7%. Nwaru et.al (2011), argues that declining age of women rice farmers decrease their cognitive power and exposes them to risk bearing ability and innovativeness diminutives.

Association between AVM and livelihood capitals

The result of regression analysis is shown in Table 2. It examined briefly, the individual characteristics of the aggregate livelihood variable equation. It shows that six out of the eight explanatory variables had significant association in the equation. They include farming experience (X1), Seasonal Income (X4), Yield (X5), AVM Training (X6), Education level (X7) and Age (X8).

Table 2: Regression (Source: Authors’ construct)
Farming experience of the rural women rice farmers show significant association in-line with AVM services with a mean square (3.515), F.stat (4.484) and Sig (.000). This implies that the rural women rice farmers previous experiences in rice farming is positive and strongly associated with the AVM services. Therefore, application of these services, example fertilizer usage and application was sensitive to the women farmer’s previous experience. An experienced woman farmer is more likely to have realized the importance of inorganic fertilizer and even where credit facilities are not available, such a woman rice farmer is more likely to have advantage of fertilizer consumption (Oji, 1997; Nwagbo and Achoja, 2001). Thus previous experience would sustain the rural women rice farmers’ interest in the use of fertilizer, Eze et.al (2008).

Household composition assume a negative association with .109 sig level. This value shows that p-value (p > .109). The negative association with the variable implies that small household are constrained when it comes to large fixed farm costs hence Abara and Singh (1993), argues that in the case of small households, large fixed costs constitute a constraint to technology adoption, particularly if the technology requires a substantial amount of initial set-up cost. The level of technology adoption varies differently amongst women farmers with varied household status.

Since rice farming is male dominated, the gender value exhibits negative association with .118. From the respondents, gender argument on rice farming is not contestable hence the negative value, however, it does not mean that the negative sign limit the contribution of gender with respect to livelihood capitals. This implies that the male headed households are less poor or have higher tendency to adopt to innovation and technology in order to better their livelihoods than their female counterparts, (IFAD, 1992; Rakodi, 1999; UNDP, 2004).
Also, the seasonal income shows positive association with .097 sig level. This implies that as much as there are government policies and models such as AVM, the rural women rice farmers seasonal income would continue to improve. This would translate into better standard of living and general livelihood sustainability. Baributsa et.al (2014), found that in Africa, demand for the grain is often higher than the supply, which provides women farmers with the opportunity to earn additional income.

Yield of rice has been argued to have improved significantly since the adoption of AVM. This is shown on Table 2, with a .001 statistical significance and p-value (p < .001). This means that with ideal soil treatment services, fertilizer application, regular extension consultation and other required farm skills as provider by AVM, rural women rice farmers yield would continue to improve. According to FAO (2013), rice yield in Africa has improved significantly since early 2000s. This is contributed to increasing women participation in rice production and farming.

Arguably, AVM training exhibits positive association and significance as shown in Table 2 with a value of .053 statistics significance and p-value (p < .053). Therefore, as much as AVM services are provided to the women farmers, their general livelihood capitals would continue to be improved and sustained. As such, Adesope et.al (2010), and Akinola et.al (2013), have noted that in Nigeria, because of women access to extension services and government support services, the benefit from the transfer of skills, knowledge and information which facilitate adoption of technology, innovation and improved farming practices.

The education level of the women farmers also show positive association with .007 significant level. This implies that education exposes the women farmers to information and therefore creates awareness, which is a very important stage in the adoption of innovation (Kenneth et.al, 2006). Paswel, Christopher and Barrett (2007), argues that the significant implication of education on the rural women farmers is evident through emphasis on management training and skills building.

Age of the women farmers also determine their level of adoption of agricultural initiatives, programmes and models such as AVM. In the Table 2, age of the women farmers exhibit a perfectly positive association with .000 statistics significance. This shows positive significant levels for adoption of agricultural innovation and technology (Paswel et.al, 2007).

Conclusion and Recommendation

Rice farming in Nigeria has recently been hit hard by difficulties to access basic assistance, for example, access to financial, skill training and development, high cost of fertilizers, modern farm implements and processing facilities as well as transportation. As a result of these challenges, rice production in Nigeria has been the focus of the Federal Government. Over the years, Nigeria had depended on importation of rice to meet the domestic consumption. With increasing population, taste, and demand for rice, there was need to make provisions to encourage and improve the local production of rice.

AVM is adopted when the demand for rice in Nigeria is crucial to the sustainability of the consumption and food security of the country. Empowering the rural women rice farmers at the rural areas with basic needs to improve their production would subsequently improve rice production and supplies to the cities. It bridged the importation gaps and ensured domestic food sufficiency, which is one of the aims of the promulgation of the model.

Based on the findings, the study recommends the following:

a) That more effort and resources should be incorporated in the sensitizing the young women to take up agriculture as a source of income earning, profession and livelihood path. Young women need to embrace agriculture as a serious employing and lucrative occupation. From the study, it shows that the older the women farmers the more they are receptive to adoption and interventions. This should not be the case since at young age, the women would be more energetic, full with vigour and are enterprising. Education and awareness creating is very important as they play significant role in helping the rural women.
b) Practical part of agriculture should be intensify in the education curriculum.

c) Agricultural initiatives and interventions should be more responsive and participatory, taking the form of bottom-up approach and ensuring that rural women farmers are properly mainstreamed in it. This requires good extension service, education and assurance to the rural women farmers that the intervention and initiatives will be to their benefit.

d) Partnership with the research institutes and relevant government agencies will ensure that the women farmers are up to date with necessary information that will enhance their agricultural productivities. Partnership will improve socio-economic and environmental associations between the women farmers, their productivities, government and relevant stakeholders.

Finally, adopting AVM in Nigeria is one of the ways by which the country responds to the global call for rural women empowerment. In Nigeria, agriculture is a major source of employment especially for women who constitute significant share of the population of farmers. Empowering them signifies building a nation that is able to produce enough food for its citizens and society. However, there is growing challenges on limitations of AVM with regards to including other crop farmers. How AVM would help to upscale and empower other rural women farmers remains to be seen. More studies need to be conducted to provide clarity and sustainability framework for these policies.

Reference


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Multivariate Analysis of Maternal Mortality with Implications for Community Participatory Action Learning

Akpovire Oduaran¹ and Fagbeminiyi Fasina¹,²

Abstract: Maternal mortality is a global public health issue that requires urgent multi-disciplinary action, especially ones that are designed with the determined commitment of the community itself. The data analyzed and reported in this paper consisted of responses from 20,467 women aged 15-49 years whose delivery occurred in the five years preceding the survey. Stata 12 computer software was applied in the data analyses, and at the multivariate level, using the Binary Logistic Regression and the Likelihood Ratio (LR) statistical test of significance. The binary logistic regression included all the six background variables with the two intervening variables, that is, “transport too far” and “facility cost too much”. Results showed that women who confirmed not being able to visit healthcare facility due to lack of transportation coupled with the fact that health facility costs are less likely to seek the assistance of healthcare professionals for the delivery of their babies. On the other hand, there were mothers who responded “No”, that is, the cost was not too much and the health facility not too far respectively yielded a statistical value of 0.8 and 0.9, P > 0.195 and 0.533. The likelihood ratio (LR) test to determine the extent to which availability of transport and facility cost helped to explain the effect of the background variables on assistance received yielded a highly significant result (chi-square = 737 on 2 degrees of freedom, P < 0.001). This means that both availability of transport and facility cost are important proximate determinants through which socioeconomic, demographic and cultural factors influence maternal mortality risk in Nigeria. Based on these findings, we conclude that policies and programs targeted at mobilizing communities to identify danger signs and activate emergency transport systems and the introduction of creating innovative digital health tools can help providers deliver higher quality services more effectively. And these can be effectively strengthened by including sufficient measures of community participatory action learning on a large scale.

Keywords: Delivery, healthcare facility, maternal mortality risk, perceived problem proximate, determinants, underlying factors

Introduction

Globally, maternal mortality estimates are extremely and excessively high, especially in sub-Saharan Africa. Every year, more than half a million mothers in low and middle-income countries die while giving birth, more than 9 million suffer pregnancy-related illnesses, and 10 to 20 million of them develop long term disabilities as a result of complications related to delivery and poor obstetric management (Roser 2019; Sara, Haji, and Gebretsadik 2019; WHO 2019; UNICEF, WHO 2015; Alkema et al., 2016; Filippi et al., 2006). And as at March, 2019, the World Health Organization (WHO) has reported that death by cesarean sections have risen 100 times, especially in developing areas, and that maternal mortality is far from being checked (WHO 2019).

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Generally, about 830 women die from pregnancy-related complications around the world every day; and, on that basis, it was estimated that roughly 303,000 women died each year from complications of pregnancy and childbirth as at 2015 (Alkema et al. 2016). Almost all of these deaths occurred in low-income countries. Sadly enough, advances in medical research and care and community learning and actions in the health sector should have helped in preventing maternal mortality. Available statistical data on maternal mortality keep revealing huge disparities between the richest and poorest countries. The lifetime risk of maternal death in high-income countries is 1 in 3,300, compared to 1 in 41 in low-income (WHO et al., 2015; Alkema et al. 2016). A good number of low-income countries, particularly in sub-Saharan Africa, have not made sufficient progress in terms of meeting the Millennium Development Goals (MDG 5a). The post-2015 agenda was intended to replace the Millennium Development Goals (MDGs) upon their expiration in 2015. The effort aimed at achieving a world of prosperity, equity, freedom, dignity and peace would continue unabated, and with a new agenda focusing on absolute reduction in maternal mortality (UNITED NATIONS 2015; Abouzahr 1999; Gilmore and Camhe Gebreyesus 2012; Bustreo et al. 2013). To achieve this goal, researchers must be able determine the strengths and patterns of the associated variables that are indicated in this phenomenon, and place increased emphasis on multi-disciplinary approach to reducing the incidents of maternal mortality.

Background to the Problem
Maternal mortality has been defined and applied in this paper as a state of complete physical, mental and social well-being, and not merely the absence of disease or infirmity in all matters relating to women of reproductive age; or death occurring within 42 days after pregnancy, irrespective of the duration or the site of the pregnancy, from any cause related to or aggravated by the pregnancy or its management, but not from accidental or incidental causes (WHO 2019; 2010; UNICEF 2015). It is a global public issue that has remained endemic for a long a time now.

It has been openly acknowledged that there are many more people today who are living healthier lives than had been the case in the past decade. Nevertheless, people are still suffering needlessly from preventable diseases, and too many of them are dying prematurely. Overcoming disease and ill health would require concerted and sustained efforts, focusing on population groups and regions that have been neglected (UN-SDG 2018). One of such sustained efforts should have included massive and effective community based participatory health learning and actions. That is yet to happen in many sub-Saharan countries with the result that many people see the solution to maternal mortality mainly from the points of view of medicine and fiscal provisions. However, the fact needs to be re-stated that ignorance can only be conquered by available, accessible and quality education as the primary base for community based participatory learning action arising from research.

Globally, one of the public health problems challenging the medical community in the developing world is maternal mortality (WHO 2019, 2015 & Hadi 2007). This is underlined by the continuing occurrence of more than half a million deaths of women yearly due to pregnancy–related complications in the world. Developing countries account for 99% of maternal deaths; and, indeed, maternal mortality (abbreviated as MM) appears to be particularly common in sub-Sahara Africa and South Asia (WHO 2019, 2015a &
Hadi 2007). Indonesia ranks fourth in the list of the highest maternal death rate in the connotation of Southeast Asian countries.

In spite of the reduction in the maternal death rate from 442 per 100,000 live births in 1990 to 126 per 100,000 live births in 2015, it is suspected that many countries are not making remarkable improvement to reduce the sad incidences of maternal mortality. For example, whilst Indonesia is seemingly making sufficient efforts towards achieving the set target of the Sustainable Development Goals of 102 per 100,000 live births (2015), Nigeria is still ranking as one of the countries with the highest maternal mortality ratio. Currently, Nigeria has been estimated to be having a maternal mortality ratio of 814 per 100,000 live births (WHO 2015). Estimates by the World Health Organization (hereinafter WHO) indicated that not only did the country fail to achieve Goal-5 of the Millennium Development Goals that sought to reduce maternal mortality ratio by 75% by 2015, but it has also witnessed a substantial increase in maternal deaths (Alkema et al. 2015). This is probably due to the fact that over the last 10 years, the intermediate indicators (that is, age, parity, and distance to facility, media exposure, and use of family planning) for achieving safe motherhood have not changed in the country. Nigeria’s contraceptive prevalence rate has remained low at 10% (Alkema et al. 2013), and the rate of antenatal attendance by pregnant women in Nigeria remained at 64%, (NDHS, 2013; NPC, et al., 2014). Nigeria’s skilled birth attendance of 33% is one of the lowest in sub-Saharan Africa, also implying that the nation is still contending with the challenge of maternal mortality (Mallick et al. 2016). With these appalling indicators of maternal health care, it is not surprising that no substantial achievements have been made over the past decade in reducing maternal mortality in Nigeria.

Studies by Navaneetham & Dharmalingam (2000), Mekonnen & Mekonnen (2002), Babalola & Fatusi (2009), Kassebaum, (2014) and Adamson (2012) found that improved maternal and neonatal outcomes have been associated with the utilization of maternal healthcare services (MHCS). Other studies by Bhatia (1993), Babalola & Fatusi (2009) and WHO (2015) have also found that the majority of maternal deaths can be prevented through early and timely access to and utilization of quality maternal healthcare services. However, many women in developing countries do not have access to maternal healthcare services (MHCS), and it was reported that the use of such services remain low in sub-Saharan Africa (Mekonnen & Mekonnen, 2002; Mpembeni, 2007). Galadanci, Ejembi, Iliyasu, Alagh and Umar (2007) and Babalola & Fatusi (2009) have reported that in Nigeria only 58 per cent of women have attended at least one antenatal clinic during pregnancy, 39 per cent of births are attended to by a skilled professional, 35 per cent of deliveries are taken in a health facility and 43.7 per cent receive postnatal care (National Population Commission, 2009).

Perceived problems of using modern healthcare facilities in Nigeria could be a major challenge. Rosentock (1974) has argued that a combination of perceived susceptibility and severity provide motivation for action. Perceiving the susceptibility that a woman can die during child delivery if attended to by non-health practitioners and the severity of delivery complications motivate people to consult health practitioners during pregnancy. Rosentock (1974) noted that there are challenges (for example, money, proximity, and environment) that influence people’s decisions. Rosenstock
(1974) indicated that these perceived challenges could be suppressed when the knowledge of the strictness of not complying outweighs the benefit. This may account for why many women in the rural areas who may not have formal education do not access modern maternal healthcare services in Nigeria. The inability of most Nigerian women to pay for maternal health services, and the poor knowledge of the effects of not using these services might compel them to use other non-orthodox services. This may also explain why more than 50 per cent of them deliver at home, thus overlooking the advantages of delivery at modern healthcare facilities (National Population Commission, 2009).

Most maternal deaths seem to occur between the third trimester and first week after delivery. As a result, skilled attendance at the time of delivery and access to emergency obstetric care remain the most effective measures to reduce morbidity and mortality (De Bernis et al. 2003 & EC/UNFPA 2000). Improved maternal health is achieved through skilled care at every birth and adequate management of pregnancy during childbirth and the post-partum period (Abrahams, et al. 2001; Camacho, et al 2006; Yakoob et al. 2011). But there could be other complicated variable factors.

It has been observed that the use of health facilities during delivery by pregnant mothers is still very low and maternal mortality remain a public health problem in Nigeria (Khalid 2006). This may be influenced by many factors including demographic, socio-economic, cultural, and obstetric and health system factors (Khalid 2006). Available evidence suggests that these factors determine women status which in turn affects maternal mortality.

There have been changes in these factors over time. For example, age at marriage appears to have increased, though minimally when viewed at the national level. Use of modern contraception has increased, and improved education, especially of women, appears to have gradually eroded some of the traditional values placed on child bearing. But research is thin on the type of education that can be helpful in this case. The purpose of the study reported in this paper, therefore, was to understand the influence of women’s status in terms of education, rural and urban, and wealth index on maternal mortality risk, and to use the outcomes of the analysis in informing a participatory learning strategy that would help in mitigating this challenge to a greater extent. It is hoped that the results emerging therefrom would improve policy makers’ understanding of the determinants of maternal mortality at risk, and serve as an important tool for any possible intervention aimed at improving the low utilization of maternal health care services. Since ignorance and illiteracy can jointly contribute to the problem, we attempted proposing a community based participatory educational action that could be useful in the context studied.

Statement of the Problem
The issue of maternal mortality is of great concern to scholars, especially in the field of adult and lifelong learning, researchers, policy makers and politicians. High maternal mortality rates can be attributed to a lack of family planning in the developing world. Many countries with high maternal mortality have a very high unmet need for family planning and its community education component, particularly among adolescents. This unmet need leads to high numbers of unwanted pregnancies. With each pregnancy, a woman's chance of dying increases. But the responsible factors have not been too clearly disaggregated,
and the necessary widespread community learning and actions every nation needs to design and implement remain seemingly paltry and ineffective.

Poor women in remote areas are the least likely to receive adequate health care, and this is further complicated by the high rate of female adult illiteracy in the context of this study. Furthermore, regions with low numbers of skilled health workers and health workers with very limited knowledge of community mobilization and adult learning principles and techniques are most likely to achieve effective and widespread outcomes in terms of reducing maternal mortality. It may not be just enough to know that complications exist before pregnancy, and that they get worsened during pregnancy, especially if not managed as part of the woman’s care. It may not be enough to know that major complications accounting for nearly 75% of all maternal mortality are severe bleeding, infections, high blood pressure during pregnancy, complications from delivery and unsafe abortion, malaria, and HIV and AIDS (Say et al. 2014 & Cross, et al., 2010). What is most critical, in the contexts of this paper is how effectively we can really engage the community in understanding these complications and how they can be avoided by putting effect all the community cultural institutions.

The maternal mortality ratio in developing countries in 2015 was put at 239 per 100,000 live births versus 12 per 100,000 live births in developed countries. There are large disparities between countries, but also within countries, and between women with high and low income and those women living in rural versus urban areas (Conde-Agudelo, et al., 2004 and Patton, et al., 2009). However, the literature on the extraordinary non-medical strategies that might complement what is being done presently in public remain rather thin, especially in the contexts of Africa and other developing areas.

It is generally recognized today that antenatal care in itself can only help, to a limited extent, in reducing maternal mortality. A cohort study from Bangladesh underlines the fact that detecting current complications is more important during antenatal care than finding high risk (Vanneste, et al., 2000). Although, most of these causes of maternal deaths are preventable, if proper care and prompt attention paid during pregnancy are weak or non-existent and complicated by ignorance and illiteracy, it is possible that the lives of pregnant women remain endangered. We are of the view that the panacea for mitigating maternal mortality should not only come by way of fiscal policies and provisions, but these should be made more cost-effective by articulating the collaboration of the people, using the necessary community based participatory actions that they should be able to own as theirs. In this endeavor, we need to seek also for the collaboration of both the public and private stakeholders with interest in community health. So far, we have not come across a research based literature on how best this could be done using the strategy we are proposing in this paper.

This study, therefore, firstly seeks to disaggregate the strengths and patterns of variables linked to maternal mortality in order to inform the strategy being proposed for consideration by developing areas in the search for much better ways of reducing or possibly eliminating maternal mortality. The study reported in this paper becomes very valuable because other studies on maternal mortality have been largely modelled on deciphering one dependent variable. This is a highly inadequate approach to
understanding the phenomenon of maternal mortality which is a complex life issue that should normally encompass several variables. This is the reason why a multivariate analysis of more than one variable would be needed to provide us with information from many sources simultaneously in the attempt to determine the strength and patterns of variables comprising the relationships in maternal mortality (Olkin, 2001). This would also help us in proposing the extant strategy that should help us in putting the sad incidents of maternal mortality in check.

Objectives of the study
The main objective of this study is to examine the strengths and patterns of relationships of the variables that are implicated in maternal mortality with implications for community participatory action learning. This will be achieved through the following specific objectives:

(i) An assessment of the relative importance of the proximate (intervening) factors on maternal mortality; and
(ii) Based on this assessment, suggest a community learning and actions program that could help in mitigating the huge problem of illiteracy and ignorance in developing contexts.

Research Questions
The study provides answers to the following research questions:

(i) Is maternal mortality influenced by the socio-economic status, culture and demographic factors of pregnant women in terms of strengths and patterns of the relationships among the variables?
(ii) What should be the best community learning and action strategy that can be applied in mitigating the challenges posed by maternal mortality?

Significance of the Study
Reducing maternal mortality is critical. In most developing countries of the world, especially in a country like Nigeria, data on maternal mortality are scarce, and most estimates are based on hospital records which tend to cater for more high-risk women and emergency admissions. Furthermore, a high proportion of rural women do not have ready access to hospitals, which tend to be strong in urban areas while the majority of deliveries occur at home and are conducted by traditional birth attendants (TBAs) with no links to the formal health care system (WHO, 2007).

Three quarters of maternal deaths in developing countries are attributable to direct obstetric causes such as postpartum haemorrhage, postpartum sepsis, eclampsia, obstructed labour, and complications of unsafe abortion (WHO, 2019; Sara, 2019; WHO, 2015). Therefore, in view of the highlighted points, the government, various agencies, and communities should be sensitized to make enough contributions to the development of knowledge about the causes of maternal mortality among pregnant women. It had been recommended that pregnant women should be encouraged to utilize constant antenatal care so as to reduce the risk of maternal mortality. But this has not turned to be the case for many developing countries. Community learning and action could help in reversing this attitude.
Public policies and actions such as taking a decisive action on own health, obtaining money for treatment, distance to health facility and having to take transport are some of the many difficulties stated by women in describing difficulty with accessing healthcare do not appear to have made serious impacts. This paper becomes valuable if it can shed more light on the strengths and patterns of the relationships among variables indicated for maternal mortality.

Research Design
The ex-post facto study based on the quantitative multivariate analysis of variables, and the qualitative constructive and transformative orientations examined the outcome effects of maternal mortality with implications for community participatory action learning. It is constructivists because it is not shedding light on the phenomenon but attempts, in reality, to indicate the particular strengths and patterns of the variables associated with it. The transformative aspects will come out in terms of integrating with the community what actions need to be undertaken to check the problem.

Method
The study utilized secondary data extracted from the 2013 Nigerian Demographic and Health Survey (NDHS). The 2013 NDHS provided information on population and health indicators at the national, zonal and state levels. It is a nationally representative sample designed to elicit information from women aged 15-49 years in randomly selected households across all the states in Nigeria including the Federal Capital Territory (FCT).

The sample design used in the collection of the NDHS data was multi-stage cluster sampling technique. The stages involved the division of the country into state; division of each state into Local Government Areas (LGAs) and the division of local government areas into different census enumeration areas (EAs). Each enumeration area was further classified into rural or urban areas, and households were randomly selected and interviewed from each location (National Population Commission and ICF Macro International, 2014). In all, a total sample of 38,948 women aged 15-49 years was interviewed using a structured questionnaire.

For the purpose of this study, a sub-sample of 20,467 (weighted) population consisting women aged 15-49 years whose recent delivery occurred in the five years preceding the survey was utilized based on the focus of the study. This represents a total number of women (aged 15 to 49 years) in the reproductive age group as at the time of the study, that had given birth. Mothers were asked to indicate whether or not they experienced maternal mortality risk, and also if they delivered their last babies at a healthcare facility or outside the healthcare facility. Questions in the questionnaire sought to know the kind of assistance received during pregnancy and delivery, the source of drinking water, and the socio-economic and demographic characteristics of the women. The regions and their constituent states covered in the DHS data collection exercise are displayed in Table 1 (Appendix 1).
The data were analyzed using Stata 12 computer software. The level of analysis involved multivariate analysis. We used the multivariate analysis for the simple reason that whilst the univariate analysis of variance, otherwise known as ANOVA does serve as a good tool for the statistical test of factors and their interactions, it may not serve our purpose well because we are dealing with multiples of factors in complex ecological systems with natural temporal and spatial variability (Anderson, 2001). This study spans multiples of factors and spatial spaces with immense variability, and we assumed that partitioning such as the one made possible in multivariate analysis would better serve our purpose.

Our assumption is based on the reality that the data we have on hand conform to a multivariate normal distribution which may not be highly aggregated or skewed much in line with the classical ideas that informed MANOVA (Hotelling, 1931; Wilks, 1932; Fisher, 1936; Bartlett, 1939; Lawley, 1939; and Pillai, 1955). For all intents and purposes, we assume that a natural multivariate analogue would be obtained by adding up the sums of squares across all the variables and then construct an F-ratio before arriving at the multivariate levels of analysis.

Therefore, in line with these propositions and due to the dichotomous nature of the outcome variable (i.e., whether the woman received professional assistance or not; coded as (1, 0), the multivariate analysis technique applied here involved Binary Logistic Regression, and the Likelihood Ratio (LR) statistical test of the significance was applied.

Description of Binary Logistic Regression Model
The binary logistic model was employed in order to examine and predict the probability of women dying due to pregnancy complications (maternal mortality risk). The outcome variable was dichotomized into Yes (1) or No (2). The model allows for the prediction of likelihood of mortality risk among women with a live birth in the five years preceding the survey.

The description of logistic regression model used for the study was:

\[
\log\left(\frac{p}{1-p}\right) = \beta_0 + \beta_1 X_1 + \beta_2 X_2 + \cdots + \beta_n X_n
\]

From the equation above, \(p\) is the probability that measures the occurrence of mortality risk across the different values of \(X\) while \(1-P\) of occurrence of mortality risk (probability of non-occurrence). \(X_1\) through \(X_n\) are the independent variables which include socioeconomic variables such as age, wealth index, religion, education, urban/rural; \(\beta_1\) through \(\beta_n\) are the regression coefficients, \(\propto\) is the regression constant. Binary regression was used in this study to predict the odds of the occurrence of maternal mortality risk among women with a live birth in the five years preceding the survey, controlling for the effect of mothers socio-economic and demographic variables.

We proceeded to set a model that explains the conceptual inter-relationships between variables in the form of equations. The model specification which tests for the “remnant” effects of the background variables after adjusting for the proximate determinants is given below. The relationship between the
outcome variable “Y” on one hand and the background and proximate variables on the other was measured. The outcome variable ‘Y’ is maternal risk measured by whether or not a woman received professional assistance during delivery of her last baby in a modern healthcare facility (HCF). If “Y” depends on the background variables (G) and the proximate variables (H), then that relationship can be expressed as:

\[ Y = f(G, H) \]

Where:

- **Y**: Received assistance during delivery in Modern Healthcare Facility (i.e., dependent or outcome variable)
- **G**: Socio-economic and Cultural Variables (i.e., background variables)
- **H**: Proximate Variables (i.e. proximate determinants)

The set of G and H are vectors of variables where components are as stated in equations below:

\[ Y = f(MTA, REG, REL, POR, EDU, WIN, DST, TRP) \]

Where,

- **MTA**: Maternal Age
- **REG**: Region
- **REL**: Religion
- **POR**: place of residence
- **EDU**: Education
- **WIN**: Wealth Index
- **DST**: Distance
- **TRP**: Transport

In logistic model format it becomes:

\[ Y = \log_e \frac{p}{1-p} = \beta_0 + \sum_{i=1}^{n} \beta_i X_i + \varepsilon_i \]

Also, the equation above can be expressed in its explicit form as follows:

\[ Y = \alpha_0 + \alpha_1 MTA_1 + \alpha_2 MTA_2 + \alpha_3 REG_1 + \alpha_4 REG_2 + \alpha_5 REG_3 + \alpha_6 REG_4 + \alpha_7 REG_5 + \alpha_8 REL_1 \\
+ \alpha_9 REL_2 + \alpha_{10} REL_3 + \alpha_{11} POR_1 + \alpha_{12} EDU_1 + \alpha_{13} EDU_2 + \alpha_{14} EDU_3 + \alpha_{15} WIN_1 \\
+ \alpha_{16} WIN_2 + \alpha_{17} WIN_3 + \alpha_{18} DST_1 + \alpha_{19} TRP_1 \]

Where \( \alpha_0...\alpha_{20} \) are the regression coefficients, \( \varepsilon \) is the residual or random error term. Here, also, the equation, having established the presence of the proximate variables, tends to show if the background variables still demonstrate significant association (indirect effects) with the outcome variable.

Results
Table 1 shows the results from multivariate analyses adjusted for the variables described in the study methodology, that is, assistance received during delivery controlling for selected background characteristics and Perceived Problems (Cost and Transport).

Table 1: Binary Logistic Regression Model for Assistance Received During Delivery Controlling for Selected Background Characteristics and Perceived Problems (Cost and Transport)

<table>
<thead>
<tr>
<th>Variables</th>
<th>Odds Ratio</th>
<th>P-Value</th>
<th>Std. Error</th>
<th>Confidence Interval (95%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current Age</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15-19</td>
<td>R.C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20-24</td>
<td>0.934</td>
<td>0.778</td>
<td>0.225</td>
<td>(0.583, 1.498)</td>
</tr>
<tr>
<td>25-29</td>
<td>0.978</td>
<td>0.924</td>
<td>0.229</td>
<td>(0.618, 1.547)</td>
</tr>
<tr>
<td>30-34</td>
<td>1.351</td>
<td>0.201</td>
<td>0.318</td>
<td>(0.852, 2.144)</td>
</tr>
<tr>
<td>35-39</td>
<td>1.264</td>
<td>0.340</td>
<td>0.311</td>
<td>(0.781, 2.047)</td>
</tr>
<tr>
<td>40-44</td>
<td>1.043</td>
<td>0.881</td>
<td>0.297</td>
<td>(0.597, 1.824)</td>
</tr>
<tr>
<td>45-49</td>
<td>1.249</td>
<td>0.526</td>
<td>0.439</td>
<td>(0.628, 2.486)</td>
</tr>
<tr>
<td>Region</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>North central</td>
<td>R.C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>North east</td>
<td>0.707</td>
<td>0.041</td>
<td>0.120</td>
<td>(0.507, 0.986)</td>
</tr>
<tr>
<td>North west</td>
<td>0.437</td>
<td>0.001</td>
<td>0.106</td>
<td>(0.272, 0.702)</td>
</tr>
<tr>
<td>South east</td>
<td>1.662</td>
<td>0.016</td>
<td>0.350</td>
<td>(1.100, 2.510)</td>
</tr>
<tr>
<td>South south</td>
<td>0.522</td>
<td>0.000</td>
<td>0.092</td>
<td>(0.369, 0.738)</td>
</tr>
<tr>
<td>South west</td>
<td>0.922</td>
<td>0.648</td>
<td>0.165</td>
<td>(0.649, 1.309)</td>
</tr>
<tr>
<td>Place of residence</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Urban</td>
<td>R.C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rural</td>
<td>0.427</td>
<td>0.000</td>
<td>0.051</td>
<td>(0.338, 0.539)</td>
</tr>
<tr>
<td>Highest Educational Level</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No education</td>
<td>R.C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary</td>
<td>1.203</td>
<td>0.231</td>
<td>0.185</td>
<td>(0.889, 1.627)</td>
</tr>
<tr>
<td>Secondary</td>
<td>2.367</td>
<td>0.000</td>
<td>0.368</td>
<td>(1.745, 3.211)</td>
</tr>
<tr>
<td>Higher</td>
<td>4.304</td>
<td>0.000</td>
<td>1.188</td>
<td>(2.506, 7.392)</td>
</tr>
<tr>
<td>Wealth Index</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Poor</td>
<td>R.C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Middle</td>
<td>2.441</td>
<td>0.000</td>
<td>0.358</td>
<td>(1.830, 3.255)</td>
</tr>
<tr>
<td>Rich</td>
<td>2.834</td>
<td>0.000</td>
<td>0.462</td>
<td>(2.060, 3.900)</td>
</tr>
<tr>
<td>Religion</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Christianity</td>
<td>R.C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Islam</td>
<td>0.794</td>
<td>0.132</td>
<td>0.122</td>
<td>(0.588, 1.072)</td>
</tr>
<tr>
<td>Traditionalist</td>
<td>0.118</td>
<td>0.036</td>
<td>0.120</td>
<td>(0.016, 0.866)</td>
</tr>
<tr>
<td>Non Response</td>
<td>0.828</td>
<td>0.801</td>
<td>0.620</td>
<td>(0.191, 3.589)</td>
</tr>
<tr>
<td>Too Far or No Transport</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No</td>
<td>R.C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>0.912</td>
<td>0.533</td>
<td>0.135</td>
<td>(0.682, 1.219)</td>
</tr>
<tr>
<td>Facility Cost</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Too Much</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
It was revealed in Table 1 that older women within the age group 30-49, are more likely to seek the assistance of healthcare professionals than their counterparts in the younger groups (20-29). Only women in the South East Nigeria make an attempt in the entire six geo-political regions to deliver and seek the assistance of healthcare professionals with an OR of 1.662 (95% CI 1.10-2.51). Data on educational levels revealed a positive relationship on the assistance received during delivery. The higher the educational level, the more women tend to deliver in a healthcare facility with qualified healthcare personnel. The wealth index across the region has a positive influence on their place of delivery and the kind of assistance sought with an OR of 2.44 and 2.83 (95% CI 1.83-3.26 and 2.06-3.90) respectively.

Religion on the other hand does not help to determine the place of delivery and the kind of healthcare personnel sought. Only women in the Christian community who are in the reference category were able to take a decisive decision and seek the assistance of healthcare professionals. Finally, the likelihood of assistance among women with perceived problems, that is facility too far and cost decreased with the groups of women in the two challenges (OR = 0.91 and 0.82 respectively).

Discussion

The main objective of the study was to examine influence of women's status on maternal mortality risk. Secondly, we aimed at assessing the relative importance of women's status with regards to the reproductive health decision in taking a decisive action in the household which predicts the uptake of maternal health care services across the regions in the country. And then, we attempted to suggest a community based participatory learning and actions program that could help in mitigating the huge problems of cost, transportation, illiteracy and ignorance in developing contexts. It has been confirmed by Omoruyi (2008) than more than 70 percent of maternal deaths could be attributed to five major complications: hemorrhage, infection, unsafe abortion, hypertensive disease of pregnancy and obstructed labour. On the other hand, poor access to and utilization of quality reproductive health services contribute significantly to the high maternal mortality levels.

The World Health Organization reports that for women to benefit from the cost-effective interventions, they must have adequate antenatal care in pregnancy, and in childbirth they must be attended to by skilled health providers and they need support in the weeks after the delivery (WHO, 2008). Whereas in many developed countries almost all pregnant women receive antenatal and postnatal care and are attended by a midwife and/doctor at childbirth, available data show that less than two thirds receive similar services in developing countries. Many pregnant women in Nigeria do not receive the care they need either because
there are no services where they live, or they cannot afford the services because they are too expensive or getting to them might have been too costly.

Furthermore, the poor socio-economic status of respondents is worrisome in a place like Nigeria, where it retards access to health care services among these categories of women and promotes ‘dependency syndrome’ of wives according to previous study leading to increase chance of maternal mortality as validated by such other earlier studies (Oni and Fasina, 2017, NPC, 2014) particularly among those women who had low educational background (Ayotunde et al., 2015).

The proximate determinant used significantly helped to explain the indirect effects of the background variables on assistance received during delivery. Mothers who have adequate education with improved income status tended to have delivered their babies in healthcare facilities as well as seek the assistance of healthcare professionals in spite of the distance and cost of the healthcare facility.

Proposed Community Learning and Action Strategy
In order to significantly reduce maternal mortality, it is critical to increase the level and number of assistance of healthcare professionals for safe delivery. It would make much sense to have policies and programs that are formulated and implemented to deal with the challenges posed by maternal mortality. The policies should target appropriately and promptly those identified groups with low utilization of health facilities. These include young women, women with no education, high parity, poor wealth status, non-Christians and women in the North-East, North-West, South-South and South-West.

There is need to assess the effectiveness of a community-based health information system designed for a low-literacy community health volunteer program and implemented at a high scale. This should help to improve maternal health care behavior and practices of mothers in the local community. It should also help in improving the strategy to provide maternal health services and maintain the community health information system.

Policies and programs that strengthen reproductive health are essential in a largely rural and illiterate adult population. But of greater importance to us in this context is the need for us to ensure that these programs are designed and implemented in collaboration with the community stakeholders that are indicated in dealing with the issues.

In many instances, it would seem to us that an acceptable level of youth and adult literacy become a sine-qua-non for effective healthcare services in the context of this study. Again, family planning policies and improved planning and resource allocation must be put in place. This includes communication programs that enlighten women on the need to seek assistance from healthcare professionals for safe delivery. The community learning and action strategy would put this into consideration.

The community learning and action program should feature stakeholders who would ensure the availability of reliable services by placing special focus on those categories of women who had been
identified in this study as very deficient in their attitude towards seeking for health professionals. They include rural mothers, very young mothers (i.e., under 20 years old), mothers with little or no education, poor women, women of high parity, unmarried mothers, and women who reside in the northern regions of the country, particularly the northeast and the northwest.

The educational experiments carried out by the famous Brazilian educator, Paulo Freire, have proved that getting those affected by dire problems ultimately involved in understanding the issues at stake will empower them in coming up with lasting solutions. This is the case in this instance. This is where a community-based participatory learning and action becomes very handle. Using this educational initiative would require us to get together all the stakeholders in an atmosphere where objective dialogue is promoted. Using this strategy demands that the initiators of this process must never attempt to take it over. Doing so would be counter-productive because the external participants may not have sufficient understanding of the issues surrounding the non-utilization of healthcare facilities. Thus, it becomes rather critical to allow those mostly affected by the challenge to own the process of finding solutions in an atmosphere of give and take.

Conclusion
Based on the outcomes of this study, we share the view that both costs and the distance to healthcare facilities are important proximate factors through which the socioeconomic, demographic and cultural factors influence assistance received by mothers during delivery. Hence, policies that are targeted at ensuring a significant reduction in cost and creating good accessibility for pregnant women on their healthcare services utilization would go a long way in increasing the level of utilization of healthcare facilities for delivery in Nigeria. However, more critical in the contexts of this study is the issue of the awareness and utilization of knowledge of the health facilities that are available to assist the women. Towards achieving this critical goal, we have proposed in this paper the participatory learning and action strategy that could help in making the communities own the educational platform needed for more rapid acceptance and utilization of whatever public campaigns that had been launched presumably with fanfare but have yielded paltry results.

References


Appendix One

Table 1: List of the six geopolitical zones of Nigeria and the respective states

<table>
<thead>
<tr>
<th>Political Zones</th>
<th>States</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Central</td>
<td>Benue, Federal Capital Territory (FCT), Kogi, Kwara, Nassarawa, Niger, Plateau</td>
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<td>South East</td>
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<td>South Central</td>
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Source: Author’s Compilation (2019) from NDHS 2013
The Case for Universal Pensions and Care for the Elderly People in Zimbabwe*

G.A. Muchinako

Abstract: Provision of universal pensions for the elderly people is a global trend and the pensions are intended to enable elderly aged 60 years and over to meet their basic human needs. This study triangulated documentary review and qualitative data collection methods (using in-depth interviews, key informant interviews and case studies). The objective was to collect information on the suitability of introducing universal pension provision for the elderly in Zimbabwe. The documentary review found that current pension provisions were not universal in coverage, were residual in nature and that there was no enforceable legislation covering the non-contributory pensions. Findings from the qualitative data collection found that the elderly both from the rural and urban settings were not covered by any pension. The means tested pensions provided for in the current legislation were not functional as there were no resources. The study recommends that a universal pension funded from the national budget line established by the Zimbabwe Government as a matter of urgency.

Keywords: aged, basic needs, disengagement, universal pension

Introduction
The United Nations has noted that the world over, the population ageing has continued to rise and that by 2050 it is expected that more than one in ten persons in sub-Saharan Africa will be aged over 60 years. The demographic profile of Zimbabwe based on the 2012 census results shows that the population aged 65 years and above was 3.7% out of the total population of 13 million people. The population ageing is noted to be growing and as men and women age, they continue to face growing poverty, hunger, deprivation, destitution and isolation. Human ageing brings with it reduced capacity to work, resulting in poor access to essential services such as health care and income support (Nyanguru, 2007). This potentially exposes the elderly people to become and remain poor. This has a potential negative impact on the whole family and calls for strategies to be found to target and protect older men and women and their dependants (Helpage International, 2004).

One of the tried and tested means of reducing poverty among the ageing population and providing support to multigenerational households was the introduction and provision of a basic universal pension for the elderly people (old age pension). This pension would target development aid to the poorest. Universal pensions can support local economies and facilitate redistribution of wealth and improve the institutional status of the young members of the house-holds with the elderly by supporting in areas like school attendance and improvement in health of all members of the house-hold (Nyanguru, 2007 and 2008).

* The author would like to express gratitude to the six elderly people, the key informants and the library staff at the University of Zimbabwe, for the support they gave in carrying out this study.

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Some African countries have introduced large scale universal old age pensions to support their citizens aged 60 years and above and the countries include: Botswana, Mauritius, Namibia, Lesotho, Senegal and South Africa. The universal pension schemes for the elderly in Senegal and South Africa are reportedly means tested while those in Lesotho, Botswana, Mauritius and Namibia are universal (Helpage International, 2004).

Zimbabwe does not at present have a universal pension for its elderly people. The Old Age Pension Act of 1936 which was repealed at independence in 1980 to remove its racial discriminatory provisions has not been of much significant help to the indigenous elderly people (Kaseke et al, 1998). The destitute elderly were now mainly supported under the Social Welfare Assistance Act of 1988 where means testing is applied. The other pension schemes are provided on certain qualifying criteria like employment related pensions, Rehabilitation of War Veterans (provided under the War Veterans Act of 1992) and the National Heroes Dependants Assistance provided for under the National Heroes Dependants’ Assistance Act of 1984.

Pension is generally a term used to describe cash income mainly for older and retired people and could include both contributory and non-contributory transfers of various kinds (Helpage International, 2004). In this paper “Universal Pension” is used to refer to non-contributory pension proposed to be provided to all the elderly citizens of Zimbabwe qualifying through attaining an agreed upon age, say from 60 years and over. Universal pension should be non-contributory and the basic argument is the need to cover every elderly citizen with income security to reduce absolute poverty and deprivation.

Theoretical Framework
This study is influenced by three inter linked theories which are: The Activity Theory, The Continuity Theory and The Disengagement Theory.

The Activity Theory
The Activity Theory was developed by Havinghurst (1968) and its main focus is on activity of the aged person. The theory is based on three main basic assumptions on ageing. The first assumption is that the majority of ageing people under normal circumstances will maintain a fairly constant levels of activities of daily living. The second assumption is that the amount of activities the individual engages in will be influenced by past life styles and the socio-economic considerations rather than by some intrinsic and inevitable processes. The third assumption is that it is seen as necessary to develop or maintain substantial levels of social, physical and mental activity if the ageing experience is to be a successful one.

According to the Activity Theory, if an individual is to achieve successful ageing, they have to be able to maintain the norms and activity levels or to near activity levels they used to achieve during their middle age years. The theory seems to imply that the ageing persons do not stop performing the roles they used
to play before retirement or disengagement or where they have no access to continue to play their middle age roles, they will compensate for the role loss by engaging in some other activities which provide satisfaction. The Activity Theory has been criticised for suggesting that old people judge themselves according to the norms related to the middle aged activity behaviour and yet do not explain what happens when the aged person fails achieve the set standards. The theory is also criticized for failing to recognize and explain adaptation. Adaptation is explained to come about through the aged person’s involvement in social activities outside and or including domestic and family life.

**The Continuity Theory**

The continuity theory is based on the premise that under normal circumstances older adults usually maintain the same values, attitudes, norms, behaviours, personalities and relationships that they developed as they were growing earlier in life (American Society on Ageing, 2007). According to the Continuity Theory, the manner in which an elderly person responds to the process of ageing is determined by efforts they make to try to maintain a continuity of their past lifestyle by adaptation of strategies that are linked to their past experiences (Atchley, 1989).

The continuity theory can be viewed from a functionalist perspective as a theory that focuses on the individual and how the individual and society attempt to create a state of equilibrium. Mamo (1996) viewed the Continuity Theory as being able to offer clearer explanation of aspects of ageing than the disengagement and activity theories combined. According to Schultz (1992) the continuity theory began with the observation that many aged persons display consistent performance in their activities despite that the ageing process alters their physical, mental and social status.

Quadagno (2007) notes that feminist theories criticize the continuity theory for viewing the world of normal ageing as if it applied to the male sex only. Furthermore the theory is criticized for its perceived failure to show how institutions in society affect or impact on individuals as they grow old.

**The Disengagement Theory**

The Disengagement Theory was developed by Cumming and Henry (1961). The theory explains that growing old is inevitable and that as people grow older, they tend to withdraw from personal relationships and contact with society on a gradual basis as the ageing progresses. Cumming and Henry (1961) say that the theory has nine postulates which are explained as follows:

1. Every person expects to die at some point and that one’s abilities are likely to deteriorate over time, and as a result they will lose ties with others in society.
2. Since individual interactions between people strengthen norms, an individual who has fewer varieties of interactions has greater freedom from the norms imposed by interaction. Consequently, this form of disengagement becomes a circular or self-perpetuating process.
3. Because men have a centrally instrumental role in society and women socio-emotional one, disengagement differs between men and women.

4. The individual's life is punctuated by ego changes. For example, aging, a form of ego change, causes knowledge and skills to deteriorate. However, success in an industrialized society demands certain knowledge and skills. To satisfy these demands, age-grading ensures that the young possess sufficient knowledge and skill to assume authority and the old retire before they lose their skills. This kind of disengagement is effected by the individual, prompted by either ego changes or the organisation—which is bound to organisational imperatives—or both.

5. When both the individual and society are ready for disengagement, complete disengagement results. When neither is ready, continuing engagement results. When the individual is ready and society is not, a disjunction between the expectations of the individual and of the members of this social systems results, but engagement usually continues. When society is ready and the individual is not, the result of the disjunction is usually disengagement.

6. Man's central role is work, and woman's is marriage and family. If individuals abandon their central roles, they drastically lose social life space, and so suffer crisis and demoralisation unless they assume the different roles required by the disengaged state.

7. This postulate contains two main concepts, the first being that readiness for disengagement occurs if: an individual is aware of the shortness of life and scarcity of time; individuals perceive their life space decreasing and when a person loses ego energy. The second concept is that each level of society grants individuals permission to disengage because of the following: requirements of the rational-legal occupational system in an affluent society, the nature of the nuclear family and the differential death rate.

8. Fewer interactions and disengagement from central roles lead to the relationships in the remaining roles changing. In turn, relational rewards become more diverse, and vertical solidarities are transformed to horizontal ones.

9. Disengagement theory is independent of culture, but the form it takes is bound by culture.

The disengagement theory has been criticized for being paternalistic and male biased, for example, on postulate number six it defines the sex roles as fixed and that anyone not operating within the societal defined sex roles will face a crisis in disengaging from the societal roles they played before ageing set in (Madzingira, 2000). Despite this criticism, the theory is credited with explaining in an elaborate manner the way in which the ageing members of society disengage and pass on the baton to younger members of society. The process involves transfer of knowledge, power and resources from older persons to the young thereby guaranteeing continuity, but it also leads to eventual loss of independence by the ageing persons. While the theory was based on experiences in the western societies it does not elaborate on the experiences of the ageing populations in developing societies experiencing challenges of mass poverty and problems of disease pandemics and underdevelopment. The ageing persons in the developing societies may never fully disengage from life activities as they have to continue to fend for their survival.

Methodology
This study triangulated documentary reviews and qualitative methods (through using in-depth interviews, key informant interviews and case studies) to collect information.

**Documentary Review**

Documentary review involved collecting and analyzing information regarding pensions in Zimbabwe and information regarding pensions for persons aged 60 years and older.

**Qualitative Method**

**In-depth interviews**

In-depth interviews were done with 6 elderly respondents (3 females and 3 males). Two elderly respondents, one male and one female were purposively selected from each site (Buhera, Marondera and Harare) and gave informed consent for the interviews.

**Key Informant interviews**

Key informant interviews were conducted in Buhera and Marondera (using a key informant guide). Two key informant interviews were conducted (one at each site).

**Case Studies**

Case studies were documented with some of the elderly who had participated in In-depth Interviews. Altogether two case studies were documented on the lives and experiences of the elderly persons regarding income and other support.

**Study Areas**

Documentary data for this study was collected in the University of Zimbabwe Main Library in Harare. Qualitative data was collected in Murambinda, Buhera; Kawondera Village in Chief Nyandoro’s area, in Marondera District and in Harare (in Chinhoyi and Cameron Streets).

**Findings**

**Documentary Review**

Findings from studies by Dhemba et al (2002), Kaseke et al (1998) and Nyanguru (2007) on social security in Zimbabwe showed that there is a historical background which focuses on the pre and post-independence period; the formal and the non-formal social security systems and issues of coverage.

In the pre-independence period African societies’ social security for the aged was the responsibility of the extended family system which catered for all the needs of the elderly persons. This secure family system was weakened by the advent of colonisation which depleted the rural communities of able bodied labour through rural to urban migration to the new cash but exploitative economy. The formal economy of Rhodesia, as Zimbabwe was called by the white rulers then, introduced the Old Age Pensions Act in 1936 but this was meant to benefit non-Africans only. In addition there were private occupational pensions which largely benefitted white workers as black workers were regarded as temporary migrants.
to the cash economy who would return to the rural areas at the end of their working lives. So no meaningful old age pensions were provided for the black workers.

After independence the government of Zimbabwe set out to address the discriminatory nature of the formal social security programmes that existed. Changes were made to radically improve the administration and implementation of social insurance and public assistance. Services were decentralized to district level and services were extended to many people including those in the rural areas. There were and continue to be challenges in the social assistance services. The services continue to be residual in nature, they are means tested and in some instances the services are contribution based, like the pensions linked to formal employment. In addition there are limited resources allocated to the free means tested services.

Some of the pensions documented by Dhemba et al (2002) include: Presidential Pensions and Retirement Benefits (non-contributory) meant for those who would have served as presidents or Vice Presidents; State Service Pensions Scheme (contributory) for those employed by the state, this is payable when they retire; Parliamentary Pensions Scheme (contributory) paid to Senior Ministers, Deputy Ministers and Members of Parliament who would have served in parliament and Government for at least two sittings and be at least 50 years old and the Judges’ salaries, allowances and pensions scheme (contributory) these are payable to judges and their spouses in accordance with the provisions of the Act governing their tenure. There are also other pensions that beneficiaries have to qualify for and these include: War Pensions (for those who fought in the Second World War); War Veterans Pensions, War Victims Compensation; Old Age Pensions (non-contributory but covering mainly those non-Africans who were receiving them before independence) and private sector initiatives.

The Zimbabwean Constitution as the supreme law of the land has a section in its Chapter 2 which gives the national position regarding how the elderly persons should be supported. The document presents the following position:

The Constitution of Zimbabwe Amendment (No. 20) Act 2013 in Chapter 2 Section 21 on Elderly Persons provides that:

"(1) The State and all institutions and agencies of government at every level must take reasonable measures, including legislative measures, to secure respect, support and protection for the elderly persons and to enable them to participate in the life of their communities.

(2) The State and all institutions and agencies of government at every level must endeavour, within the limits of the resources available to them-

(a) to encourage elderly persons to participate fully in the affairs of society;
(b) to provide facilities, food and social care for elderly persons who are in need;
(c) to develop programmes to give elderly persons the opportunity to engage in productive activity suited to their abilities and consistent with their vocations and desires; and
(d) to foster social organizations aimed at improving the quality of life of elderly persons"."
From the provisions in the above cited Constitution of Zimbabwe it is clear that there is no universal pension provision for the elderly in Zimbabwe. It is also notable that social welfare provision in Zimbabwe remains residual and limited in scope. The elderly, like the other vulnerable groups in the rural and urban areas in need, continue to be marginalized as welfare services along with the delivery system are not responsive to their needs. This exposes the poor and vulnerable to untold suffering.

In-depth Interviews
The in-depth interviews focused on three themes: available support for basic needs, health needs and other major challenges.

Available Support for Basic Needs
Four of the six respondents (all aged over 70 years) indicated that they were facing difficulties in getting adequate food for survival. The main reasons were that they (the aged) unlike young people who still had physical energy to work, they could no longer till the land effectively to produce adequate food for their needs. They were also caring for grandchildren left behind by their deceased children. They occasionally received food and other hand-outs from well-wishers, mainly from the churches but they were always worrying about having adequate food for survival. All the respondents indicated that they felt that the government was neglecting the elderly people yet they had also “cooked” for the guerillas during the liberation war yet only some people were being rewarded while the generality of the elderly were excluded. One respondent, Ambuya Chido (not her real name) emotionally expressed that:

“Mwanangu zvinorwadza kuti isu taibikira magandanga muhondo, tichibisa huku dzedu nemari asi nhasi tinotambura tinononga svosve nemuromo iyo hurumende yakatotikanganwa”. (My child it pains us that despite that we contributed our chickens and money and cooked for the guerrillas during the liberation war, today the government has forgotten about us and we are suffering).

The other two respondents from Harare, one was in their late 60s and the other one in their mid-80s. Both were engaged in vending on the streets. They had to raise cash for accommodation rentals and food and medication for themselves and (in the case of one of the respondents) they had to cater for the needs of their grandchildren, despite the stress they endured from the “cat and mouse” game with the Municipal Police out to keep vendors off the streets. They reported that at times they had inadequate meals or skipped meals altogether when they could not afford it and giving the little they had available to the grandchildren. Both respondents had reportedly registered with the Department of Social Welfare for Public Assistance but had not received any disbursements for almost a year. The female respondent expressed that:

“Mwanangu, inhamu inoita kuti chembere yakaita seni izotengesa mustreer. Ndikasadaro ndinofa nenzara uye ndinoshaya mari yerendi, yeukuchipatara ndikarwara nesikuru fizi yevazukuru. Tinomhanhanywa nemapurisa ekanzuru asi hapana zvekuita. Tinoda kurarama saka tinongo shingirira”. (My son, it is deprivation which makes us engage in vending on the street. I have no option because I have to pay rent, hospital fees and school fees for my grandchildren. The Municipal Police chase vendors off the streets but I have to endure these hardships as I have no option”).

The male respondent from Harare reported that he had worked for many years for a construction company that erected buildings in Harare and other towns but never got a retirement pension as this was for white workers only. Now he has to raise cash to meet basic needs as he had no rural home to go to and no family to support him.
Health Needs

All the six respondents noted that they had health needs that required to be attended to. However lack of resources was one of the factors influencing their health-seeking behaviour. Where they decided to go for medical service depended on whether they could afford the fees required. They also expressed that wherever health services were provided, cash was needed. One respondent noted that:

“Mwanangu pakurwara pese panoda mari, chero kuma porofita vanoda zvekushandisa zvinoda kutengwa”. (My child whenever healing is involved cash is needed. Even prophets require materials to use for healing and these need cash).

Other Major Challenges

The respondents reported that at times they experienced periods of loneliness, like when grandchildren were away at school or when communities go to engage in activities that they regarded should not involve the elderly. Another reported challenge was that health services, when they could access them, were not user friendly as the elderly reportedly often received comments indicating that they were not sick but old and that treating the aged was a waste of medicines.

Key Informant Interviews

The two key informants interviewed corroborated the views expressed by the elderly who were interviewed.

The first was that the elderly persons, mainly in the rural areas, were living in deprivation as they lacked adequate and reliable sources for meeting basic needs for survival. Their health needs were not adequately covered as there is no health policy for the elderly and that illness in old age is not understood as it is often mistaken to mean ageing. Lack of resources was reported to be one of the determinants of health-seeking behavior among the elderly people.

The key informants also reported that the elderly were often excluded from community events and were only engaged when it is to the community’s interest and advantage, like when they are mobilized, transported and assisted to vote in national elections. After that they are forgotten until the next elections.

Case Studies  (Names used are not the real names of the respondents).

Case Study 1: Support for basic survival needs.

Mbuya Maidei is 73 years old and lives in a rural village. She is widowed and looks after four grandchildren who were orphaned when her youngest son and his wife died of AIDS four years ago. When her son and daughter-in-law died, she found herself being a parent again after her other two sons and relatives could not take care of the orphans due to myths and misconceptions about the spread of HIV and AIDS. Her family and relatives feared “catching” AIDS through caring for aids orphaned children. She noted that “The parents died of AIDS and no one was prepared to care for the orphans. I just had to do it, I had no choice”.

The family survives on agriculture and Mbuya Maidei has to provide the bulk of the labour as the children are still young and are away at school most of the time. Without adequate inputs and labour, the yields are often very low and the family often has to beg for food assistance from well-wishers in the village. The school children are often sent home to collect fees as the government’s Basic Education Assistance Module (BEAM) has since been discontinued due to lack of resources. Mbuya Maidei has visual problems but has no cash for transport to go for the free medical assessment done by a medical team which regularly visits the district.

**Case Study 2**

Sekuru Tagarira is 86 years old and lives in Mbare suburb in Harare. He never married and lives alone in rented accommodation. He was retired 26 years ago from a construction company he worked for, for many years. He was paid a cash lump-sum which he spent with newly found friends who quickly vanished once his lump-sum was finished. He turned to street trading which he is still engaged in today.

Sekuru Tagarira now faces many challenges due to the changing socio-economic scene. Commodities for trade have changed due to new consumer tastes. In years past he used to make “manyatera” (rubber tyre sandals) at his Mbare lodgings and sold them at Mbare bus terminus without any difficulties. Now no-one likes the rubber sandals because of new and cheap products on the streets and in shops. He still lives in Mbare but has to travel from Mbare bus terminus to town for his street trade.

Ageing is catching up on him and he has to deal with changing commodity markets, the pressure to raise cash to meet all his needs, to deal with the cat and mouse games with the Municipal Police enforcing the ban on unregulated street vending and his ailing health. As he lives alone sekuru Tagarira is often lonely and when he falls sick there is no one to ensure that he gets early medical attention. He has no guaranteed income as it depends on what he earns when he manages to go out to the streets to trade.

**Discussion**

Documented evidence shows that the pension schemes available to the elderly in Zimbabwe are either contributory or non-contributory. Contributory schemes are usually based on employment (though there are some private ones) while the non-contributory ones are based on certain set criteria, for example, one has to be a war veteran to qualify for the War Veterans Pension. Other non-contributory pension benefits can be accessed after passing a means test like in the case of public assistance and the Assisted Medical Treatment Orders (AMTOs), however these are affected by availability of resources.

These pension benefits are facilitated under various enabling pieces of legislation. This clearly shows that the approach to pension provision in Zimbabwe is residual in nature. This leaves the majority of the elderly without a legally binding pension cover.
The in-depth interviews, though done with a few individual elderly people, shows the extent of deprivation faced by the elderly in the absence of a legally binding and enforceable legislation on the issue of pensions for the elderly citizens.

The interviews included two of the key issues which should be considered in dealing with the issue of universal pensions for the elderly. The first issue is the argument that the elderly contributed to the war of liberation effort and others who participated in that war were rewarded by the government. Surely a universal pension for all the elderly people (qualifying through age 60 years and above), would be a big thank you to the elderly people of Zimbabwe. The second issue is that under the oppressive colonial system black workers were overworked to build the infrastructure Zimbabwe inherited and also that the workers were not given retirement pensions. These arguments should drive Zimbabwe to care for its aged persons by passing legislation granting Universal Pensions for all citizens aged 60 years and above.

The other argument is based on what other countries globally and regionally are doing to cater for the needs of the elderly. Many countries as pointed out in the introduction above, have universal pensions for their elderly citizens to ensure that they are able to meet their basic survival needs. These pensions are supplemented by other services that may be provided by charitable organizations or even by the government departments at central or local level.

The universal pension could potentially improve the quality of life and of care for the elderly by enabling the pension resources to be used to provide for the needs of the elderly and their families.

Conclusion
This study was focused on putting forward the argument on the need for the provision of legislation that will enable the provision of resources to citizens aged 60 years and over to enable them to meet their basic needs for survival. From the information presented in this paper it is noted that universal pension provision is not a new phenomenon globally and regionally as many countries already have universal pension provision for their elderly citizens. Zimbabwe has a few fragmented provisions which are not universal. It is time that Zimbabwe seriously considers and acts to have a universal pension provision for all citizens aged 60 years and above to enable them to meet their basic human needs (including health needs as most of the elderly do not seek formal health services due to resource constraints) and also to uphold their human rights.

Recommendations
This paper recommends the following issues to be considered in coming up with a Universal Pension Act:

1. The universal pension should benefit all Zimbabwean citizens aged 60 years and over, qualifying by age.
2. The minimum monthly provision should be USD100-00 per month, or not less than USD60-00 per month where accommodation and other services are provided.

3. To deal with the issue of double dipping, those elderly with other pension benefits valued at more than the minimum gazetted amount will not benefit if their other pensions total more than the minimum gazette but if the total of their other pension is less than the gazetted amount, they would qualify to get a top-up of the difference to reach the gazetted level.

4. Funding for this pension should be from the National Budget and should be made a priority and essential area.

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Understanding the Municipal Demarcation Process in South Africa: Should Ethnicity be used as a Factor in the Municipal Demarcation Process? The case of Malamulele and Vuwani in the Limpopo Province!

Tshehledi Isaac Mokgopo

Abstract: The sphere of local government is considered as the government that is closest to people. Its establishment gave citizen upper voice on municipal services in their areas. This also brought serious tension between communities and government. Some communities not only did they protest against inadequate service delivery, others fought against municipal demarcation decisions taken by the MDB. This include the Vuwani community in the Limpopo province who fought against the decision to be moved from one municipality to another. While the Malamulele community demanded its own municipality away from other ethnic group. This raised a question in this article as to whether the municipal demarcation process provides for the use of ethnicity in determining municipal boundaries in South Africa or not. The main purpose of this article is to analyse the municipal demarcation process and critic section 25 of the Municipal Demarcation Act 27 of 1998. In doing so reference will be made to the case of Malamulele and Vuwani where ethnic tensions regarding municipal demarcation took place.

KEYWORDS: Municipal Demarcation; South Africa; Ethnicity; Traditional Authority; Provincial Boundaries; Local government; Limpopo Province; Vuwani and Malamulele.

Introduction

In 1994, South Africa became a democratic country after many decades of resistance against apartheid. In 1996, the Constitution which is the supreme law of the country was adopted and provides for three spheres of government namely national, provincial and local. The Constitution emphasise that South Africa is one, sovereign, democratic state founded on the values of human dignity, the achievement of equality and the advancement of human rights and freedoms, and non-racialism and non-sexism (Constitution of the Republic of South Africa, 1996).

With regard to the establishment of municipalities the Constitution requires an independent body to demarcate municipal boundaries. As a result, the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998) was adopted to give effect to section 155 of the Constitution which established the Municipal Demarcation Board (MDB) (Local Government: Municipal Demarcation Act 27 of 1998). Section 3 of the Act provides that the MDB is a juristic person, independent, impartial and must perform its function without prejudice, fear or favour (Section 3, Municipal Demarcation Act).

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The most important function of the MDB is to determine municipal boundaries in accordance with the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998) and other appropriate legislation enacted in terms of Chapter 7 of the Constitution.

In 2000, the MDB demarcated 284 municipalities and the first full democratic local government elections took place on 5 December 2000 establishing the constitutionally designed system of local government. Not all citizens were happy with boundary determinations by the MDB (Cogta, 2016). In 2009, the MDB minimized the number of municipalities to 278 (Mashamaite, 2004:233).

The South African government has been at the receiving end of a wave of protests associated with lack of or poor service delivery around the country. On 21 September 2013, residents of the small town of Malamulele which falls under the Thulamela Local Municipality went on the rampage after a MDB meeting and torched municipal property. This was because the residents of Malamulele were demanding a separate municipality and their request was refused by the MDB (Baloi, 2016). Thulamela and Makhado Local Municipalities which falls under the Vhembe District Municipality have two different ethnic groups in their areas namely, Venda- and Tsonga-speakers. Currently, the Thulamela Local Municipality head office is situated in Thohoyandou which has mainly Venda-speaking people. The sitting arrangements of these two communities emanates from the spatial impact of land reform and the redrawing of internal boundaries on South Africa’s former Bantustans (Ramutsindela, 2007:43-44).

In 2014, the MDB was taken to task as it experienced a serious challenge to its work as service delivery protests changed to protests about municipal boundary demarcation. This took place when the community of Malamulele in Limpopo went on the rampage and destroyed government buildings and barricaded the roads. The residents of Malamulele wanted their own separate municipality away from the Thulamela Local Municipality, which is located in a Venda-speaking community. The MDB took the resolution not to give the community its own municipality because it did not want to establish municipalities with ethnic boundaries (Makamu, 2015).

However, a new municipality was created which included parts of Makhado. In 2015, the MDB took the decision to move some of the communities from Vuwani who were Venda-speaking, so as to incorporate them into the new Malamulele Municipality. This decision led to serious protests which saw the community of Vuwani burning 29 schools in the community and nearby communities. As a result of an on-going protest in Vuwani many people’s lives were affected, mainly the school learners as the schools in the area were burned down. The main reason for the burning of schools in Vuwani was because most of the community members alleged that they were not consulted when the decision to incorporate them within the new Malamulele municipality was taken (Tau, 2016).

Ethnicity proved to be a serious issue for the MDB in determining and re-determining municipal boundaries in South Africa. The recent Malamulele and Vuwani saga in Limpopo saw the MDB faced with a serious problem as to whether to consider ethnicity as a deciding factor in establishing municipalities in the country. The community of Malamulele wanted its own municipality away from the Thulamela
District Municipality whereas the Vuwani community on the other hand refused to be incorporated into the new Malamulele Municipality due to consultation issues, ethnic reasons and the fear of not receiving proper municipal services (Tshikudo, 2015). Ethnic diversity is of more concern as the community of Vuwani refused to be part of the new Malamulele Municipality by stating that they are comfortable with where they are currently situated which is in Vhembe District under the Makhado Municipality and that they did not want to be mixed with the Xitsonga-speaking people (Magubane, 2017).

The above discussions raise few questions that this article will seek to answer. The questions to be addressed in this article are as follows: Should ethnicity be used as a factor in demarcating municipalities in South Africa? If so does the present Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998) allow for such accommodation? If ethnicity is used as a deciding factor will it not divide the country bearing in mind the past apartheid experiences? Thus, what are the pros and cons of using ethnicity as a factor in determining municipal boundaries? In answering the latter question, reference will be made to the case of Malamulele and Vuwani. This is a conceptual paper and the main purpose is to analyse the process of demarcation in South Africa, the criteria used by the Municipal Demarcation Board and the process followed by the MDB when there are objections as well as to what happens when the MDB rejects objections and the remedies that are available. In doing so, section 25 of the municipal demarcation act will be analysed.

Literature review
Municipal demarcation

When the new democratic government of the Republic of South Africa came into power in 1994 it was faced with a major restructuring of government and the adoption of the new Constitution. This required total transformation of the three spheres of government because apartheid had left its mark on South African human settlements and municipal institutions. De Visser (2009:8) states that local government in South African has emerged from being an institution that was illegitimate, racist and subservient, to an institution with a democratically elected leadership which has a developmental agenda as well as a constitutional status. This means that transformation requires an understanding of the historical role of local government in creating and perpetuating local separation and inequity, and the impact of apartheid on municipal institutions (The White Paper on Local Government 9 March 1998).

Tsatsire, Raga, Taylor and Nealer (2009:133) highlight that the influx control of Blacks in urban areas as well as racial segregation and disenfranchisement of certain racial groups characterised the history of local government during the apartheid era (1948-1993). They highlight further that the South African local government became the mechanism through which racial and cultural groups were divided and kept separate. This is the reason why racial transformation in local government structures was required in South Africa on the demise of apartheid.

Ramutsindela and Simon (1999:579) highlight that after the re-integrated of the Bantustans into South Africa, the restoration of South African citizenship to residents of the so-called TBVC states (Transkei,
Bophuthatswana, Venda and Ciskei) in 1992-1993, and the adoption of an interim constitution in 1993, a political environment was created in which the internal map of South Africa could be redrawn afresh in accordance with the envisaged principles of a non-racial democracy. As a result the process of demarcating regions and renaming them into provinces followed in 1994.

According to Ramutsindela (2007:49-50), this process of demarcating and renaming of regions meant that the areas of the former Bantustans were kept intact within the provinces into which they were incorporated. This is so because the intention to keep a particular language group together meant that language groups should continue to occupy the very same space within which they were confined under the apartheid government. In practice, the new provinces have accommodated and maintained the same linguistic and ethnic maps which existed during the apartheid era as the fundamental bases for spatial organization in a democratic South Africa. The demarcation of provinces/regions did not divide any of the former Bantustans into more than one province. Instead, it has strengthened the concentration of language groups into particular provinces, thereby keeping and maintaining the apartheid status quo of the distribution of those groups (Ramutsindela, 2007:49).

Therefore, the demarcation process which redrew municipal boundaries across the country, aimed at achieving uniformity in local government structures on the basis of cohesive physical and environmental areas, sustainable service delivery, financial viability within administrations and functional boundaries, as well as the potential for the redistribution of resources and functions. Although presented as a technical exercise, the demarcation process was also an intensely political one, concerned first and foremost with overcoming the legacies of apartheid government planning and racially-skewed resource distribution (Beall, 2004:7).

Thornhill (2008:43) writes that the newly elected democratic government of South Africa had to transform the system of local government to meet the demands of a non-racial society which was totally fragmented as a result of the former government’s apartheid policy. As a result, a new system was established to comply with constitutional guidelines, the total system was restructured and replaced with a new system which is continuously being reviewed and amended: municipalities have been established and demarcated in such a way that it covers the total geographical area of the Republic of South Africa, not only the urban areas.

According to Mahlangu (2016:7), municipal boundaries could include amalgamating some municipalities and demarcating new areas depending on the inputs from municipalities, provinces and other stakeholders.

Pycroft (2000:66) writes that the point of departure in overcoming the structural limitations of the transitional form of local government in South Africa is to re-conceptualize and where necessary, redraw municipal boundaries. He further highlights that the MDB has to determine the optimum boundary of all municipalities in South Africa, guided by the criteria provided for in the White Paper on Local Government, 1998 and Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998).
Whittal and Nxumalo (2013:325) highlight that the MDB is mandated to demarcate municipal boundaries and dissolve the spatial layout of apartheid in creating new municipal areas of jurisdiction which are not racially-based. The aim of municipal restructuring is to assist in redressing the imbalances of the past and the inequalities in public service. They write further that the new municipal areas should be structured to help in addressing the rural/urban divide and integrate economic and social development.

Accommodation of ethnicity

Ethnic identity refers to nominal membership in an ascriptive category, including language race, religion or caste. This is consistent with the broad definition now taken as standard in the field of ethnic mobilization: “Ethnicity easily embraces groups differentiated by color, language, and religion; it covers nationalities, races, tribes, and castes” (Chandra, 2005:236). Gilley (2004:1158) highlights that ethnicity is usually defined as that part of a person’s identity which is drawn from one or more ‘markers’ like religion, race, social symbols, region, shared history or language. It is distinct from that part of a person’s identity that comes from, say, economic status, personal moral doctrine, civic affiliations or personal history.

Horowitz (1998) highlights that “ethnicity” is a powerful affiliation, both because similarity is valued and because genetic (or putatively genetic) origins and early socialization are potent sources of similarity or, in any case, of cues that signal similarity: customs, language, appearance, gestures, tastes, clothing, and habits. The assumption of similarity follows quickly once groups are formed, even in laboratories, and reinforces group identity. Even more powerful is the assumption of resemblance that evolve from birth or common experiences of childhood.

Horowitz (2014:5) writes that in societies severely divided by ethnicity, religion, language, race or any other form of ascriptive affiliation, ethnic differences or divisions make democracy difficult, because they tend to produce ethnic parties and ethnic voting. An ethnic party with a majority of votes and seats can dominate minority groups, seemingly in perpetuity. Some vision of this problem informs the politics of a great many severely divided societies. In severely divided societies with ethnically-based parties, ordinary majority rule in most cases results in ethnic domination.

Ethnic identities are dynamic both in their character and in their salience, even when an armed conflict has deepened divisions between groups and seen ethnicity rise to become an all-dominant social marker. Important opportunities for peace building may be lost if intervening actors fail to acknowledge the complexity nature of ethnicity and opt for policies that institutionalise ethnic differences (Simonsen, 2005:297). Ethnic diversity has clear political, economic and social consequences (Gilley, 2004:1155). Easterly (2001:703) writes that ethnic differences and diversity has a more adverse effect on economic growth and the adoption of economic policy when institutions are poor. To put it another way, poor institutions have an even more adverse impact on growth and policy when ethnic diversity is high. Conversely, in countries with sufficiently good institutions, ethnic diversity does not lower growth or worsen economic policies. In other words, good institutions can also lower the risk of genocides and
wars that might otherwise result from ethnic fractionalisation. Therefore, ethnically diverse nations that wish to endure in prosperity and peace must build good institutions.

South Africa is a home to different ethnic groups. According to Portes (1984:383), ethnic awareness can be defined as the perception by members of a minority of the social distance separating them from the dominant group and the existence of discrimination based on racial or cultural differences. Awareness of social distance and of negative stereotypes has been said to be a decisive factor affecting the behaviour of minority-group members. The opposite of ethnic awareness is then the belief and a sense of equality that one can freely mingle and associated with anyone else in the society; such perceptions are said to characterise fully "assimilated" minorities.

The accommodation of ethnic differences at the local government level is often viewed as a catalyst of ethnic tensions among communities and also contributing to national disintegration. However, Singiza and De Visser (2011:5) argue that neglecting the wishes of an identifiable ethnic and or cultural group may lead to demoralization and alienation. Where a group has been politically alienated at national level, pursuing political claims at the local level then becomes a logical option.

Fessha (2014) points out that the South African Constitution depicts a state that strive to build a common national identity; a state that emphasizes national unity. He further highlight that it does portray a state that aims to promote national unity at the expense of ethnic diversity because it rather acknowledge that subnational identities are an important part of the South African make-up.

Fessha (2010:241) writes that a multi-ethnic state that strive to suppress diversity and attempts to build a common national identity based on the core culture of a particular ethnic group is bound to provoke violent ethnic nationalist movements. Similarly, a state that ostensibly follows a policy of neutrality when it comes to ethnic relationships often end up identifying itself with a particular group, therefore a multi-ethnic state should seek to avoid an attempt to homogenize its ethnically diverse population and transform it into a nation-state or remain 'culturally neutral'.

De Visser, Steytler and Fessha (2012) highlight that the use of ethnicity to organise internal boundaries is also evident to a certain extent, in the internal territorial organisation of the subnational units in Ethiopia. The territorial organisation of local government which is determined by the regional legislatures, has taken ethnic lines in some of the states, particularly in states that are home to more than one ethnic group (Seyoum, 1997:11-17).

Ethnicity is a fact to reckon with and ethnic identity is simply a fact into which everyone, especially an African is born to, to obtain membership without any “recourse to application, papers and bureaucratic red-tape” (Alemayehu, 2004:16-17). Recognising rather than denying ethnicity may hold the key to democratizing the state and development in Africa. Unless ethnicity is taken seriously Africa’s struggle to democratize the state and development will suffer no better a fate than that of an imagined nation state. This position of condoning ethnicity as a crucial factor in state building in Africa is quite relevant to the
Ethiopian case, where ethnicity has already become an ‘official’ state ideology and practice (Mashamaite, 2014:234).

Violent protests as a form of political participation
Due to the sensitivities around ethnic concerns, great care must be taken to consult communities that are affected by the municipal demarcation process. There should be a mechanism to ensure that consultation is enforced at a local government level so that members of the public can participate fully. This is because two decades into democracy, South Africa observed a serious wave of protests associated with poor or lack of service delivery around the country. It is further highlighted that poor service delivery elicited protests across the country which brought local government or municipalities under the spotlight. Since then local municipalities has been a subject of criticism for failing to implement their development mandate (Mashamaite, 2014:234).

In 2013, the MDB was under serious criticism after riots erupted in Zamdela. According to Mathekga (2006), it may seem that this protests originated from service delivery issues, however, these protests can be understood separately from issues of service delivery as alleged. This means that issues like ethnic tensions and mobilisation as well as lack of consultation might also contribute to dissatisfaction by community members expressed as rioting and looting of properties.

Mathoho (mathoho, 2016:1) attests that there are different kinds of protests that occur in the country time and again. However, those who are careless end up categorising these protests as service delivery protests while in reality they vary from one protest to another. They include service delivery, tribalism or ethnic, political and demarcation protests. That is why in most cases the majority of people always display their frustrations and impatience over poor, slow or lack of service delivery in the form of demonstrations, protests, boycotts, petitions and strikes which are characterized by looting, violence, bloodshed, vandalism and casualties (Mashamaite, 2014:231).

There is a clear indication that community members in the Limpopo Province and South Africa in general, do not agree with the system used by the government in providing them with municipal services and the municipal demarcation process followed. In the past years most communities engaged in serious protests and burned government buildings. Rasils (2015:67) points out that the protesters did not see anything wrong in damaging government properties meant for their use and for the creation of a better life. Community members also do not mind disrupting the education of their own children. Managa (2012) states that lack of public participation and accountability by the officials are the main factors aggravating service delivery protest in South Africa.

The use of ethnicity as a factor in determining municipal boundaries
Though many scholars have written on the determination and realignment of boundaries in South Africa focusing more on the provinces and on the demarcation of municipalities, there is no written work on the use of ethnicity as a factor in the demarcation process. This study adds to the current issues that the
MDB is faced with in establishing and merging the municipalities in South Africa. This study therefore contributes to understanding a new development in using ethnicity in determining municipal boundaries in South Africa. Ethnicity is a response to the problems and tensions that the Municipal Demarcation Board is faced with. The significant contribution of this study in the field of local government is to provide an insight on the use of ethnicity as a factor in the demarcation process.

The article contends that in as much as the Constitution recognises that South Africa is a unitary and non-racial country, ethnic diversity cannot be ignored in determining municipal boundaries as it is currently the burning issue in Limpopo. This article will also contribute to a new literature and help new researchers who want to continue their research in this field.

Demarcating provincial boundaries
For one to be able to understand the process of municipal demarcation in South Africa it will be best to first look at the demarcation process that was carried out when demarcating provincial boundaries in South Africa as it had to deal with the issue of ethnicity as a factor. This process was carried out by the Commission on the Demarcation/Delimitation of States, Provinces and Regions (CDDR).

The CDDR had to determine boundaries in lieu of the elections which were expected to take place on 27 April 1994 (Ramutsindela & Simon, 1999:484). However, the main question then was about the criteria to be used during this demarcation process. This was because the new and democratic South Africa was not expected to reflect the apartheid use of ethnic-based homelands. As a result, ethnicity was not listed as a criterion for demarcating boundaries. The criteria used by the CDDR in demarcating provincial boundaries includes amongst others: taking into account the availability of infrastructure and historical boundaries as well as existing government structures; demographics; service delivery; economic viability; potential for development; “cultural and language realities”; inconvenience to citizens and dislocations of service (Jackson & Makgetla, 2013). Consideration was given to economic and development potential, socio-cultural issues, and administrative and institutional capacity as well as erasing the boundaries of apartheid political entities to establish a unified territorial space for all South Africans. Other factors includes de-racialising the country so that people may start to think of themselves as South Africans holding diverse views and not as members of any racial, ethnic or linguistic group (Ramutsindela, 2007:49). The interpretation of the above criteria remained in the hands of the commissioners and they organised the criteria into four categories: economic aspects; institutional and administrative capacity; geographic coherence; socio-cultural issues and an agreement to evaluate each proposed boundary on its merits within each of the above four categories (Dlamini, 2012). The boundaries of the nine provinces so drawn did not create exclusive ethnic enclaves but in seven of the provinces there were linguistic majorities.

Demarcating local boundaries
Initial demarcation: pre-1995
It was during the negotiations stage that South Africa’s constitutional makers decided in 1992/93 to divide the local government democratisation process into three phases (Cameron, 2002). The pre-interim phase: 1993-1995, the interim phase: 1995-1999 and the final phase after that known as the Democratic Local Government phase (Ovens W & Associates, 2015). The Local Government Transition Act, 1993 (Act No. 209 of 1993) provided for the establishment of a Local Government Demarcation Board in each of the nine provinces in South Africa (Local Government Transition Act, 209 of 1993); with a pre-interim local government stage to demarcate boundaries for the first local government elections in South Africa in 1995 (Cameron, 2016). The major political objective of these Provincial Boards was to eliminate apartheid boundaries into unified municipalities. This is because during the apartheid era, the sphere of local government in South Africa became the mechanism through which racial and cultural groups were divided and kept separate.

In performing its duties, the Provincial Boards managed to break down apartheid boundaries (Meligrana, 2004:221). This was however not always the case in smaller towns and rural areas (Cameron, 2016: 76-106). The main aim was to deracialise local government which led to a reduction of municipalities (Ndletyana & Muzondidya, 2009: 24); reducing them from more than 1000 prior to 1994 to 843 municipalities (Pillay, Tomlinson & Du Toit, 2006). According to Cameron (2016:79), the problems of the demarcation in the 1995 elections was unevenness because communities remained fragmented i.e. some communities were split by provincial boundaries.

Demarcation post-1995
Chapter 7 of the 1996 Constitution gives effect to the establishment of a local government sphere. Section 151 of the Constitution provides that the local sphere of government consists of municipalities which must be established for the whole territory of the Republic (The Constitution of the Republic of South Africa, 1996).

It is best to highlight that the major change brought by the Constitution of 1996 was that local government had to cover the whole of South Africa. The Constitution provides for the demarcation of municipalities in South Africa by an independent body known as the Municipal Demarcation Board (S 155 (2)(b) Constitution).

In 1998, the Municipal Demarcation Act, 1998 (Act No. 27 of 1998) was adopted and the Municipal Demarcation Board was established and began to determine the locations of local government boundaries in 1999. During this demarcation process traditional rural areas and rural communities were severely affected by the process of demarcating municipal boundaries (Whittal & Nxumalo, 2013). This saw rural communities being integrated to form part of a single municipality or being split apart between two municipalities.

As a result, the first redrawn municipal boundaries resulted in numerous disputes by community members against both the processes followed and boundary outcomes. In many cases rural
communities were split between two municipalities, while others were split over two district municipalities and even two provinces (Whittal & Nxumalo, 2013:326).

The Demarcation Board managed to reduce the number of municipalities from 843 to 284 (Municipal Demarcation Board, 2016). This saw communities that were poorly developed being combined with well-resourced communities under the same municipal boundaries (Ndletyana & Muzondidya, 2009:24). The main aim of municipal demarcations and restructuring of municipalities is to assist in redressing the imbalances created by the past apartheid government and those that were created by the provincial boards (Mathoho, 2015). As such, new municipal areas after demarcation are expected to help address the urban and rural division and integrate social and economic development. However, some of the redrawn municipal boundaries have resulted in numerous disputes ever since 2000.

After the demarcation process some traditional areas were split between two municipalities and in those cases traditional authorities who are recognised as the custodians of rural land have been greatly affected. Those who are mostly affected by the municipal demarcation process are those residing and heading small rural areas of two to three communities. However, traditional leaders who happen to be the leaders of these communities continue to have major control over most of the important rural survival strategies such as the allocation of land, natural resources, communal labour practices and in some instances law and order (Keulder, 2016).

Role players in the Demarcation Process

The Municipal Demarcation Board is an independent body that is responsible for the demarcation of municipal boundaries in South Africa. The members of the MDB represent various professional fields of expertise that is appropriate to the field of local government.1 Even though there are other actors in the demarcation process the main actor is the independent MDB whose members are appointed by the president of the Republic of South Africa after a stringent and rigorous selection process. In addition to the MDB there are also a number of role players involved in the demarcation process. These are members of communities, traditional leaders, municipalities, political parties, NGOs and civil society.

Municipalities in their own capacity play an important role in subsequent re-demarcations. Municipalities are mainly tasked to provide the MDB with the necessary administration and facilities to enable it to fulfil its constitutional obligations. Municipalities should also take part in the demarcation process since the demarcation process affects their functionality. Pursuant to that, most municipalities are also in the best position to provide required information and guidance from the local communities as to where best boundaries should be demarcated for effectiveness. Furthermore, submissions and extensive inputs should be made by all municipalities to ensure not only participation but also a proper consideration before boundaries are drawn (Bekink, 2000: 325).

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1 Executive Council of the Province of the Western Cape v Minister for Provincial Affairs and Constitutional Development and Another, Executive Council of KwaZulu-Natal v President of the Republic of South Africa and Others 1999 (12) BCLR 1360 (CC).
Last but not least are the communities and local residents. The main reason for their inclusion in the demarcation process is that they are the ones who are most likely to be affected on the ground. To ensure that their voices are heard, specific provision is made in the demarcation process for individuals and groups to submit written representations on municipal boundaries to the Demarcation Board (The Municipal Demarcation Board Act, 27 of 1998). They can also air their views at the public meetings and submit formal objections on the demarcation boundaries. The MDB in turn must consider and respond to all objections (S 27 Municipal Demarcation Act).

The objectives of the MDB and demarcation criteria
When the Board determines a municipal boundary its main objective must be to establish an area that would enable the municipality of that area to fulfil its constitutional obligations, which includes among others: the provision of democratic and accountable government for the local communities; the provision of services to the communities in an equitable and sustainable manner; the promotion of social and economic development and the promotion of a safe and healthy environment (S 24 Municipal Demarcation Act). It must also enable effective local governance; integrated development and have a tax base as inclusive as possible of users of municipal services in the municipality (S 24 Municipal Demarcation Act).

Factors to be taken into consideration
Section 25 of the Municipal Demarcation Act provides the factors to be taken into consideration in meeting the objectives that are set out in the act. In terms of section 25, for the MB to attain these objectives, it must take into consideration:

- amongst others, communities, the interdependence of people, and economies as indicated by existing and expected patterns of human settlement and migration; employment; commuting and dominant transport movements; spending; the use of amenities, recreational facilities and infrastructure; and commercial and industrial linkages (S 25(a)(i)-(vi) Municipal Demarcation Act).

These include also the need for cohesive, integrated and unfragmented areas, including metropolitan areas; the financial viability and administrative capacity of the municipality to perform municipal functions efficiently and effectively; the need to share and redistribute financial and administrative resources; provincial and municipal boundaries; areas of traditional rural communities; magisterial districts, voting districts, including existing and proposed functional boundaries, transport, health, police and census enumerator boundaries; social, economic and transport planning as well as existing and expected land use (S 25 (b)-(h) Municipal Demarcation Act).

Furthermore there is a need for co-ordinated national, provincial and municipal programmes and services, including the needs of the administration of justice and health care; environmental and physical characteristics of the area; topographical, the administrative consequences of its boundary determination on municipal creditworthiness; existing municipalities, their council members and staff; and any other relevant matter; and the need to rationalise the total number of municipalities within different categories and of different types to achieve the objectives of effective and sustainable service delivery, macro-economic stability and financial viability (S 25 (i)-(l) Municipal Demarcation Act).
Municipal Demarcation process

Public notification of determination of municipal boundaries

Before the MB can consider any determination of a municipal boundary it must follow a public notice procedure provided for in terms of section 26 of the Municipal Demarcation Act. The notice should state the MDB’s intention to consider the determination of municipal boundaries and invite written views and representations from the public. The time frame for such representation should not be shorter than 21 days (S 26(1)(a)(b) Municipal Demarcation Act).

Other methods of publication of such notice by the MDB may include communication or other appropriate means of communication within the area concerned (S 26(2) Municipal Demarcation Act). This includes each municipality that will be affected by the Board’s consideration of the matter as well as any magisterial district if affected and the Provincial House of Traditional Leaders concerned. The traditional leaders will be those established by provincial legislation in terms of section 212 (2)(a) of the Constitution only if the boundary of such a traditional authority is affected. If affected by such municipal boundary determination, then the affected traditional leaders may also be invited to submit their views as well as their written representations on the matter to the Board within the period determined in terms of section 26 of the Act (S 26(3)(a)(b)(c)(d) Municipal Demarcation Act).

Community/Public Participation and consideration by the MDB

The Municipal Demarcation Act provides that when the period for views and written representations has expired, the MDB must consider all views and written representations submitted to it and may take a decision on the determination or, before it takes such a decision hold a public meeting and conduct a formal investigation; or do both (S 27 Municipal Demarcation Act).

Thornhill highlights that community participation may take place through political structures, through other mechanisms such as an imbizo (informal gatherings where questions can be asked on any issues relating to the demarcation process), consultative sessions, public meetings and report back sessions with local communities (Thornhill, 2008:502). If the MDB decides to hold a public meeting, it must publish a notice in the newspaper circulating in the area concerned stating the time, date and place of the meeting or of each meeting; and inviting the public to attend the meeting or meetings (S 28(1)(a)(b) Municipal Demarcation Act). When the MDB publishes a notice, it must convey where appropriate, by radio or other appropriate means of communication the contents of the notice in the area concerned (S 28(2) Municipal Demarcation Act). At a public meeting a representative of the MDB must explain the issues it has to consider including: any options open to it; allow members of the public attending the meeting to air their views on these issues and answer relevant questions (S 28(3)(a)(b)(c)(d) Municipal Demarcation Act).

Formal investigation and the power to investigate by the committee

After receiving comments, the MDB should decide whether to embark on a formal investigation or not. Should it decide to conduct an investigation, the MDB may conduct such investigation itself or designate
any of its members. Such member/s or committee must report back and make recommendations to the MDB (S 29(1)(2) Municipal Demarcation Act). Pursuant to that for the purposes of its investigation the MDB or an investigating committee may by written notice summon a person who in its opinion has information which is material to the investigation to appear before the MB or the committee to give evidence. The expectation of the MDB in calling such person is for that person to produce a document available to that person as specified in the summons (S 30(a)(i)(ii) Municipal Demarcation Act). The MDB may also call a person to make presentation at its meeting or committee meeting, whether summoned or not to give evidence before the MDB or committee; or to produce a document in that person's custody (S 30(b) Municipal Demarcation Act).

Objections against the MDB’s decision and consideration of the objections by the MDB
Section 21 imposes an obligation on the MDB to publish its intentions to determine and re-determine municipal boundaries in the Provincial Gazette (S 21 (3) Municipal Demarcation Act). This is to allow for the parties aggrieved by the MDB’s decision to submit written objections within 30 days of that determination to the Board (S 21 (4) Municipal Demarcation Act). It happens sometimes that members of the public may be aggrieved by the decision of the MDB to determine and re-determine municipal boundaries within their areas and objects to such a decision of re-determining municipal boundaries. The MDB must then consider any objections made by the parties, by either withdrawing, varying or confirming its determination and again publish its decision in the relevant Provincial Gazette (S 21 (5) (a) (b) (c) Municipal Demarcation Act). As already stated above, the MDB must consider such objections and after it has considered such objections, or has decided to re-determine a boundary under the circumstances provided for, and then the MDB must without any delay send such particulars of the determination of municipal boundaries to the Electoral Commission (S 23 (1) Municipal Demarcation Act).

The demarcation process: traditional leaders’ response
Traditional leaders are the custodians of many rural communities in South Africa where they are supposed to make sure that the rights of community members are protected. In the case of Malamulele and Vuwani, these two communities are under different traditional leaders, depending on their language, culture and tradition. This means that one cannot talk about ethnicity without mentioning traditional leaders. It is very clear that if the Municipal Demarcation Board must consider traditional areas, then it must also indirectly consider ethnic boundaries in certain cases. This is due to the fact that traditional leaders as well as traditional rural communities are not excluded from the demarcation process. Section 25 of the Municipal Demarcation provides that the MDB when determining a municipal boundary must take into account the areas of traditional rural communities (S 24 (f) Municipal Demarcation Act).

Since the demarcation of municipalities in South Africa includes the demarcation of rural areas it would be proper to include the response of traditional leaders to the demarcation process when demarcating rural communities. In Limpopo province traditional leaders lamented the process and the outcomes of the MDB (Holomisa, 2016). This is because after the demarcation process rural areas are split apart or integrated with other communities as observed in Malamulele and Vuwani. Traditional leaders are found
to be vocal against the demarcation process and members of the community listen to them more than any government officials or the government itself (SA Local Government Information Centre, 2016).

In 1998, the Ndengeza community which is of Tsonga origin lodged a claim for a part of the Crystalfontein Farm 57 with the Restitution and Land Claims Commission and waited for the outcome of the restitution of land. However, after the completion of the municipal demarcation in the year 2000, the land under claim was split over two municipalities namely: the Great Giyani Municipality in the south and the Makhado Municipality in the north. The Ndengeza traditional leaders expressed their concern over the decision taken by the MDB and that they were not consulted during the demarcation process (Whittal & Nxumalo, 2013:327). In 2008, the traditional authority lodged its grievance with the Municipal Demarcation Board over the boundary and requested that the area be re-demarcated. The re-demarcation process was refused and the Makhado Municipality stated that they would lose government grants if their area were to be decreased during the demarcation process (Whittal & Nxumalo, 2013:328).

The traditional leaders in the area rejected both the demarcation process as well as the demarcation outcomes by the MDB. Such resistance led to serious tensions between the MDB, the municipality and the traditional leaders. This saw chiefs and political parties joining hands to try to bring closure on the splitting of traditional communities by the municipal demarcation process. The reason being that in many instances, new municipality boundaries cut across traditional tribal land and the introduction of local government on their lands would also diminish their own authority. Lehman highlights that prior to 1994 and the creation of local municipalities, traditional leaders exercised local government powers, yet the final constitution did not resolve the tension between recognition of the institution of traditional leadership and commitment to democracy in as afar as demarcation is concerned (Whittal & Nxumalo 2013:328). The only way to resolve this will be to demarcate municipalities using ethnicity in areas where traditional leaders and traditional communities speak different languages. This means that ethnicity should be considered in a few cases: only if there is an overlapping between traditional leaders and ethnicity. In a province such as KwaZulu-Natal, all traditional leaders are Zulu-Speakers. As a result, traditional areas of a Zulu chief speaker should not be split between two municipalities as there are no ethnic differences. Only in Limpopo and Mpumalanga do traditional leaders belong to different ethnic groups. This means in such places ethnic differences (ethnicity) and the language spoken by traditional communities should be considered as a factor in demarcating municipal boundaries.

Critical analysis of whether ethnicity could be considered as a factor in terms of section 25 One of the issues which contributed to the Malamulele and Vuwani protests is ethnic differences between the Venda- and Xitsonga-speakers (Mukwevho, 2016). This therefore raised questions as to whether the use of ethnicity in demarcating municipal boundaries in South Africa could be considered as a factor? After considering the factors listed in terms of section 25 of the Municipal Demarcation Act, it will be best to analyse whether these factors include the consideration of ethnicity in determining municipal boundaries in South Africa either directly or indirectly. Only one factor provides for the use of ethnicity indirectly in demarcating municipal boundaries in South Africa. Section 25(f) provides explicitly that the Board must, when determining a municipal boundary, take into account areas of traditional rural
communities and allow for public participation to ensure that traditional communities also participate in
the municipal demarcation process.

Most traditional communities are home to certain ethnic groups and are being led by different traditional
leaders. This therefore open a room for the issue of language to be considered as another factor which
differentiate the areas of traditional communities. Besides other factors such as culture and religion,
language plays a major role in as far as ethinical differences is concerned. It is the language that is spoken
by people in these traditional areas which makes them ethinically different from each other. Section 25(f)
covered the use of ethnicity in demarcating boundaries and by considering traditional communities as a
factor, linguistic differences will automatically become a factor in demarcating a municipality. This is
because one cannot speak of traditional areas without including the language spoken in that area
(Aligwekwe, 2008).

Section 25(f) therefore provides for the indirect use of ethnicity as a factor in determining municipal
boundaries in South Africa. One of the reasons why ethnicity was not provided for directly in this section
was due to apartheid experiences. The explicit use of ethnicity in demarcating municipal boundaries was
perceived as a return to the apartheid era. This therefore led to the silent use of ethnicity in demarcating
municipal boundaries in South Africa.

Although it was not acknowledged in writing after the decision was taken to give the community of
Malamulele its own municipality away from the Thulamela Local Municipality, one does not need a
microscopic eye to see that ethnicity was used as a factor in giving the community of Malamulele its own
municipality in as far as this study is concerned. This is because the Malamulele community raised
ethnic issues against Thulamela Local Municipality, which is a Venda-speaking dominated municipality
while the community of Malamulele is a Xitsonga-speaking community (Mukwevho, 2016).

The case of Malamulele and Vuwani explicitly shows that ethnicity is or was considered as a factor when
providing the Malamulele community with a separate municipality away from the Thulamela Local
Municipality. This is the decision that led to ethnic tensions and riots between the two communities when
the community members from Vuwani fought against their incorporation in the new Malamulele
Municipality. It is therefore worth noting that the silence of the Constitution and the Local Government:
Municipal Demarcation, 1998 (Act No. 27 of 1998) on the use of ethnicity in demarcating municipal
boundaries in South Africa does not necessarily exclude ethnic tension between communities when
municipal boundaries are being demarcated in South Africa.

Argument

Though the South African Constitution does not recognise the use of ethnicity as a factor for determining
municipal boundaries, the recent protests by members of the community shows that ethnicity is starting
to play a role in determining boundaries in South Africa. This means that the use of ethnicity in
determining and re-determining municipalities must be treated equally to other factors that must be
observed in the demarcation process.
There is a fear that if ethnicity is recognised in determining municipal boundaries that that recognition will result in ethnic conflicts by the members of the community because no boundary is totally inclusive of one ethnic group. The question of what will happen to internal minorities is also running through the minds of many people. But by looking at how the communities in Limpopo Province are situated, language speaks volume in differentiating between the three ethnic groups which are situated in the province. There is always a particular ethnic group which is dominating in a particular place, such as in Venda where Venda-speaking people are the majority, in Giyani, Tsonga-speaking people are in the majority and in Polokwane with Sepedi-speaking people being in the majority (Masondo, 2015).

Therefore, the recognition of ethnicity in the demarcation process will not prejudice minorities as they will be incorporated within the boundaries of that particular ethnic group that they find themselves in, for example, if a certain minority group happens to find itself within the territory of another dominating ethnic group then such minority will form part of the majority and be served by the same municipality which is serving the dominating ethnic group. This is to say for example, due to work opportunities in Polokwane, there is always a large number of Venda- and Tsonga-speaking people leaving their communities to come to Polokwane and some end up building or buying houses there and as a result they end up forming part of the Polokwane Local Municipality and even today as observed there is no ethnic conflict, which means that people are satisfied with the boundaries in which they find themselves in.

It should be noted that the only disadvantage of using ethnicity in determining municipal boundaries, which could result in ethnic conflict will be where communities are not provided with proper municipal services by the dominating ethnic group as it was alleged by members of Malamulele community. However, on the other hand, the use of ethnicity in determining municipal boundaries will provide many communities with their own municipalities and ensures that municipal services are provided equally to all communities including rural communities in South Africa. Pursuant to that the use of ethnicity in demarcating municipal boundaries will result in different ethnic communities having direct access to municipal services in their areas and this will limit service delivery protests as observed in the Malamulele community. Ethnicity will then be used as a yardstick for assessing the ability of the municipality in taking care of the communities and it will reduce the pointing of fingers by other ethnic groups as they will have their own municipal offices within their boundaries.

The recognition of ethnicity should not be viewed as a step closer to dividing the country but it should be seen as a response to the problems and tensions faced by the MDB when carrying out its demarcation functions due to the fact that some provinces in South Africa have different ethnic groups that are situated according to their cultures and language in one province e.g. Limpopo and Mpumalanga. By recognising and using ethnicity as a factor in demarcating municipalities this should assist the MDB as communities shall be satisfied and people would reside according to their ethnic groups. This is because people of the same language and cultural background tend to understand each other more and live in peace than in a mixed ethnic diversity which eventually results in ethnic conflict (Eller, 1997).
Conclusion

This article concludes that the legal framework set out the criteria to be used when demarcating municipal boundaries in South Africa. Through the MDB, the municipal demarcation process in South Africa transformed and shaped the system of local government. As a result, many communities including rural communities were demarcated to form part of municipal areas. This meant that rural communities would now be provided with municipal services within the municipality in which they fall. However, not all communities were happy with the demarcation process because they fought against their amalgamation with other communities; some communities alleged lack of consultation by the DMB while others raised ethnic issues. In the Limpopo province, the demarcation process raised ethnic tensions as seen in the Malamulele and Vuwani communities (Tiva, 2016).

Section 25 of the Municipal Demarcation Act explicitly provides that the Board must, when determining a municipal boundary, take into account areas of traditional rural communities. This means indirectly giving consideration to ethnic differences because many rural communities are under the leadership of different traditional leaders who speak different languages. Ethnicity can be considered in determining municipal boundaries if what is provided for in terms of section 25, is adhered to. This is because one cannot speak of traditional areas and exclude the language spoken in that area. In other words, by considering traditional communities as a factor, then the issue of language must also be considered. In a province such as Limpopo, there are three different ethnic groups sharing the province. Those ethnic groups are led by different traditional leaders and the language spoken is different, i.e. Sepedi, Tshivenda and Xitsonga. This means that when the demarcation process is undertaken in a province such as Limpopo, the traditional communities must be considered as a factor as provided for in the Municipal Demarcation Act, as well as the language spoken by that particular area. By looking at the provisions provided for in section 25, ethnicity can be considered indirectly as a factor in certain areas such as Limpopo.

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Corporate Governance for Sustainable Development in South Africa’s State-Owned Enterprises

Daniel Chigudu

Abstract: In South Africa, state-owned enterprises (SOEs) have a very significant role to play in the socio-economic development and for the realization of the sustainable development goals. While SOEs are essentially for assisting governments to realize economic growth in South Africa many of these entities are troubled with corruption and maladministration. These holdups are largely due to failures of corporate governance and excessive political interferences. Using a qualitative approach by employing a literature survey and content analysis, the study explores corporate governance issues for sustainable development in South Africa. It argues that SOEs deal with investment and business activities which are critical in the 2030 Agenda for sustainable development. Other states have already made inroads in this area by adopting plausible policies that influence SOEs in promoting sustainable development goals. All business entities, regardless of whether they are private or public have a significant role in achieving the goals provided that corporate governance is at the core of all the activities, hence South Africa should not be an exception. For this to be achieved, a compulsory oversight role into all SOEs should be executed by parliamentary committees composed of different political parties.

Keywords: corporate, development, enterprise, governance, sustainable, state

Introduction

One hundred and ninety states adopted unanimously the 2030 Agenda for sustainable development goals (SDGs) at the United Nations General Assembly held in September 2015 (UNGA 2015a). An action plan was set with three-dimensions that concerned sustainable development namely prosperity, people and the planet. These were all covered by defining 17 Sustainable Development Goals (SDGs) whose targets add up to 169 relating to each of the SDGs (UNGA 2015a). The corresponding SDG targets were effected on the 1st of January 2016 and will guide decision-making of the states for 15 years. According to Barral (2012) and Lowe (1999) sustainable development ensures the safeguarding of inter-generational and intra-generational equity, encouraging the sustainable usage of material resources, amalgamation of the development initiatives and environmental safety. Although not binding but prepared in an imperative and coercive language the Rio Declaration on Environment and Development ushered in sustainable development into the legal field (Barnes, 2019).

The contention by Barral (2012: 377, 382) is that sustainable development is a variable ‘ratione personae’ and ‘ratione materiae’. For Barnes (2019), variability racione personae is demonstrated by the notion that sustainable development obligations anticipated from developed economies could be more burdensome

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than those anticipated from less developed economies. Variability *ratione materiae* is also seen through the implementation of several standards to a given situation hence each endeavor gets evaluated on its own merits. From an international law perspective, debate has been there from academics in terms of international law on whether sustainable development should be viewed as integral to international law or not (Barral 2012). However, Barral observes that, those opposed to this perception argue that in international law it is not obligatory for states to sustainably develop. This observation is substantiated by some international dispute settlement bodies, together with the International Court of Justice (ICJ) which have noted the sustainable development’s importance without a declaration that it forms part of international law as yet (Gabčíkovo-Nagymaros n.d; Pulp n.d).

Putting aside the questions of normative status, although states in the Agenda 2030 stand as the principal actors in which the SDGs should be achieved, the purpose of developing a ‘Global Partnership for Sustainable Development’ implies the engagement of some other players like civil society, international organizations and private businesses (Barnes, 2019). Therefore, this paper argues that, together with the private sector, state-owned enterprises (SOEs) ought to be viewed as critical players in the implementation and promotion of the SDGs.

Although Agenda 2030 is not legally binding for states, it remains applicable to all states both developed and developing. Its execution is envisioned through the formation of a ‘Global Partnership for Sustainable Development’ putting together the United Nations system, civil society, the private sector, governments among other actors and by ‘mobilizing all available resources’ (UNGA 2015a). Eventually, countries have the prime obligation for implementing SDGs at a state level. National, regional and global indicators for gauging and monitoring the SDGs have often been fashioned so as to enable implementation. Overall, the implementing mechanism for SDGs has been put under criticism by academics for not having a robust accountability system of oversight, therefore it is most likely that some challenges may remain (Xue, Weng & Yu, 2018).

A developmental state like South Africa functions on the basis that a state is obliged to stir development activities that are meant to improve the economy. However, a free market system contrasts with that idea, because their operations yield efficient outcomes without the involvement of a state (Matsiliza 2017). Part of the mandate in transforming the public sector in SA is about transforming SOEs so as to improve effectiveness and efficiency by operationalizing principles of corporate governance (Matsiliza 2017). The PricewaterhouseCoopers (PWC) (2015) observes the strong partnerships obtaining between SOE’s, private sector, government and non-governmental organizations that have existed for a long time. In such partnerships, there are different competing interests from each partner. This makes a government to sacrifice its values. Emerging economies have an opportunity to grow through good management of SOEs. Yet, currently South Africa’s SOEs are subject to public scrutiny for their inability to meet their survival mandate (Matsiliza 2017).

The concept of sustainable development is built on the three most important aspects in the life of every society - economic development, social equity and environmental protection. In the context of
sustainable development, these fundamental aspects are called "pillars". (Boeva, Zhivkova & Stoychev 2017). This definition implies that, the main idea behind sustainable development is one of achieving societal development and its economy harmoniously with nature. The integration of these three pillars is a pre-condition for achieving corporate sustainability.

State-owned enterprises (SOEs) remain certainly a very significant matter for most African countries including South Africa, therefore involvement in corporate governance practice is critical (Corrigan 2014). The desire for an accountable government has been a critical transformative agenda for South Africa on laying good governance and democracy (White, Heymans, Favis & Hargovan 2000). SOEs are potentially powerful tools in states’ developmental inventories (Corrigan 2014), this has a substantial influence on the corporate governance landscape. However, South African SOEs face challenges of corporate governance which are quite distinct. These include politicized board appointments and excessive politicization, maladministration and chronic under-performance (Corrigan 2014). These impediments strongly impact on SOEs from contributing meaningfully towards the performance of public service.

Background
Since states serve as the main players seized with the achievement of SDGs (DIHR,2018), the need for creating a Global Partnership for Sustainable Development reflects that actors like civil society, international organizations and businesses predominantly participate (Lambin & Tannis; KS, Chowdhury, Sharma & Plat 2016). Even though the private sector’s participation in promoting and implementing the SDGs is supreme, it is equally important for SOEs, in view of their size (Kwiatkowski & Augustynowicz 2015). Until now, there is a dearth of literature from a legal point of view with respect to SOEs and the SDGs even though the matter is gradually being examined in some fields (Inkpen & Ramaswamy 2018).

The setup of SOEs in the form of statutory entities is not peculiar to South Africa alone, for instance, in the United Kingdom they are referred to as crown corporations, also present in Australia, the Czech Republic, Brazil, and in Indonesia they are called Perjans’ or ‘Perseros’, In Russia they are known as ‘Unitary Enterprises’ or State Corporations’ while in South Africa they are called parastatals while in France they are called  Établissements Publics Industriels et Commerciaux’. In those instances, chances are that these SOEs are part to the public sector. But in some cases, SOEs run in terms of general corporate law, as if they were privately owned entities (Barnes 2019). The best example demonstrating a distinct nature of SOEs is how they are treated in the United Nations General Principles (UNGPs) as covered in the state-business nexus pillar number 1 on the state’s duty to protect the human rights, and SOEs pillar number II on corporate responsibility. The importance of SOEs is seen in the national economies as they frequently stand as the biggest employers. For instance, in 2016 Sweden is reported to have had 48 SOEs, employing 137,000 people (GoS 2016). The same scenario obtains in China (Gang 2013), South Africa, Brazil, Norway, France, South Korea, India, Russia and Mexico (Soh & Nam 2018). Despite the variation in form and terminology most SOEs are in the end state-owned.
Gap analysis
In South Africa, basically the provision of services such as sanitation, water supply, transport and electricity are done through SOEs. However, most of these SOEs have been mired by state capture, bad governance and an upsurge in corruption. As a result, the growth of South Africa’s gross domestic product (GDP) is currently pegged below 2%, and this is not very good for sustainable growth (Madumi 2018). There is also high unemployment coupled with high levels of corruption threatening financial and economic sustainability. It appears that although the role of SOEs is well documented by research work, not much is being done in the wake of SOEs mismanagement threatening sustainable development in South Africa (Madumi 2018). According to StatsSA (2018) in 2017 South Africa’s economy grew by 1.3% and Madumi argues that at this growth rate the country will not find it easy to deal with major economic challenges ahead. Transparency International (TI 2014) pronounced state capture as a case of mighty individuals, companies, institutions or groups outside or within a country shaping national economy, policies and the legal environment through corruption benefiting private interests. Yet, in South Africa there is an increase onslaught of public enterprises resulting from state capture. Thabane and Snyman-Van Deventer (2018) laments that the stressed SABC saw a resignation of board members, a high turn-over of chief accounting officers, other executive members and shareholder interference. The Minister had to individually amend the memorandum of incorporation giving herself the power and authority to hire and fire. Also, the SAA had seven chief executive officers in hardly four years while high turn-over of board members has been witnessed in the Post Office, Telkom and Eskom. The appointments of executive officials have been characterized by qualifications that are dubious and questionable. All these issues have prompted this study.

Theoretical framework
The agency theory and the concept of privatization provide a lens in studying corporate governance for sustainable development through SOEs in South Africa. The government conceived the privatization strategy in order to expedite transformation and development. It invited the private sector to partner and invest in a bid for developmental efforts particularly for the transformation agenda. Privatization was adopted for state-owned enterprises through selling shares of the entity to either individuals or private actors that mutually run the SOEs with the state. In light of the current liberalization of economies, the notion of privatizing SOEs has been an international phenomenon (Matsiliza 2017).

The practice of privatization was borrowed from developed economies as a strategic way of building and increasing competitiveness. It is believed that it eliminates the market distortions and imperfections by reducing the state’s participation while increasing the role of the private actors in terms of resource management, ownership and control (PWC 2015). South Africa chose to employ private principles such outsourcing and deregulation in order to enhance government efficiency. Dewenter and Mlalatesta (1997) argue that, privatization can be done through outsourcing, subsidies, managed competition, franchise and deregulation. According to Matsiliza (2017) the privatization route was taken mainly to help the government jointly pool capital for sustaining operational activities especially for Transnet, Denel, SABC, Telkom and Eskom among some relatively big enterprises. But, the reasoning for privatizing
SOEs has not held any moral ground because selling of SOEs shares and outsourcing was a prelude to laying off people from their jobs. The belief by Claessens and Yurtoglu (2013) is that transforming corporate governance of SOEs can yield positive results. But, the separation of control management and ownership transformation is still a contentious subject of interest in SOEs (Matsiliza 2017).

In the 21st century, the agency theory turned out to be the most leading theoretical conception of corporate governance (Bhagat & Bolton, 2008). Agency theory views corporate governance practices in the lens of agency problem. Basically, the theory sees the governance connection as a contract obtaining between a shareholder who is the principal and a director who is the agent (Jensen & Meckling 1976). Directors do seek to make the most of their own benefits, only acting in a way that is beneficial to themselves yet disadvantageous to the shareholders. Tricker (2012) describes the agency theory as involving an undertaking to which person(s) (the shareholders) deal with other person(s) (the directors) to deliver services on their behalf including assigning decision-making power and authority an agent.

Where the two parties involved are maximizers of utility it is believable that the agent will not necessarily play to the tune of the principal. This presents some connotations of controversy in South Africa as this means SOEs and government have to align themselves with private individuals who are well-resourced for decision making. The agency theory adopts an opportunistic tendency where those well-resourced will maximize own interests at the expense of their clients and stakeholders. This creates some conflicts of interest by the board of directors as represented by management pitting the stakeholders. In South Africa, the politics of patronage is a dishonorable case of a relationship obtaining between government SOEs, individuals or private sector. The affluent business community may decide to support management which has strong relations with the state for state capturing (SCR 2016).

Literature review
The successful implementation of Agenda 2030 is contingent upon the mobilization and availability of resources as outlined in the Agenda 2030 document itself (UNGA 2015) However, it is not very clear on what entails the mobilization process and nature of resources to be employed. Due to the link between human rights and Agenda 2030 it has been commented that perhaps the legal framework providing for the resource’s mobilization is implied and located in the human rights’ most fundamental instruments. (Dommen 2017; Balakrishnan, Elson, Heintz & Lusiani (2011). The International Covenant on Economic Social and Cultural Rights (ICESCR,1966) provides in terms of Article 2(1) that:

> Each state party to the present covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources with a view to achieving progressively the full realization of the rights recognized in the present covenant by all appropriate measures, including the adoption of legislative measures.

Also, the implied meaning of maximum available resources appears not to be completely clear even with efforts confining the interpretation to international support and budget expenditures (Barnes 2019). Of late it has been seen prudent to have a broadened approach accommodating some resources other than financial in nature but to include among others human, natural, informational, technological,
administrative and, organizational (Dommen 2017). Sources for resource mobilization may include taxation, effectively dealing with corruption, tackling tax evasion, capital flight and avoidance of resource diversion. Barnes (2019) argues that, based on the SOEs’ proximity to the state owning them, the SOEs ought to be seen as significant resources to be used in the fulfilment of the SDGs. Therefore, states have commitments to avert and penalize corporate abuse, irrespective of whether it is state-owned or private failure which amounts to the breach of treaty obligations (Ruggie 2007b). The human rights bodies have referred many times to SOEs (Ruggie 2007a). As noted by Barnes (2019) the Committee on the Elimination of Discrimination Against Women, in its General Recommendation No. 25 expects governments to provide protection against women discrimination and business entities operating either as private or public sector. The UNGPs on Business and Human Rights has provisions specifically addressing SOEs. These are dealt with from three dimensions namely ‘the state-business nexus’ provided for in Principles 4, 5, and 6.84. (Isa 2005).

The contention that SOEs ought to be a prototype of the corporate citizenry has been underscored several times. (LbE, 2016). For instance, the Extractive Industries Transparency Initiative (EITI) provides for SOEs as these have a major role of resources regulations, management and operations. Sustainable development is clearly stated in the EITI standard (EITI, 2016b). An interesting observation is made by Wenar (2015) who notes that, most countries rich in resources the world over are usually not just the poorest, but also with the largest governance deficits in terms of transparency and human rights. The OECD guidelines for multinational enterprises (OECD 2011) together with OECD (2015) on the corporate governance of state-owned enterprises (OECD guidelines for SOEs) also have proviso to SOEs and sustainable development. The OECD guidelines for SOEs attempt to address the challenges facing the corporate governance of SOEs although they are not binding and have mechanisms for monitoring and implementations.

Efforts towards implementation of SDGs
Mashamaite and Raseala(2019) argue that some of the policies that are well developed with respect to Agenda 2030 implementation for sustainable development are noticeable in the Nordic countries. For instance, the Nordic strategy for sustainable development became the very first strategy conceived at macro-regional level whereby all the various Ministries responsible for the Nordic cooperation had a renewal of their cooperation and commitment on sustainable development. They gave the task to the Nordic Expert Group for sustainable development for the creation of a particular initiative developed specifically for the Nordic states (Mikko, Åsa, Susanna, Clarisse, Marika, Anu, Shane, Caspar & Antti 2017) As far as the implementation of Agenda 2030 is concerned Sweden gives a detailed report on the progress of SOEs (GoS 2017). The state’s ownership policy and guidelines for state-owned enterprises’ (policy) as adopted in December 2016 was operationalized from the 1st of January 2017. At its core, the policy entails business sustainability clearly stating that:

State-owned enterprises should take a long-term approach, be efficient and profitable while being given the capacity to develop. To promote long-term sustainable value growth in state-owned enterprises, sustainable business is integrated into corporate governance. State-owned enterprises
should thus serve as role models in the area of sustainable business and otherwise act in a manner that generates public confidence (GoS n.d)

The policy incorporates the UNGPs, the Global Compact, the OECD guidelines and the Agenda 2030 goals emphasizing the significance of SOEs working to achieve high business standards among others especially through corruption prevention.

In China all SOEs are under the jurisdiction of the State-owned Assets Supervision and Administration Commission of the State Council (SASAC). The SASAC falls directly under the purview of the State Council. The State Council supervises SOEs except those to do with financial matters (Barnes 2019). Some other countries have similarly adopted the same measures. For instance, Spain’s Sustainable Economy Law of 2011 provides that SOEs compile corporate governance annual reports as well as those reports to do with sustainability (Barnes 2019). In Finland, whose SOEs have the largest market capitalization relative to GDP issued a Government Resolution recently on State Ownership Policy. The policy requires that all SOEs unlisted or listed should produce comprehensive reports reflecting their sustainability performance. (GoF:2015; Morrison & Dennis 2014)

South Africa’s position for SOEs, is outlined as in the National Development Plan together with some other policy documents. The government through its SOEs is mandated to improve the socio-economic status while providing for infrastructural services (McGregor 2014). As an aspiring developmental state, it is imperative that SOEs help the government to address socio-economic issues while reducing glaring inequalities (PRC 2013). The PRC, observes that SOEs serve as catalytic and strategic instruments for growth and development. As such, they are critical players for developing the state. However, they face serious service delivery challenges and threats to their performance impeding optimal contribution to the country’s well-being (PRC 2013).

South Africa’s Corporate Governance Challenges of SOEs
Wendy Ovens and Associates (WOA 2013) raise concerns on South Africa’s SOEs’ ability to execute their mandate effectively. Chilenga (2016) argues that SOEs often get scrutinized and forced to provide plausible results due to their strategic standing. Yet, these SOEs have progressively become ineffective and unable to achieve their lauded developmental and strategic mandates due to bad governance. They are characterized by financial mismanagement, heavily politicized boards, maladministration, corruption and weak accountability systems among others (Mashamaite & Raseala 2019; Links & Haimsodi 2011; Corrigan 2014; OECD 2015). These challenges in SOEs reflect lack of corporate governance. Accordingly, this undermines the government’s intention of achieving development goals and growth. Kane-Berman (2016) observes that, SOEs face financial challenges which include among them risks to public finance, negative returns on equity and difficulties in raising money for infrastructural investment needed by the country. Besides these challenges South African SOEs are indebted heavily relying more on guarantees from the government (Marrez 2015). These challenges portray the nature of the environmental volatility for SOEs in the country.
Methodological/analytical approach
The study used a qualitative approach employing literature survey and document analysis. The qualitative approach was used for non-numerical data collection drawn mainly from secondary instruments so as to understand social reality about SOEs for providing an in-depth account and constructing new meaning. Bryman and Bell (2016) notes that such qualitative research provides an understanding of social reality and help in providing a rich description of issues as located in their natural settings. Data was sourced from annual reports, review reports, strategic planning documents, audit reports, internal control reports, financial reports, press statements, research articles and books, policy studies and law. Content analysis and discourse were used to analyze data. This method of analysis is systematic when reviewing and evaluating documents so that new meaning emerges from what the data reveals (De Vos 2011).

Discussion of findings and results
The discussion of findings and results were based on the research and document analysis themes namely, SOEs corporate governance practices in South Africa; the board of directors and leadership; sustainability; management of risk; accountability, transparency and disclosure.

SOEs corporate governance practices in South Africa
The developmental route as adopted by South Africa embraces varied stratagems inspired by inducements and non-inducement models of economics required to increase confidence in business so that the country's economy grows and promotes sustainable development. After attaining independence in 1994, the South African administration chose not to confiscate private property as it believed this would promote growth, create opportunities for jobs and expand social services. This highway decision fixated on the policies of macro-economics was adopted hoping that a high growth rate would eventually yield foreign and domestic capital and that this capital would be used effectively and efficiently. The government was also obligated to scale up the SOEs' performance in order to enhance the government's plans of improving capital markets.

The board of directors and leadership
IDSA (2016) observes that owing to the complexity of the corporate environment, entities should have ethical and principled leaders so that they prosper as outlined in the King IV Report of 2016. The board of directors shoulder a very big responsibility of decision making, governing and delegating authority to committees (such as remuneration, audit, nomination and sustainability committees) so that they get information. Therefore, they anticipated to be ethical and make well informed decisions that impact positively on the performance of SOEs for sustainable development. The board of directors has to ensure the SOEs are responsive and responsible to the clientele while complying with corporate governance principles of best practice. In South Africa, it is not every SOE that is fundamentally inept and corrupt, but there is a political linkage obtaining between some activities and structures similar to that of the private sector. It is this linkage that tends to place more interests outplaying social and economic
rationality. As a result, boards have been criticized for being partisan in their senior executive appointments (SCR 2016).

It has been noted that there is excessive political interference in some SOEs impacting negatively on performance (Khanyane & Sausi 2015). There are also conflicting interests when it comes to the bonuses, remuneration, the appointment of the board of directors and their performance of duty (Matsiliza 2017). There exists political interference as noted by Armstrong (2015) which dissuades the SOEs from striking an optimal balance between commercial and social expectations. The SOEs in South Africa may have created millions of jobs but are hard pressed by investors’, the public and politicians’ interests (SCR 2016). One opposition political party lodged a case with the courts against an irregular appointment of SABC chief operating officer whose qualifications were questionable. The Supreme Court of Appeal upheld the High Court ruling and nullified the appointment as irrational and invalid. Matsiliza (2017) argues that, there has been wide criticism with respect to the performance of some CEOs and board members in SOEs such Eskom, SABC and SAA among others especially when these entities seem to be struggling to comply with the Companies Act, corporate governance principles, Treasury regulations and the Public Finance Management Act.

**Sustainability**

For sustainable reporting, the King III report provides that all service providers are obliged to obtain the material aspects. Wang, Warta and Lebredo (2014) opine that for sustainability, management should promote a range of practices such as social and economic, stated by actors and include shareholders, boards, the public and legislators having societal welfare interests. But, one can argue that the balancing of sustainability and profit or earnings cannot be easily done with certainty. In the past few years the SABC has failed to grow substantially due to financial instability as revealed in the SABC Annual Financial Report, 2015/ 2016 according to Matsiliza (2017). The SAA’s has also not done well despite its mission statement to be “……a commercially sustainable world-class air passenger ……..in South Africa……”. This trend is noticeable in many other SOEs in South Africa.

**Management of risk**

Lazenby (2014) has described a risk as a factor indicating future events that are uncertain with a potential to negatively influence the realization of an organization’s goals. Failures of risk management in SOEs have hit the South African headlines recently. Therefore, it is prudent that, corporate governance addresses the agency challenges by managing and controlling risks prevalent in SOEs. Suffice to say that, some of the SOEs have inspiring mechanisms for risk control. Especially mechanisms that have to do with safeguarding the executive interests, while the controlling mechanisms are directed on board of directors and shareholders roles. This means risk assessment is predicated less on the interaction among risks but more on the individual risk. According to SCR (2016) risks associated with corporate governance include but not limited to remuneration of executives, liquidity, financial credit rating, assets management, interest rates and resource management. These risks can be minimized through prudent appointments. Yet some less risk averse SOEs continue with some irregular appointments. The SAA, Eskom and SABC among other SOEs should have strategies on risk management for sustainable
development, identify and manage risk factors particularly after the bad incidents that have been experienced. Notably, some of the SOEs in South Africa have been able to hire risk managers who are capable of effectively maintaining risk systems.

**Accountability, transparency and disclosure**

Good corporate governance is predicated on accountability and transparency in the SOEs among other economic and social areas of life under the purview of the state. The recommendation by the King III Report is clear that SOEs’ ability to access information is essential for public policy making. This includes tax administration systems, service delivery and the regulatory processes of entities that have a bearing on the social and economic life. Accordingly, the absence of transparency in the administration of public affairs is an enervating limitation when it comes to policy implementation (WB 2014). As it stands, the SOEs are subjected to a scrutiny as the South African government is poised more towards good corporate governance for sustainable development. Wan Abdullah, Percy and Stewart (2015) cited in Matsiliza (2017) contend that literature on analytical disclosure reveals the absence of a full disclosure in an equilibrium, although this strengthens the confidence of stakeholders as far as compliance with corporate governance by organizations is concerned. The public protector in South Africa has raised concerns over the control and effective management of the executive’s remuneration (bonuses) by the board members as well as the quality of information disclosed and financial statements prepared by the SOEs. That has led to some sweeping proposals for the corporate governance reforms (SCR 2016). This may help the SOEs to improve in accountability and transparency through appropriate, dependable reporting and improved reviewing of the SOEs performance. This could stretch beyond financial reporting but to a case of integrated reporting where the SOEs serve as role models for good corporate governance practices. This could also help in trust building between the state and the society for sustainable development in the country.

**Conclusion and recommendations**

SOEs are critical in the implementation and promotion of Agenda 2030 in as much as it is for the private sector. However, the SOEs themselves could be mobilized as ‘resources’ by governments in the implementation of the sustainable development goals. The study reveals that some policies of SOEs in developed economies have already progressed significantly in this regard and may be used as examples for best practices by South Africa and other developing countries. It is an undisputable fact that the sustainable development concept has entered our lives and caused quite a lot of things to change. Maybe one of the most important changes that should be mentioned is the way the business world begins to work and think. The mind-set of the business leaders has begun to change, which means getting profits and more money is no longer the only leading principle in the corporate governance world. Sustainable development ideas have penetrated with the potential to improve the world for the better. It appears that, most of South Africa’s SOEs continue to perform badly due to corporate governance deficiencies, yet their role for promoting sustainable development is critical. These SOEs still rely on the King II report rather than getting informed by the King III and King IV reports which have more relevance and significance. The limitations of good corporate governance have been evident in the SABC, Eskom and
SAA where earnings have been declining with soaring costs of operations and high risks. This calls for the urgent transformation of SOEs driven by the sustainable development goals agenda with diminished political interferences.

Although South Africa may have learnt from international corporate governance codes of high standing, it remains necessary to create comprehensive South African SOEs codes tailored to sustainable development. It can be argued that, the challenges currently being faced by SOEs may be seen as catalysts for eventual development of the country. Notwithstanding, the noteworthy successes in matters of governance that are already supported by some policies and legislation manifest in the Public Finance and Management Act, the King III report and the new Companies Act all applicable to SOEs. It interesting to note that the study reveals an account of how SOEs attempt to comply with sustainability through integrative reporting. But, if this integrated business practice must be demonstrated then it has to entail ostensibly the triple bottom-line pillars namely; the society, state and environment.

Parliamentary committees made up of different political parties should be set-up for monitoring performances of boards to reduce loss and risks of investments in SOEs. This monitoring must be proactive and not reactive. The SOEs should have clear mandates for supporting the sustainable development agenda socially, ecologically and economically. Corporate governance transformation should start with a judicious process of recruitment and selection of the more suitable board of directors devoid of excessive political interferences. Benchmarking from other countries should be encouraged for a sustainable future. Screening of qualifications should be thorough to avoid the risk of engaging members with dubious qualifications.

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The Economic Growth and Food and Nutrition Security Nexus in Zimbabwe: A Three-decade Perspective

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Abstract: The causal relationship between food and nutrition security and economic growth is a hotly contested debate; that is, food and nutrition security results in economic growth, or economic growth results in food and nutrition security. This article reviews the relationship that has existed between economic growth and food and nutrition security in Zimbabwe since 1990. The research methodology used in this article is to analyse past and contemporary literature on the economic growth and food and nutrition security nexus in order to answer the following question: What has been the nexus between economic growth and food and nutrition security in Zimbabwe over the last three decades? The research findings suggest that food and nutrition security generally reflects the trajectories of the prevailing socio-political and economic environment over the last three decades. In essence, food and nutrition insecurity in Zimbabwe is not due to lack of economic growth but because the country has struggled to address its longstanding socio-economic and political woes. The persistent debt overhang, budget deficits, land reform, climate change, and post-harvest losses must be addressed satisfactorily in order to solve the food crisis in Zimbabwe. Principally, for policymakers, the research findings contribute to an understanding of the factors that promote enhanced food and nutrition security in Zimbabwe.

Keywords: food and nutrition security, economic growth, structural adjustment programmes, land reform, climate change, Zimbabwe

Introduction

After a prolonged decline, world hunger appears to be on the rise again. According to the Food and Agriculture Organization (FAO, 2017:1), the estimated number of undernourished people worldwide increased to 815 million in 2016, up from 777 million in 2015. Achieving the transformation to sustainable food and nutrition security is a major challenge. To achieve the most direct reduction of hunger, priority must be given to economic growth in the agricultural sector, which hosts the majority of the poor in order to ensure resilient livelihoods and to achieve food and nutrition security (FAO, 2015:17). Notwithstanding the growing population and declining economy, Zimbabwe continues to face food and nutrition security challenges, which, if left unchecked, will have a negative impact on national development. The 2018 Zimbabwe Vulnerability Assessment Committee Report on rural livelihoods estimates that up to 1.1 million people face food and nutrition insecurity (Zimbabwe Vulnerability Assessment Committee

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This thus makes it imperative for policymakers to step up efforts to enhance the abilities of communities and households to recover from and build resilience for future shocks. Moreover, by addressing the issue of food and nutrition security, the country is not only addressing the welfare of its citizens but economic growth is also enhanced (FAO, 2015:18). This research is thus based on past studies to gain an understanding of the connections between food and nutrition security and economic growth over the period 1990 to the present day. The study strives to provide lasting solutions and design strategies that could be considered by policymakers and implemented in order to address the food and nutrition insecurity that has been experienced in Zimbabwe over the last three decades.

The relationship between economic growth and food and nutrition security

While economic growth in less-developed countries, including Zimbabwe, is highly dependent on food production (Asayehgn, 2016:3), its relationship with food security is debatable (Desta, 2016b:2). Economic growth refers to an increase in the national output/income in a given country, while national output or income can be measured by gross domestic product (GDP) (Roux, 2011:10). Conversely, food and security exists when all people, at all times, have physical, social, and economic access to sufficient, safe, and nutritious food to meet their dietary needs and food preferences for an active and healthy life (FAO, 1996:13; FAO, 2009:2). This definition of food security includes four main dimensions: physical availability of food, economic and physical access to food, food utilisation, and stability of the other three dimensions over time (FAO, 2001:8). Implied from the above definitions is that food and nutrition security has multiple dimensions, including economic growth. The FAO (2013:6) argues that economic growth can raise income and reduce hunger.

According to Torero (2014:1), food security contributes to economic growth rather than economic growth contributing to food security. In fact, rather than economic growth contributing to food security, it is food security that induces economic growth (Asayehgn, 2016:2). A hungry nation cannot grow the economy in the same way a food secure nation does. Torero (2014:1) further stresses that economic growth is only sustainable if developed countries attempt to achieve food security as a base for their citizens (see also Asayehgn, 2016:2). Asayehgn (2016:5) assert that improved food security stems directly from a set of government policies that integrates the food economy into a development strategy that seeks rapid economic growth. Furthermore, economic growth and food security mutually reinforce each other in most poor countries; for example East and Southeast Asia have addressed these steps concurrently for about two decades to increase the production and distribution of food and have escaped from hunger (Asayehgn 2016:5). The World Bank (1993) stresses that rapid economic growth has been the main vehicle by which most Asian countries have reduced poverty and enhanced food security. Inherently, the region has seen substantial variance in growth rates since the 1960s, with China growing extremely rapidly after 1980 (Uwizeyimana, 2016:49) and the Philippines growing only modestly since 1961 (Lecture & Timmer, 2004:5). The FAO (2003:8) and Torero (2014:1) stress that countries with very high levels of poverty and chronic malnutrition face limitations in human capital development, which is required to achieve sustainable economic growth”. In fact, according to Torero (2014:1), high levels of poverty,
inequality, and chronic malnutrition force governments to invest significant resources in the short term through social safety net programmes and conditional cash transfers. High rates of malnutrition can lead to a loss in GDP of as much as 4% to 5% (see also FAO, 2013:1).

Moreover, economic growth alone will not solve the problem of chronic malnutrition and stunting. The *Lancet*, a leading scientific journal in the field of global health and nutrition, discovered that a 10% increase in economic growth reduces chronic malnutrition by only six percent (Torero, 2014:1). This asymmetry illustrates that economic growth by itself will not resolve the problem of chronic malnutrition, which is a key variable in any food and nutrition security strategy (Torero 2014:2). Achieving food security and reducing chronic malnutrition requires additional multi-sectoral policies aimed at reducing inequalities and targeting vulnerable populations (FAO, 2013:2). For example, Latin American countries have the greatest income gaps of any region in the world but there are some success stories from the region as well. In Brazil, stunting fell from 37.1% to just 7.1% over the last 33 years and much of this reduction in stunting occurred between 1996 and 2007, when the gaps between poor and wealthy families with children under five were reduced in terms of purchasing power as well as access to education, healthcare, water and sanitation services, and reproductive healthcare (see also FAO, 2013:2). Torero (2014:3) argues that without stable and long-lasting food and nutrition security, there will be a continued negative effect on human capital, which will raise government fiscal costs, with negative consequences for government public spending. This will also lead to stagnated economic growth in the long term. Thus, food security is central to both short- and long-term economic growth and it needs to be a central part of a larger cross-sectoral strategy at the national, regional, and global levels, (FAO, 2013:2; Torero, 2014:1). The 2014 Global Hunger Index produced by the International Food Policy Research Institute (IFPRI) shows which countries are facing the highest rates of hunger and malnutrition, thus providing a roadmap for governments and policymakers seeking to address the issue (Torero, 2014:1). Following is a discussion of the relationship between economic growth and food and nutrition security in Zimbabwe over the last three decades (1990s to 2018).

The relationship between economic growth and food and nutrition security in Zimbabwe: The first decade (1990 to 2000)
At independence in 1980, the government of Zimbabwe (GoZ) inherited well-oiled state machinery that enabled massive state intervention and control of the national economy (Dashwood, 1996; Mzumara, 2012:14). Intrinsically, as Masaka (2013:1) puts it Zimbabwe’s diversified economy also showed signs of growth and vibrancy and was viewed as a beacon for Africa, and Zimbabwe was called the bread basket of Southern Africa (see also Riddell, 1984:18). However, since the mid-1980s, Zimbabwe’s economy has been characterised by low and volatile growth, foreign exchange shortages, inadequate investment, large structural budget deficits, and stagnant employment (Mudimu, 2003:13). These combined contributed to increases in poverty and vulnerability to food insecurity (Alwang, et al. 2002:40). Masaka (2011:10) maintains that from 1991 to 1998 Zimbabwe was forced to implement the Economic Structural Adjustment Programme (ESAP) after it failed to service its external debt to the World Bank and the International Monetary Fund (IMF). ESAP was meant to address the challenges created by import and foreign exchange controls, restrictions on capital and dividend remittances for foreign investors, control
of agricultural pricing and marketing, and a high budget deficit, which led to a large demand for domestic borrowing, which prevailed prior to 1991 (Mhone & Bond, 2001:30; Alwang, et al. 2002:5). Failure to tackle the huge and rising fiscal budget deficit, partly due to delays in relinquishing parastatals and the 1992 drought, contributed to the failure of ESAP (Masaka, 2011:11; Alwang, et al. 2002:5). For instance, the downsizing of public sector institutions and massive privatisations led to net job losses, budget restrictions compromised social service delivery and human capital development, and most importantly, ESAP failed to yield the envisaged growth outcomes as the annual economic growth for Africa during the 1990s averaged only 2.1% (Rappley, 2007:12). As a result, the country failed to sustain higher levels of investment and growth, thereby compromising public welfare, including food and nutrition security (Rappley, 2007:12; Alwang, et al. 2002:46). Mhone and Bond (2001:32) contend that the list of poor policy choices include massive but unbudgeted-for financial grants handed out to the war veterans in 1997 that undermined fiscal discipline; poorly organised appropriation of land from white commercial farmers, which led to rapid decline in agricultural production and productivity; policy reversals on taxation and prices; and the inexplicable military intervention in the Democratic Republic of the Congo (DRC) in 1997 (Brett, 2005:5; Biti, 2015:1). All these contributed to the decline of the economy and subsequently food and nutrition security. The GDP fell by 40% between 1999 and 2003 and continued to decline at an alarming rate in the following years (Zimbabwe Economic Policy Analysis and Research Unit [ZEPARU], 2013:17). At the turn of the new millennium, the government abandoned market-based reforms that it had adopted in the 1990s and reintroduced state management of the economy” (Masaka, 2013:14). It blamed external plots intended to affect regime change, recurring droughts, and international economic sanctions as the main causes of the country’s economic problems (Clemens & Moss, 2005:2).

During the mid-1990s, over 60% of Zimbabwean households fell below the national poverty line (Alwang, Mills & Taruvinga, 2002:9; Alwang, et al., 2002:1). A study by the Famine Early Warning Systems Network and Consumer Council of Zimbabwe (FEWS Net & CCZ) in 2001 reported that 70% of Harare’ population fell below the poverty datum line of Z$17 000 (about US$250) per month (Alwang, et al., 2002:9; FEWS Net & CCZ, 2001:11). It thus implies that household food and nutrition insecurity worsened during liberalisation. Although Zimbabwe was generally considered food secure during this first decade in terms of national requirements, household hunger, evidenced by the fact that 30% of children under the age of five suffered from chronic malnutrition, increased. The average daily energy consumption declined from 2233 kilocalories (kcal) per capita in 1980 to 2000 kcal per capita in 1993, and the situation was expected to deteriorate through to 2010 (FAO, 2003:44).

The period 1970 to 1997 saw the daily per capita supply of energy falling from 2225 kcal (which was above the Southern African Development Community [SADC] average of 2173 kcal in 1970) to 2145 kcal in 1997 (below the SADC average of 2224 kcal), i.e. a 14% fall in per capita supply. In addition, the daily per capita supply of fats changed only by 6.8% for Zimbabwe, compared with the regional average of 16.9%, which shows increased food and nutrition insecurity for the country over the years (SADC Human Development Report, 2000). The FAO (2001) argues that during this decade, food and nutrition insecurity in the country was immense among the urban poor and many households in the food-deficit southern and eastern areas of the country. Food aid was considered an option to meet part of the food
requirements but more challenging was the strained relationships between the GoZ and likely donors (FAO, 2001:12).

The relationship between economic growth and food and nutrition security in Zimbabwe: The second decade (2000 to 2010)

The second decade is commonly known as the period of the crisis, especially the period between 1997 and 2008 (Breisinger & Ecker, 2014:100). During this period, growth rates became negative, implying the key condition for employment creation and poverty reduction was violated, thus threatening food and nutrition security (ZEPARU, 2013:18; Breisinger & Ecker, 2014:100). In fact, The combination of wavering domestic policies, governance problems, and costly deployment of troops to support the DRC government seriously affected economic performance and investor confidence since the 1990s (IMF, 2001:1). The GoZ got involved in the DRC war in 1998, under the influence of former president Robert Mugabe during his term as the chairman of the SADC. In fact, Zimbabwe sent about 11,000 troops, armoured vehicles, and combat aircraft, and at the height of the military intervention the country was spending an estimated amount of Z$1 million a day. During this period, additional money was created without discipline and this resulted in demand-pull inflation of about 40% unemployment, and the value of the United States (US) dollar doubled against the Zimbabwean dollar (Rupiya, 2002:94). Moreover, exogenous shocks, including intermittent droughts, terms of trade losses, and the fallout from emerging markets’ financial crises in the late 1990s also played a part (IMF, 2001:5). By late 2000, the country was in the midst of a serious economic crisis and was saddled with a sizeable stock of public debt and external payments arrears, while usable foreign reserves had dwindled and inflation was on an upward trend (IMF, 2011:5). The GoZ made a number of decisions that triggered hyper-inflation (which was estimated at 231 million percent) and the near collapse of the economy from 2000 to 2008. The fast-track land reform programme (FTLRP) that commenced in 2001 led to a country-wide disruption in agricultural production, outflow of foreign direct investment (FDI), and a credit freeze by the international community, which resulted in an increase in the trade deficit (Bond, 2007:12). In 2002, Zimbabwe experienced severe crop failures due to early termination of the rains in February. The reduction in yield and output at farm level led to a 70% shortfall in production to meet annual food requirements. This was the largest deficit in Zimbabwe’s food production history since 1980 (Alwang, et al, 2002:9). This created severe food shortages in both urban and rural areas. The food shortages, in turn, deteriorated into a famine and a humanitarian disaster with seven million people on food aid and a third of the population migrating to other countries, especially South Africa (Zimbabwe Vulnerability Assessment Committee [ZimVAC], 2002:4; Alwang, et al. 2002:5). According to the Zimbabwe Emergency Food Security Assessment, 486,000 tons of food aid was needed to meet the food security requirements of 6,700,000 people (49% of the population) over the period September 2002 to March 2003, and 70% of the rural population was at risk of famine-induced starvation (FOA & World Food Programme [WFP], 2002:12).

From the beginning of the 2008/2009 cropping season in November up to the April 2009 harvest, Zimbabwe suffered a major food security crisis (FAO, 2012:3). FAO (2012:2) argues that The previous 2007/2008 cropping season was quite poor, and only produced roughly 600,000 million tons of maize due
to erratic rainfall, substantial moisture deficits, and poor access to fuel and fertiliser (see also FEWS Net, 2008:14). The crisis continued through the beginning of the 2008/2009 cropping season, due to continued economic problems linked to hyperinflation, political instability, and continued decreased access to fuel and fertiliser (FEWS Net, 2009:6). More so, in 2009 Zimbabwe formed the Government of National Unity (GNU) and this also ushered in the multiple-currency system (the US dollar, South African rand, and Botswana pula replaced the Zimbabwean dollar). This resulted in the political and economic stability of the country (GoZ, 2012:1). Additionally, the government of Zimbabwe started to pay salaries to its employees in US dollar in February 2009, thus improving food and nutrition security for the majority (FAO, 2012:3). Moreover, the seven million beneficiaries for food assistance in February 2009 decreased significantly with the adequate April/May 2009 harvest, and only 10% of the population was still classified as food insecure in May 2009 (FEWS Net, 2014:12; FAO, 2012:3). World Bank data indicate that the Zimbabwean national prevalence of under-nourishment was 39% in 2006, 30% in 2008, and 33% in 2011 (Zimbabwe Demographic Health Survey [ZDHS], 2011/2012; FAO 2012:3). However, despite the introduction of multiple currencies and the stabilisation of inflation, the economic and political challenges for the country remained visible (FAO, 2012:3). Deindustrialisation, unemployment, economic atrophy, and accelerated informalisation of the economy remain ongoing “wicked” challenges that threaten food and nutrition security (ZEPARU, 2013:22).

The relationship between economic growth and food and nutrition security in Zimbabwe: The third decade (2010 to present)

Following a decade of contraction from 1998 to 2008, the economy recorded real growth of more than 10% per year in the period 2010 to 2013 (Zvavahera and Chigora 2015:2). The recorded economic growth was partly attributed to the implementation of an inclusive government in 2009. The inclusive government ushered in a new era of dollarisation in early 2009, which allowed currencies such as the Botswana pula, the South Africa rand, and the US dollar to be used locally, which reduced inflation to below 10% per year (Chimhowu, Manjengwa & Feresu, 2010:10). However, during this period, 62.6% of the households in Zimbabwe were still deemed poor and food insecure (Chinyadza, 2015:1). The Zimbabwe Millennium Development Goals Progress Report of 2012 argues that 94% of paid employees in 2011 received an income equal to or below the total consumption poverty line (TCPL) for an average family of five. Three out of every four employed persons in Zimbabwe were classified as in “vulnerable employment”, thus compromising food and nutrition security. In the year 2013, after harmonised elections, the new Zanu-PF government launched the Zimbabwe Agenda for Sustainable Socio-Economic Transformation (Zim-ASSET), whose vision is towards an empowered society and a growing economy, which envisaged improved food and nutrition security in one of its clusters (GoZ, 2013:2). However, Zvavahera and Chigora (2015:2) argue that Zim-ASSET produced results that are contrary to its vision because most households remain food insecure.

Moreover, in 2014 the economy slowed down to roughly four percent due to poor harvests, low diamond revenues, and decreased investment (Chinyadza, 2015:1). In January 2015, as part of the government’s effort to boost trade and attract foreign investment, the Reserve Bank of Zimbabwe announced that the
Chinese renminbi, Indian rupee, Australian dollar, and Japanese yen would be accepted as legal tender in Zimbabwe. The Government of Zimbabwe entered a second Staff Monitored Program with the IMF in 2014 and undertook other measures to re-engage with international financial institutions (GoZ, 2017:5). The United Nations Conference on Trade and Development’s (UNCTAD) world investment reports of 2015 and 2016 contend that Zimbabwe recorded US$421 million in 2015 and US$319 million in 2016. The continued decline in FDI was most probably due to the unimproved business environment, land tenure, and indigenisation legislation. The manufacturing sector’s capacity utilisation has been decreasing since 2011, from a peak of 57.2% to 34% in 2015 (GoZ, 2017:6). As an interim measure, the GoZ introduced Statutory Instrument 64 in 2016 in an attempt to reduce the import bill as well as to increase industry capacity utilisation by promoting value addition and beneficiation of export goods, (Zvavahera and Chigora 2015:2). According to the World Development Indicators Database (2017), the annual GDP growth rate declined from 15.4% in 2010 to 0.7% in 2016. Currently, the country has a severe liquidity crunch, which has seen banks having withdrawal limits as low as US$20 per day, which caused endless queues. The bond notes that were introduced in December 2014 have since been replaced by the US dollar. All these challenges resulted in increased poverty of the general public and negatively influenced food and nutrition security (Chinyadza, 2015:1). The GoZ introduced the Command Agriculture programme in July 2016, with the aim of ensuring food self-sufficiency in Zimbabwe. The programme targets 2,000 farmers near water bodies and the mandate is for them to produce 1,000 tons of maize each (Mnangagwa, 2016:1). Despite the plan, the programme faced many challenges due to corruption, late disbursement of inputs, and low prices, among other issues. However, Command Agriculture, coupled with good rains, has registered tremendous success during the 2016/2017 farming period, in excess of 700,000 tons of maize (Mugabe, 2017:2). The last decade is characterised by a horde of political challenges and worsening socio-economic conditions that threaten food and nutrition security in the country.

Concluding remarks and recommendations

Based on the above analysis, it can be concluded that while there is a pivotal relationship between food and nutrition security and economic growth, their connection is still a hotly contested issue. However, while it is still debatable whether food and nutrition security induces economic growth or economic growth prompts food and nutrition security, there is a mutually reinforcing process between food and nutrition security and economic growth, especially over the three decades reviewed in Zimbabwe. From the ongoing discussions it can be argued that food and nutrition insecurity in Zimbabwe is not entirely due to the lack of economic growth. Food and nutrition insecurity appears to persist because the GoZ has struggled, and to a certain extent failed, to address its longstanding socio-economic and political woes over the past three decades. Food and nutrition insecurity also persists in Zimbabwe because the government has not been able to deal with the debt overhang, budget deficits, land reform, climate change, and post-harvest losses. Food and nutrition insecurity cannot be eliminated without the government addressing these problems satisfactorily. In order to address food and nutrition insecurity in the context of economic growth in Zimbabwe, it is imperative for Zimbabwean policymakers to pay
attention to increases in food prices as well as strategies to tackle climate change. Introduction of safety nets (increasing availability of food items to the poor), introducing technology that improves food production, improving value chains, improving extension services, introducing strategies to address post-harvest losses, addressing climate change, and the right policies and getting institutions to implement them are just some of the strategies that the GoZ can consider in tackling food and nutrition insecurity in Zimbabwe.

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Strengthening Capacity of Educators for Purposes of Delivering High Quality Education in South Africa

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Abstract: This study focuses on the transformative interventions for educators in ensuring the right of access to quality education in South Africa. It highlights the right of access to education as provided in section 29 of the Constitution of the Republic of South Africa 1996. It examines the effect of poor education to the black majority and qualifications of educators during the apartheid period and how this has impacted poor black schools and learners where education was woefully inadequate. It argues that poor performance in black schools emanates from incapacity of educators in providing quality education. Although there was a radical transition in educational laws and programs from apartheid to post-apartheid, till date there are still challenges in the implementation of these policies and laws. The transformative interventions have been suffering major setbacks because the legacy of apartheid and also poor educational facilities and lack of human capacity in poor black schools. This is because even after the demised of the apartheid, South Africa is remains the world’s most economically unequal country. The article recommends that government, as a matter of urgency, needs to improve and strengthen educators and teachers' capacity in order to empower them to deliver high standard and quality pedagogy in black schools.

Keywords: Access to Education, Teachers, Competency, Capacity, Transformation

Introduction and Background

In South Africa, the new democratic government that started in 1994 faced the task of transforming the apartheid education system to a national system that included all the racial groups in the country so that they will all receive quality education (Layman, 2003). Hence, the right of access to education is provided in section 29 of The Constitution of Republic of South Africa,1996 (Constitution) as a fundamental right, unqualified and human basic need which requires a full realization and implementation in order to achieve the constitutional mandate and also in ensuring that access to quality education is fulfilled (Arendse, 2011).

In 1948, the apartheid government was structured around racial segregation and the country was officially divided into four racial groups, Whites, Blacks, Indians and Coloureds. In terms of allocation of resources, whites educators in particular, were more resourced than other racial groups and blacks were the least resourced (Fiske and Ladd, 2004). Likewise, training colleges for educators were also grouped in terms of race (Ladd and Fiske, 2006). The duration for training of black and white teachers differed. Teachers' training requirement for blacks was to have at least standard six or junior certificate and the

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duration for training were two years whereas the whites were required to pass matric and train for three years (Badat, 2010).

In 1953, the Bantu Education Act (BEA) that officiated racism was passed, and schools such as mission schools that rejected the Bantu Education were denied funding. The BEA curriculum was designed in such a way that the black child or educator would remain inferior to their whites’ counterparts (Johnson, 1982). The apartheid system of education was designed clearly to make education for white students unequal to the black students. And in order to achieve this, the University Education Act 45 of 1959 was purposefully enacted in order to prevent black students from attending “white” Universities in South Africa (Davies, 1996).

In 1976, the black students protested against apartheid oppressing educational system and demanded removal of Afrikaans as medium of instruction in half of the subjects. Undeniably, the students marched for equal and quality education for all in South African schools. Since members of the ruling National Party spoke Afrikaans, black students viewed it as the language of the oppressor. Moreover, lacking fluency in Afrikaans, African teachers and pupils experienced the negative impact of the new apartheid policy which introduced Afrikaans as the medium of instructions in half of the subjects in schools (Pluddemann, 2015).

The 1993 South African Interim Constitution made provision for the right to basic education. The interim Constitution emphasised quality education and improvement of schooling with the intention of developing society. Continuing professional development of educators was also highly considered with the intention of improving quality performance in schools.

The African National Congress (ANC)’s Freedom Charter of 1955 intended to create an equal democratic system that will accommodate all learners regardless of colour. The freedom charter aimed to make education to be equal. In 1989, the National Education Co-ordinating Committee (NECC) adopted a declaration which pronounces that “Education is a basic human right. Schooling should be free and compulsory for all children.”

Despite the right of access to basic education for all, to date, the government is still struggling to provide access to quality education for all. The former model C schools, which were the previous white schools are still benefiting more than the black schools. In black schools, there are still many unqualified and under qualified educators. The problem is that most educators did not receive modern and informative educational training or developed themselves professionally but they still retained the inferior training given to them during apartheid regime.

In 2003, the National Plan of Action was adopted by the government with the intention of achieving improved access to free and quality basic education. The plan stipulated that by 2015 all children of school going age should be provided with good quality education. Curriculum 2005, with Outcome Based
Education (OBE) approach was introduced with the promise of high quality education in preparation for the future of the black child.

The government embarked on the development and implementation of Curriculum 2005 in order to correct the apartheid curriculum of the past (De Waal, 2005). The curriculum was introduced to develop citizens with high level of skills, knowledge, and attitudes and values. The immediate requirement for the successful implementation of Curriculum 2005 (C2005), the South African version of OBE approach, is that practising teachers should be capacitated to facilitate the teaching of new content with its accompanying approach and methodology.

Implementation of Curriculum 2005 generated new focus on teaching and learning, but has challenges in inadequate orientation, training and development of teachers. Due to the challenges of implementation of Curriculum 2005, the new policy, the Revised National Curriculum Statement was produced and became policy early in 2002. The curriculum framework that was to introduce OBE into our school system was named Curriculum 2005.

However, presently the educational system in South Africa is experiencing crisis such as poor capacity of educators and poor performance of learners in schools due to the fact that curriculum change was done without first retraining educators (Botha, 2002). The Department of Education and school management provide little support for teachers in historically disadvantaged schools. Hence, these teachers are not able to properly and effectively implement curriculum 2005 due to constraints such as large class sizes, lack of learning materials and financial backing to initiate further training for the teachers. Historical factors such as discrimination, poverty and perception of inferiority are also impediments to improving education system.

In South Africa capacitation of teachers before implementation of the new curriculum (Curriculum 2005) was not properly done. This crisis was compounded by severe shortage of well-trained educators and radical change in educational policies.

The introduction of Curriculum 2005 in the post-apartheid system was a good decision but was poorly implemented. Teachers’ training for the new curriculum was poorly done because it was rushed, using cascade training model. The government provided emergency training and materials to ensure that all provinces could start from the same footing, however, in-service work with teachers and schools was at minimal and resources totally inadequate (Adedeji and Olaniyan, 2011). Most of the training periods were spent on explaining the complex vocabulary and too little substance of OBE. Educators did not apply the principles of OBE in their own methodology. Curriculum 2005 was implemented before it was ready for presentation; consequently, implementation of Curriculum 2005 has been highly problematic. Because the government wanted to change the system too quickly, teachers were not trained prior to the curriculum change processes with regard to their curriculum implementation. Only few teachers were exposed to minimal training workshops for pilot schools and that alone proved to be a limitation. The
trainers themselves due to inadequate training lacked confidence to practically demonstrate to trainees (school teachers) on how an OBE classroom would look like.

Teachers expressed their concerns about the various challenges in the implementation of the Revised National Curriculum Statement. The Minister of Basic Education appointed a task team to identify the challenges and the report showed that it negatively impacted on the quality of teaching in schools.

The Curriculum 2005 Review Report recommended that:

- The design of the curriculum be simplified
- Curriculum overload be addressed, including the reduction in the number of Learning Areas in the Intermediate Phase
- The terminology and language of the curriculum should be simplified
- Assessment requirements should be clarified
- Content had to be brought into the curriculum, and specified
- A plan needed to be developed to address teacher training for the successful implementation of the new curriculum
- Textbooks and reading had to be reintroduced as a widely recognised means to bridge the gap between teacher readiness, curriculum policy and classroom implementation.

In 2012, the government introduced the National Curriculum Statement which aimed at providing a clear specification of what is to be taught and learnt on a term-by-term basis and promotion requirements to be obtained. The National Development Plan provides that education, training and innovation are central to the South Africa's long term development. In order to achieve these developmental goals, it is imperative and essential to equip teachers through on-going training and workshops to capacitate them in order for them to be able to discharge their pedagogical responsibility effectively and efficiently. The educational curriculum, policies and laws aimed at capacitating teachers must be, as a matter of urgency implemented in order to capacitate and enable educators to provide quality education to the learners.

Research Problem
The 1996 Constitution stipulates that the right of access to quality education must be realized. However, lack of capacity of educators is hindering the realization of the right of access to quality education as mandated by the Constitution. This is one of the major reasons for the poor performance in South African schools, especially the historically disadvantaged black schools.

The failure of educators to provide quality education to learners in South Africa emanated from the apartheid policies and laws whereby teachers were expected to implement new curriculum, using the old approaches, without being trained properly. The post-apartheid era also created challenges to the educators in terms of implementation of new policies such as Curriculum 2005, Revised National Curriculum Statement Grade R-9 and the National Curriculum Statement G10-12. In 1999, government instituted a review of Curriculum 2005, which led to the so-called “Revised National Curriculum.” Policy research shows that it simply does not work to rush the implementation of curriculum reform.
Due to ongoing implementation challenges the two policies, Revised National Curriculum Statements (R-9 and G10-12) were combined to produce the National Curriculum Statement Grade R-12, which represents a policy statement for learning and teaching in South African Schools. The NCS Grades R-12 gives expression to the knowledge, skills and values worth learning in South African schools. This curriculum aims to ensure that children acquire and apply knowledge and skills in ways that are meaningful to their own lives. The curriculum promotes knowledge in local context, while being sensitive to global imperatives. The NCS serves the purpose of equipping learners, irrespective of their socio-economic background, race, gender, physical ability or intellectual ability, with the knowledge skills and values necessary for self-fulfilment, and meaningful participation in society as citizens of a free country. However, the change of policies was so radical that most of the black educators were unable to implement them properly as they lack capacity to do so. There has always been a challenge in SA’s previously disadvantaged communities in their ability to link their education with local contests.

Another setback is that the period of training for educators was not enough to make them experts in the use of the new curriculum. The government wanted to change the system too quickly. What exacerbated or frustrated the educators more was the duration of training or workshops. Teachers were trained in a short period of time, once a week during teaching time or three days a week during school holidays and expected to implement the policies at the same time instead of intensive training which requires the period of three months or more to enable them to implement the curriculum successfully. The speed at which policies were changed by the department also contributed towards failure of educators in providing quality education because they were not capacitated for new curriculum. The implementation of these policies in a very short space of time lacked continuity and as such, posed a challenge to educators as implementers of the curriculum policies. Educators dropped what they knew without a ladder of stepping or crossing over to the new curriculum. A chasm in learning and teaching developed immediately.

Literature Review
Bernstein (2011) observed that “there is a lack of “accountability” on the part of teachers” because they are not properly equipped to release quality education. And the reason for this is that “many teachers fail to deliver quality education due to their incapacity and as a result there is poor performance in South African black schools.” Adedeji and Olaniyan, 2011) are of the view that “capacitated educators are important instruments which a country can utilise for the development and improvement of its educational system” (Adedeji and Olaniyan, 2011). They also asserted that “any socio-economic strategy, aimed at improving schools and human development must, consider continuous teacher development programs” (Adedeji and Olaniyan, 2011). Furthermore, they indicated that “for a country to improve its educational system it needs to provide workable strategies that will improve the capacity and conditions of teachers and teaching in schools.

The importance of quality education is numerous. Having an understanding of the benefits of high quality education is important as it enlightens people in the society about the reason why the legislature ensured that this right can be demanded immediately (Adedeji and Olaniyan, 2011). In the same vein, opportunity
to be educated serves essentially as a means to decrease poverty, be integrated in socio-economic development and empowerment (Arcaro, 1995). Education creates window of opportunities for previously disgruntled persons because by being educated, they become able and competent for purposes of securing jobs which will enable them to be entangled from web of poverty and be able to provide for themselves and family and by extension may even be self-employed or create jobs and employ others.

In South Africa, weak and low quality of education being provide and received by most poor children in a very precarious situations and make such types of a poverty trap. The reason why this article strongly argues for quality education for the poor because with quality education, poor children would have hope because they must have received the skills and competencies which would make them eligible to find jobs, which would invariable improve their personal incomes and pave the way that will make them escape poverty. Hence, there is also need to strengthen educators’ capacity in order to deliver high quality education to the poor in order to escape the triple challenges of inequality, poverty and unemployment in South Africa. According to Kulild (2014) categorically asserted that “education that targets marginalized and poor populations will bring change to many of the systemic factors that have contributed to the delay in poor communities’ development. Education can prevent the transmission of poverty between generations. Education also has documented effect on health, nutrition, economic development and on environmental protection UNESCO 2104: Sustainable development begins with education.” According to Kulild (2014), “increased access to education can contribute to reducing poverty. Acquired basic skills such as reading, writing and numeracy, have a documented positive effect on marginalized populations’ incomes. It increases the rate of return on the economy.”

Tomasevski (2006) asserts that education plays a crucial role in the fulfilment of socio-economic rights and decent employment. Education enhances a person’s prospects of securing employment, which in turn secures access to food, housing and health care service. This means that a person who is educated or who has access to quality education has more chances of securing good employment as opposed to someone who is not educated.

Education enables a person to participate diligently in the community by adding and conserving cultural and religious values, thereby enabling the community to choose the way it wants to live. Mailaret (1979) opined that “education has the ability to make individuals equal since it gives them the ability to develop talent, individual callings and skills that enable a person to manoeuvre through all the difficulties that weaken the human condition.”

According to the United Nations International Children’s Emergency Fund (UNICEF) 1946, quality education includes:

- “Processes through which trained teachers use child-centred teaching approaches in well-managed classrooms and schools and skilful assessment to facilitate learning and reduce disparities.
Outcomes that encompass knowledge, skills and attitudes, and are linked to national goals for education and positive participation in society.”

Lack of capacity as a teacher in this context, means that a teacher is unable to produce good learners’ performance due to lack of adequate skill required to discharge the responsibility.

Teacher capacity is influenced at two distinct stages. The first is during initial teacher education, and the second is over the course of a teacher’s career. Top performing education systems invest heavily in initial teacher education to ensure graduates are well prepared by the time they enter classroom. Newly qualified teachers then engage in intensive on-the-job training in their first year of work to cement core skills and competencies. Professional learning remains important throughout teachers’ careers so that they can continually improve and spread good practice to others.

In many South African schools, especially the black schools, teacher capacity is often not done according to the two stages. A teacher starts teaching alone in his/her classroom without induction, mentored or being coached. The classroom observations by the monitoring and evaluation teams in most of the black schools are not done. For the South African black schools to improve, it is necessary for SMT to be capacitated so that they can be able to capacitate educators at the beginning of their teaching career by assigning mentors to support and assist them. During their career also, it is important to capacitate educators through in-service training programmes throughout their career for quality education to be realized. Capacitated educators will improve performance in black South African schools.

It is imperative for South African teachers to ensure that they implement the National Curriculum Statement effectively without compromising policies and standard. The success or realisation of quality education in South African black schools depends on dedicated educators.

South African Schools Act section 20(i)(e) provides that “the school governing body must support incapacitated educators in implementing quality education to promote the best interest of the school” On the other hand, the governing body of a public school must adhere to any actions taken by the Heads of Department in terms of section 16 of the Employment of Educators Act no 66 of 1998, to address the incapacity of a principal or educator to carry out his or her duties effectively in terms of quality education. Underperforming schools need to be attended to by the provincial and district officials responsible. The Head of Department (HOD) must issue a circular in compliance with section 16A and 58B of SASA with regard to school performance and the procedures to be followed by and for underperforming schools. The circular will be directed to the officials in the Districts, circuits and schools for implementation purposes in order to improve teachers’ performance.

The Integrated Quality Management System (IQMS) emanated from Schedule I of the Employment of Educators Act where the minister required that the underperforming educators should be capacitated to
improve performance in schools. The Schools Management Team (SMT) must develop school improvement plan where capacity building plan would be included for underperforming educators.

The IQMS is composed of three programs namely Developmental Appraisal (DA), Performance Measurement (PM) and Whole School Evaluation (WSE) which aimed at capacity building, incentivising and personal and professional growth of educators. The purposes of DA, PM and WSE are to appraise individual educators in a transparent manner with a view to determining areas of strength and weaknesses, and to draw up programmes for individual development; evaluate individual teachers for salary progression, grade progression, affirmation of appointments and rewards and incentives; and evaluate the overall effectiveness of a school as well as the quality of teaching and learning respectively. These three programmes are implemented in an integrated way in order to ensure optimal effectiveness and co-ordination of the various programmes (Berger, 2015). One of the main purposes of IQMS is to identify specific needs of educators and to evaluate an educator’s performance. If an educator performs according to expectations, he or she gets the 1% as pay progression of their annual salaries and if they perform exceptionally well they get bonus which may be more than 5% depending on the availability of departmental budgets.

Teachers feel that the issues of remuneration and teacher development should be separated and as such, the IQMS should just focus purely on teacher development. The IQMS can be effective if the training is properly and effectively implemented. It is recommended that a team be established to investigate the effectiveness of the IQMS instrument and provide a new paradigm to guide implementation. Where there are gaps, the Department should develop effective professional development model which will be easily implemented.

The Constitution and the right to Education

Section 29 of the Constitution provides that “everyone has the right to a basic education, including adult basic education; and to further education, which the state through reasonable measures must make progressively available and accessible. Everyone has the right to receive education in public educational institutions where that education is reasonably practicable in the official language or languages of their choice. Recently in the case of Afriforum and Another v Chairman of the Council of the University of the Free State and Others (A70/2016)[2016]ZAFSHC 130(21 July 2016) concerning the language policy, the Court has made the ruling that in order to ensure the effective access to, and implementation of this right, the state must consider all reasonable educational alternatives, including capacitation of educators in curriculum implementation. Capacitated educators would be able to empower everyone who wants to develop himself/herself professionally in terms of lifelong learning, taking into account equity, practicability; and the need to redress the results of past racially discriminatory laws and practices. Everyone has the right to establish and maintain, at their own expense, independent educational institutions that do not discriminate on the basis of race; are registered with the state; and maintain standards that are not inferior to standards at comparable public educational institutions. Subsection (3) does not preclude state subsidies for independent educational institutions.
The constitution allows everyone who is empowered to establish independent (private) institution to capacitate educators for quality education. Currently there are many private schools in South Africa. Private schools generally have better facilities, smaller classes, capacitated educators and the culture of high performance, and hence have become an alternative for middle-income families wanting a better future for their children.

With teacher’s trade unions opposing policies that might improve teacher quality, our minister of education seems paralyzed. Corruption often means that budgets are either unspent or spent inefficiently. Private schools

One possible factor for better performance in private schools than government schools is that independent schools provide principals and teachers with stronger incentives for good performance than in the public schools. The demand for private schooling is often driven by dissatisfaction with the quality of education available in the public schools due to teachers’ incapacity.

Transformative interventions introduced to foster strengthening the capacity of educators The end of apartheid regime in 1994 was regarded as victory for democracy and human rights nationally and internationally. National laws and policies were introduced and aimed at redressing the past injustices and inequalities one of which is denial of access to quality education. It created unique opportunities and responsibilities to build the divided fragmented system of education and establish equality participatory democracy on which the Department of Education envisions as “South Africa which all people have equal access to lifelong education and training opportunities which will contribute towards improving the quality of life and build a peaceful, prosperous and democratic society” (The Department of Education 1996). It is pertinent to mention that access to quality education can be realized through capacitation of educators in curriculum implementation and effective implementation of various national laws and policies that were enacted to ensure quality education such as:

The white paper on education and training (1995) The white paper on education and training gives directions to how South African education system must be provided. The paper’s aim is to build a system of education and training that are founded on equity and non-discrimination and respect diversity, honour learning and strive for excellence.

The paper provides that for the first time in South Africa’s history, a government has the mandate to plan the development of the education and training system for the benefit of the country as a whole and its entire people. The challenge the government faces is how to create a system that will fulfil the vision to open the doors of learning and culture to all. This paper suggests a just and equitable educational system which will give all learners of South Africa education of good quality. This is the first priority of the government under the “Reconstruction and Development Programme (RDP).” The main aim of the RDP is to make sure that the country’s human resources are fully developed. Quality educational and training
can be used as a strong tool to empower people and to encourage them to participate actively in all process involving the democratic society which is free from any other form of discrimination.

The South African Schools Act (SASA) 1996
The SASA is aimed at doing away with the apartheid educational system and focuses on an equal and uniform high quality education. SASA also aims to empower schools and communities to make a difference. It provides that "subject to this Act and any applicable provincial law, every parent must cause every learner for whom he or she is responsible to attend a school from the first school day of the year in which such learner reaches the age of seven years until the last school day of the year in which such learner reaches the age of fifteen years or the ninth grade, whichever occurs first." The Act further provides that "the State must fund public schools from public revenue on an equitable basis in order to ensure the proper exercise of the rights of learners to education and the redress of past inequalities in education provision."

Section 58B (1) of SASA requires the Head of Department (HoD) to identify underperforming public schools. Annually, from the report contemplated in section 16A (1) (b) and from other relevant reports, the HoD must identify any public school that is underperforming in relation to any matter referred to in subsection (2) (a) (b) or (c). The HoD is further required to issue a written notice to the school contemplated in subsection (1) if he or she is satisfied that:

- The standard of performance of learners is below the standards prescribed by the National Curriculum Statement and is likely to remain so unless the HoD exercises his or her powers in terms of this Act.
- There has been a serious breakdown in the way the school is managed or governed which is prejudicing or likely to prejudice the standards of performance.
- The HoD must take all reasonable steps to assist a school identified in terms of subsection (1) in addressing the underperforming.

The Head of Department must identify underperforming schools in the Province with the intention of making stakeholders aware of status of performance in those schools. Announcement of underperforming schools by the HOD will compel the School Governing Board (SGB) to build capacity for incapacitated educators in those schools (underperforming schools) for access of quality education.

In terms of the functions of the SGB section20 (1)(e) Subject to this Act, the governing body of a public school must:

Support the principal, educators, and other staff of the school in the performance of their professional functions;

Section 21(1) (c) further provides that:

Subject to this Act, a governing body may apply to the Head of Department in writing to be allocated the following function;

to purchase textbooks, educational materials or equipment for the school
In terms of allocated functions of governing bodies. This section empowers the SGB to capacitate educators in the realisation of access to quality education and to support them in their performance of their responsibilities.

Employment of Educators Act (EEA) 1998
In terms of schedule 1 section 1(1), one of the purposes of the EEA is to empower the employer to discharge an educator from service if an educator performs poorly. The employer can discharge an educator after following due processes regarding the applicable provisions of the Labour Relations Act 66 of 1995, schedule 8. In respect of poor work performance, the relevant employer must assess the incapacity of an educator by considering the extent to which the educator lacks the necessary skills to perform in accordance with the educator’s job description, the nature of the educator’s work and responsibilities and circumstances of the educator. The employer, who is the Head of the Department or Director-General of the Department of Education can discharge a poorly performing educator from service. Section 16 of the Act talks about incapable educators. The section makes provision for the Head of Department to assess the capacity of the educator if it is alleged that an educator is unfit for the duties attached to the educator’s post or incapable of carrying out those duties effectively.

The HoD has to take action against the educator in accordance with the incapacity code of good practice and procedure for poor work performance as provided in schedule one of the Act. In applying this code and procedures, the HoD must assess the extent to which the incapacity impacts on the work of the public school. The HoD is empowered by this Act and expected to capacitate poor performing educators in the Province to improve their performance. The HoD will issue a written notice to the principals of the underperforming schools, declaring the schools underperforming. The HoD will advise the principals to identify root causes for underperformance and direct them to submit their plans for improving their academic performance of their schools.

If educators are capacitated, there is no way that schools can experience underperformance. If managers are supporting educators, providing resources, underperformance would be the issue of the past. The Act empowers the employer to identify underperforming educators and discharge them if they have been provided with skills but still are unable to perform up to the standard. In the case of Grey v Education Labour Relations Council and others, a high school educator was dismissed on the grounds of unprofessional conduct for contravening section 17(1)(c) of Employment of Educators Act.

The 2003 National Plan of Action
In 2003, the National Plan of Action which seeks to improve access to free and quality basic education for all was adopted by the department of education. The plan declares that “it is well on the way to attaining the provision of basic education that is compulsory for all children of school-going age that is of good quality and in which financial capacity is not a barrier for any child before 2015. This plan provides that “there is a need for free and quality education for all.”
The government claims to provide compulsory, free and quality education up to grade 9. However, actually, the government does not monitor the provision of compulsory and free, let alone quality education. In addition, access to quality education is also not realized in black schools because of the incapacitation of educators.

The plan provides effective deployment of trained teachers. Teachers must be deployed based upon subject teaching needs and teachers’ specialisation, priority are to given to schools in remote areas, as well as incomplete rural schools. The plan also emphasises the importance of improved quality of in-service training. The plan suggests that unqualified teachers need to be trained. It further emphasises training for effective management and supervision of schools.

Integrated Quality Management System (IQMS) for School-Based Educators
An agreement was reached in the Education Labour Relations Council (ELRC) Resolution 8 of 2003) to integrate existing programmes on quality management in education. The existing programmes were the Developmental Appraisal System (DAS) that came into being on 28 July 1998 (Resolution 4 of 2008), the Performance Measurement System that was agreed to on 10 April 2003 (Resolution 1 of 2003) and the Whole-School evaluation (WSE). The IQMS is an integrated quality management system that consists of three programmes, which are aimed at enhancing and monitoring performance of the education system. The IQMS is informed by Schedule 1 of the Employment of Educators Act, No 76 of 1998, “where the Minister is required to determine performance standards for educators in terms of which performance is to be evaluated.

These problems can be effectively addressed if principals can draw up a monitoring instrument which could direct the class visits. An Integrated Quality Management System programme should also be put in place. Structures such as school development teams and development support groups should be in place, effective and functional. The appraisal of educators should take place for educators to share their experiences and offer each other moral support (Badugela, 2012). Proper training of principals and SMTs is very important for effective and efficient implementation of IQMS. Robust advocacy of IQMS programmes will effectively address the problems of implementation. The purposes of IQMS are:

- “To identify specific needs of educators, schools and district offices for support and development;
- To provide support for continued growth;
- To promote accountability;
- To monitor an institution’s overall effectiveness;
- Provide basis for paying salary progression, rewards and other incentives, and
- To evaluate an educator’s performance

The implementation of the IQMS is guided by the following principle:

- The need to ensure fairness. For example, there can be no section against an educator in respect of his/her performance before providing meaningful opportunities for development.”
Professional development of teachers is a cornerstone for the provision of quality teaching and learning in the education system of a country. Studies have shown that effective professional development programmes of teachers stand at the centre of the proposal for improving the quality of teaching and the transformation of education (Darling-Hammond, 2010). The integrated quality management system has been placed to develop the competencies of teachers in South Africa.

However, the implementation of the IQMS was hampered by a combination of factors, including the inadequate advocacy programme of the national Department of Education (DoE) in introducing IQMS to schools, poor training in some provinces, inadequate leadership by principals, and teachers’ resistance to the process (Berger, 2015). Despite efforts to strengthen the implementation of the IQMS, schools have struggled to work with it (Berger, 2015). As a result, the DoE commissioned a review of its implementation in 2007. The review identified two main challenges which are a skewed emphasis during IQMS training on performance measurement for pay and level progression in order to get buy-in to the system by teachers, with the result that professional development was not understood as part of the process; and the lack of professional development opportunities for all teachers and a lack of quality assurance of development programmes (Berger, 2015).

In 2008, the DoE appointed external moderators in the provinces to monitor the implementation of the IQMS processes and procedures in the schools. Problems like inadequate training of both school teachers and education officials on IQMS processes were identified (Berger, 2015). The team found that “the professional development aspect of the IQMS has been neglected because schools have not had the time or skill to implement all the requirements” (Berger, 2015).

Similarly, a Ministerial Committee on the National Education and Evaluation Development Unit (NEEDU), which was established in 2008, reviewed the IQMS and identified fundamental problems (Berger, 2015). It found no evidence that the IQMS would be able to serve as an effective mechanism for accountability, because most teachers do not know how to conduct an effective analysis of teacher performance or how to prioritise teacher’s development needs and the outcome are heavily weighted in favour of the teacher’s self-assessment (Berger, 2015). It further noted that “the existing list of performance standards was cumbersome and time-consuming, generating considerable volumes of paperwork for heads of departments, and does not capture adequately the most important core function of schooling, namely the level of learning achieved by learners” (Berger, 2015).

A major problem in professional development programmes of teachers offered is that teacher competencies seem not to be improving as envisaged, mainly because of problems experienced in implementation. For example, challenges to the (IQMS) include a tendency to lose sight of the objectives and processes (Berger, 2015). The focal point in implementation becomes securing awards rather than improving the quality of teaching and learning, because the same instrument is used for development and performance management (Berger, 2015). Another challenge is that the IQMS policy does not directly encourage and motivate teachers to improve their morale as it focuses mainly on monitoring
school effectiveness. Shortage of adequately qualified staff and large learner-teacher ratios exacerbate the problem in the implementation of the policy.

A new system to strengthen teachers’ development in the public sector has recently been introduced. In 2007, SACE was given the overall responsibility for the implementation, management and quality assurance of a Continuing Professional Teacher Development (CPTD) Management System. The aim is to enhance the quality of teaching in public schools through a process of recognising, supporting and tracking teachers’ professional development. The SACE Council approved the CPTD implementation plan in November 2012 and it has subsequently been implemented on a phased-in basis, beginning with principals and deputy principals in January 2014.

The CPTD system requires public school educators to accumulate 150 professional development points in every three-year cycle. Points can be accumulated through three types of activity: teacher initiated activities, school-initiated activities, or externally-initiated activities by providers. Only the courses of a SACE-approved service provider will attract points. Educators must report their participation in professional development twice a year to SACE and maintain a Professional Development Portfolio according to SACE guidelines.

SACE has advised that for the first six years (from 2014 to 2019) no penalty will be imposed on teachers who do not achieve their 150 points target. The CPTD system is available to all teachers in South Africa but only compulsory for teachers in the public sector.

The Teacher Development Summit 2009
Continuous challenges with the implementation of the IQMS, among other issues, led to the two national departments, the Department of Higher Education and Training (DHET), calling a multi-stakeholder teacher development summit to examine all the challenges relating to teachers’ development and propose strategies to address them (Berger, 2015). In terms of the IQMS specifically, the view taken was that it was not effective and had many problems and inconsistencies. Arguments were advanced for the separation of appraisal for development purposes from appraisal for remuneration purposes. It was argued that the IQMS assigns teachers as both referees and players, with no systems in place to monitor implementation. The Teacher Summit concluded that the linking of the IQMS with pay progression has “distorted its development purpose and value” (Berger, 2015).

The participants resolved that a new, strengthened, integrated national plan for the teacher development be developed to include a clear, coherent policy and regulatory environment for both teachers’ appraisal and teachers’ development. It was decided that the teacher development appraisal be delinked from issues of remuneration, the IQMS be streamlined and rebranded, and all standards and criteria around teacher competence and performance, and assessment instruments, should be reassessed to determine their relevance.
Integrated Strategic Planning Framework for Teacher Education and Development in South Africa (2011-2025)

While the lead government departments have been identified in the previous paragraph, it is recognised that other stakeholders in education have an important role to play in ensuring that teachers have access to quality teacher education development opportunities. Teacher unions have a responsibility to promote teacher professionalism, the South African Council of Educator (SACE) aims to promote quality management and support the system by identifying and addressing teacher development needs, the universities have a responsibility to ensure that their programmes are accessible to teachers and ensures that its activities are directed towards the support of teachers to register for short courses or qualification programmes, supporting new teacher induction. The plan is strongly aligned with national imperatives that are currently in place which seeks to:

- Attract a new group of young, motivated and appropriately trained teachers into the teaching profession each year.
- Improve the professionalism, teaching skills, subject knowledge and computer literacy of teachers through their entire careers.
- Strive for a teaching workforce that is healthy and enjoys a sense of job satisfaction.

The DHET’s Revised Strategic Plan (2010/11-2014/15), has among its strategic objectives the following:

- To monitor the production of initial teachers and the development of practising teachers through qualification programmes in order to inform planning and determine enrolment and graduation targets.
- To strengthen the capacity and capability for the provision of school teacher education in university in order to produce and develop sufficient quality teachers in line with Ministerial targets.

The plan advocates the creation of new structures, including a National Institute for Curriculum and Professional Development (NICPD), District Teacher Development Centre, Professional Learning Communities, Teacher Education Institution, and Teaching Schools and Professional Practice Schools, to provide teachers with support and access to development opportunities. It also formally delinks teacher appraisal for development from appraisal for remuneration and salary progression. The ELRC was tasked with the responsibility to streamline and rebrand the IQMS.

The Quality Management System

Accordingly, a new Quality Management System (QMS) was developed by a task team of the ELRC. The purpose of the QMS is to evaluate the performance levels of individual school-based educators in order to improve accountability and achieve high levels of school performance. It provides a mechanism for assessing educators, taking into account the context within which they operate, and is the basis for paying salary progression, rewards and other incentives.
The QMS places responsibility for implementation and management on the school management team (SMT) as well as on the principal, who is accountable for ensuring consistency of application in the school and verifying the appraisal processes. Circuit managers are responsible for evaluating principals’ performance and the moderation of school appraisals. Grievance committees are also to be set up in schools and circuits (Berger, 2015).

Green Paper for Post-School Education and Training (2012)
The Department of Higher Education and Training (DHET) published a green paper that is aimed at improving educational system of South Africa. The paper provides that “the education system is still plagued by inequalities in terms of race, class and gender.” The green paper is aimed at improving education system of South Africa, by ensuring that the educators are qualified and competent. The paper further provides that “education institutions in the historically black areas are still under-resourced and disadvantaged.

The green paper proposed that by 2030 the country should have a post-secondary school system that will change the face of education and training in the post-school sector by:

- Improving the quality of the FET colleges, developing innovative programmes and upgrading lecturers’ qualifications.
- Establishing institutions which will provide a link between education, training and labour market.”

The paper will ensure a continuing professional development for full-time staff in the post-schooling sector, and for the increasing numbers of part-time (e) tutors and (e) mentors, in appropriate resource-based and/or distance education approaches.

The paper further provides that teaching needs to be taken seriously and a great deal of effort put into improving its quality and supporting teachers at all levels of the post-school system. The DHET strategy must build, support and resource its expanded system.

The goal of attaining meaningful post schooling will be supported by the development and sharing of well-designed high quality learning resources that build on the expertise and experience of top quality scholars and educators.

The National Development Plan (NDP) 2030
The National Planning Commission published the NDP which provides that “although progress has been made in all subsectors of the education and training system since 1994, there are problems that must be solved to achieve the vision for education, training and innovation.
The NDP provides that “education, training and innovation are central to the South Africa’s long term development. They are the core elements and foundation of an equal society in eliminating poverty and reducing inequality. The quality of schooling system impacts significantly on further education, college, higher education and society’s ability to innovate.”

The NDP provides that “despite many positive changes since 1994, the legacy of low quality education in historically disadvantaged parts of the school system persists. This is hampering the education system’s ability to provide a way out of poverty for poor children.”

The NDP (2030) provides further that “although progress has been made in all subsections of education and training system, there are severe problems that must be solved to achieve the vision for education, training and innovation. Many parts of further education, training and skill development are severely underperforming. There are not enough public institutions providing leaning opportunities in this sector, despite the millions of young people who are eager to learn. Although there are some strong institutions, the college sector is small and weak.”

The NDP proposed that “the higher education system should be diverse so that institution can build on its strengths and expand area of specialization. However, differentiation need to take place in a context that takes account of social justice and equity imperatives; this means that historically disadvantaged institution must be given adequate support and incentives to develop their own area of excellence in both research and teaching” (Allais et al., 2011).

The NDP has good intention in terms of teacher’s capacity. Unfortunately, in historically disadvantaged black rural school’s teachers’ training and in-service training or skills development are not taking place. South Africa has good policies but it lacks implementation and monitoring. There are many programmes for teachers’ training but black school educators do not access these programmes due to poor capacity of some of the principals and Departmental officials. The ruling party which introduced these programmes does not even bother to monitor the implementation of these policies especially in rural areas. The level of corruption in the country is disadvantaging the implementation of the good policies. Due to corruption and nepotism administrators and officials who are responsible for allocation of resources do not consider capacitation of black school educators in black schools important.

Conclusion
In South Africa, legislative intervention measures and frameworks for educators in ensuring the right of access to quality education are sufficiently developed. However, the challenge is lack of proper implementation and monitoring of these frameworks. It is imperative for the government to ensure that the enforcement of these legislative frameworks is compulsory. It is the responsibility of the government to ensure that educators are capacitated for successful delivery of their pedagogical responsibilities. The successful improvement of performance in black schools depends on capacitated educators. The leaders and stakeholders in the Department of Education are compelled to ensure full support and
compliance of implementation and monitoring of these policies and frameworks and to also promote teacher capacitation with the intention of improving performance South African schools, especially the black schools.

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Separation of Powers and Judicial Overreach: A South African Perspective

Linda Muswaka

Abstract: In recent years, there has been a lot of controversy surrounding the nature and extent of the power of review vested on the courts by the Constitution of South Africa, 1996. The judiciary has been subjected to criticisms from members of the other branches of government, namely the executive and the legislature for allegedly violating the doctrine of separation of powers by overreaching. Allegations of the judiciary compromising its own independence by interfering in matters that do not fall within its terrain have also been made. These criticisms highlight the thin-line which the judiciary, in the context of judicial review, must tread to maintain the delicate balance of its independence and the enforcement of public accountability in the promotion of the principle of constitutionalism. Against this backdrop, this paper seeks to provide an analysis of the doctrine of the separation of powers and the issue of judicial overreach in light of the judgment of the Constitutional Court in Economic Freedom Fighters and Others v Speaker of the National Assembly and Another. The aim is to examine the extent to which the Constitutional Court observed the doctrine of separation of powers in this case. It is concluded that while the principle of non-encroachment into the affairs of other organs of State is an important aspect of the doctrine of separation of powers, it must nonetheless give way to the need to provide protection to the Constitution which is the supreme law of the land.

Key Words: Judicial review, judicial overreach, separation of powers

Introduction

The doctrine of separation of powers is one of the pillars on which constitutional democracy is anchored. It entails that governmental functions are divided between the legislature, executive and judiciary. The legislative organ makes laws, the executive implements them, and the judiciary interprets laws and adjudicates over disputes. The three organs of government (legislative, executive and judiciary) have equal authority and are independent from one another. They are confined to their constitutional powers and are prevented from usurping power from one another through a system of checks and balances. This system is a countervailing measure for the separation of powers. While the legislature and the executive exercise checks and balances over each other through various methods which foster and promote accountability, the courts perform their part through judicial review of legislation and executive action. Judicial review is the power and competence of the courts to assess and set aside legislative and executive actions for their unconstitutionality. The Constitution of the Republic of South Africa 1996 embodies a Bill of Rights and expressly allows for judicial review. In exercising its powers of judicial review, the courts sometimes arrive at unpopular decisions and accusations of judicial overreach are made. Judicial overreach refers to the claim that courts are overstepping the boundaries of judicial authority by interfering in areas that according to the doctrine of separation of powers, are the prerogative of the executive or legislature. This paper seeks to provide an analysis of the doctrine of the separation of powers.
of powers and the issue of judicial overreach in light of the judgment of the Constitutional Court in
Economic Freedom Fighters and Others v Speaker of the National Assembly and Another. The aim is to
examine the extent to which the Constitutional Court observed the doctrine of separation of powers in
this case.

The doctrine of separation of powers – An overview
The first modern design of the doctrine of separation of powers is to be found in the writings of John
Locke. However, it is Montesquieu, the French philosopher who is usually credited with the first
formulation of the doctrine of separation of powers (van der Vyver, 1987). The doctrine of separation of
powers assumes that power corrupts, and separation of powers is essential to liberty and democracy.
Montesquieu rightly held that, “all would be in vain if the same person, or the same body of official, be it
the nobility or the people, were to exercise these three powers: that of making laws, that of executing the
public resolutions, and that of judging crimes or disputes of individuals” (Cooper, 1994). The end result
of the concentration or accumulation of all powers is despotic government, tyranny or suppression of all
form of liberty (Levi, 1976). The doctrine of separation of powers, therefore, seeks to prevent the abuse
of power within different spheres of government and to foster the accountability of government to the
people.

Before 1994, South Africa did not have a framework that constituted a system of effective checks and
balances (Mojapelo, 2013). The Westminster system of government which was in place at the time,
actively promoted parliamentary supremacy and domination by the executive (Ex Parte Chairperson of
the Constitutional Assembly: In Re Certification of the Constitution of the Republic of South). During this
period, the South African judiciary was used as an institution that gave effect to oppressive laws enacted
by the apartheid government. As a result, the judiciary suffered a legitimacy crisis and people lost
confidence in it (Hlophe, 1995).

When the interim Constitution (Constitution of the Republic of South Africa, Act 200 of 1993) was enacted
into law, South Africa became a constitutional democracy. While the interim Constitution did not mention
the term ‘separation of powers’ its structure denoted a division of power between the branches of the
state. Furthermore, the Constitutional Principles, which acted as a benchmark for the Constitutional
Assembly in drawing the Final Constitution – entrenched the separation of powers in Constitutional
Principle VI: “There shall be a separation of powers between the legislature, executive and judiciary, with
appropriate checks and balances to ensure accountability, responsiveness and openness.” Like the
interim Constitution, the final Constitution does not explicitly refer to the doctrine, though the
constitutional design, however, clearly embraces and entrenches it (Ex Parte Chairperson of the

Section 8(1) of the Constitution provides, “The Bill of Rights applies to all law, and binds the legislature,
the executive, the judiciary and all organs of state.” There is thus, not only a differentiation of the three
spheres of government but also a vesting of these functions in different organs of state. Furthermore,
Chapters 4 to 8 of the Constitution provide for a clear separation of powers between three spheres of
government. Section 43 vests the legislative authority at the national level in Parliament and at the provincial level in the provincial legislatures. Section 85 and 125 respectively vest the executive authority of the Republic in the President and of the provinces in the premiers of the provinces. Section 165 vests the judicial authority in the courts.

There is, therefore, no doubt that the doctrine of separation of powers forms part of our constitutional system (South African Association of Personal Injury Lawyers v Heath, para 22). The doctrine may be regarded as an unexpressed provision that is implied in or implicit to the Constitution. It is noteworthy that there is no universal model of separation of powers (Ex Parte Chairperson of the Constitutional Assembly: In Re Certification of the Constitution of the Republic of South, para 108). The South African model of separation of powers is influenced by the historical context within which the Constitution was adopted (Ex Parte Chairperson of the Constitutional Assembly: In Re Certification of the Constitution of the Republic of South, para 106-109). The Constitutional Court has therefore, been developing a model of separation of powers suited for addressing apartheid injustices, promoting and protecting the rule of law and human rights.

Economic Freedom Fighters and Others v Speaker of the National Assembly and Another

It is now opportune to analyse the Constitutional Court’s judgment in the case of Economic Freedom Fighters and Others v Speaker of the National Assembly and Another. This case is connected with the judgment of the Constitutional Court in Economic Freedom Fighters v Speaker of the National Assembly and Others; Democratic Alliance v Speaker of the National Assembly and Others. The facts of these cases are explained below.

The Facts

In 2014, the Public Protector released a report, Secure in Comfort – Report on An Investigation into Allegations of Impropriety and Unethical Conduct Relating to the Installation and Implementation of Security Measures by the Department of Public Works and in Respect of the Private Residence of President Jacob Zuma at Nkandla in the KwaZulu-Natal Province. This report was based on the Public Protector’s investigation into the upgrades to then President Zuma’s private residence. Adverse findings were made against the former President and the remedial action which the former President was required to carry out categorically stated. The former President however, failed to comply with the Public Protector’s remedial action. This prompted the EFF to institute an application in the Constitutional Court seeking declaratory relief. This included an order declaring that the President had failed to fulfil a constitutional obligation; a declaration that the Public Protector’s remedial action had a legally binding effect on the President; an order directing the President to comply with the remedial action and a declaration to the effect that the National Assembly had breached a constitutional obligation. It was contended that the Assembly failed to hold the President to account as it was obliged by section 42(3) of the Constitution. This section requires the National Assembly to, inter alia scrutinize and oversee executive action. The court held amongst other things, that the failure by the former President to comply with the remedial action is inconsistent with the Constitution and is invalid. Unsatisfied with the turn of events following this judgment, the applicants lodged a complaint with the Constitutional Court that,
some six months after the Constitutional Court delivered its judgement in *Economic Freedom Fighters v Speaker of the National Assembly and Others; Democratic Alliance v Speaker of the National Assembly and Others*, no action has been taken by the National Assembly and the President has not been held to account.

Two main issues, therefore, arose for determination by the court. The first issue is whether the National Assembly had failed to put in place mechanisms and processes for holding the President accountable in terms of section 89 of the Constitution. The second issue is whether the Assembly has failed to hold the President to account in that it failed to scrutinize the violation of the Constitution by the President. The court’s judgment and reasoning on these issues is discussed below.

*The Court’s Judgment and Reasoning*

Regarding the first issue, the majority of the justices found that section 89(1) of the Constitution implicitly imposes an obligation on the National Assembly to make rules specially tailored for an impeachment process contemplated in that section. Furthermore, that the National Assembly has in breach of section 89(1) of the Constitution failed to make rules regulating the impeachment process envisaged in that section. Section 89(1) of the Constitution provides that, “The National Assembly, by a resolution adopted with a supporting vote of at least two thirds of its members, may remove the President from office only on the grounds of – (a) a serious violation of the Constitution or the law; (b) serious misconduct; or (c) inability to perform the functions of office.”

With regard to the second issue, the finding was that the National Assembly has failed to hold the President to account following delivery of judgment in *Economic Freedom Fighters v Speaker of the National Assembly and Others; Democratic Alliance v Speaker of the National Assembly and Others*. This amounted to Parliament failing in its constitutional duty to scrutinise and oversee the actions of the executive (hence a breach of section 42(3) of the Constitution) and to provide for mechanisms to ensure that executive organs of State are accountable to it (hence a breach of section 55(2)(a) of the Constitution). Section 55(2)(a) states that the National Assembly must provide mechanisms to ensure that all executive organs of State in the national sphere of government are accountable to it. The court directed the National Assembly to comply with section 237 of the Constitution (the section provides that all constitutional obligations must be performed diligently and without delay) and make rules regulating the removal of a president in terms of section 89(1) without delay.

In an unprecedented move, Mogoeng CJ in his dissenting judgment described the judgment as a "textbook case of judicial overreach – a constitutionally impermissible intrusion by the Judiciary into the exclusive domain of Parliament."

It is thus important to examine the extent to which the Constitutional Court observed the doctrine of separation of powers in this case as the failure by the courts to exercise restraint on themselves, or defer
matters to relevant functionaries, results in the judiciary overreaching its constitutional mandate by overstepping the bounds of its power.

Commentary
It has been highlighted that the principle of separation of powers demands that all government branches, including the judiciary, must observe the limits of their power. In as much as they have wide powers of review, the judiciary have a constitutional obligation to keep within the limits of their authority (Doctors for Life International v Speaker of the National Assembly, 2006). They must not hastily intrude into executive or legislative territory if the dispute could be easily resolved by reference to the relevant organ of state. In what has come to be termed judicial deference, the courts take extreme precaution when interfering with the functions of the executive and the legislature (Okpaluba, 2004). For instance, in Mazibuko, Leader of the Opposition in the National Assembly v Sisulu MP Speaker of the National Assembly and Others, Davis J stated, “I regret the need to emphasise this point, but it appears to me to be vital to the future integrity of the judicial institution. An overreach of the powers of judges, their intrusion into issues which are beyond their competence or intended jurisdiction or which have been deliberately and carefully constructed legally so as to ensure that the other arms of the state deal with these matters, can only result in jeopardy for our constitutional democracy.” In Glenister v President of the Republic of the South Africa, the court stated, “In our constitutional democracy, the courts are the ultimate guardians of the Constitution. They not only have the right to intervene in order to prevent the violation of the Constitution, they also have the duty to do so. It is in the performance of this that courts are more likely to confront the question of whether to venture into the domain of other branches of government and the extent of such intervention. But even in these circumstances, courts must observe the limits of their power.” The Court in Malema and Another v Chairperson of the National Council of Provinces and Another also noted that the power of judicial review did not mean that the courts “should readily substitute their opinions for those of Parliament or Parliamentary officials in relation to matters entrusted to them.” In S v Van Rooyen the Court stated that, “In a constitutional democracy such as ours, in which the Constitution is the supreme law of the Republic, substantial powers have been given to the judiciary to uphold the Constitution. In exercising such powers, obedience to the doctrine of separation of powers requires that the judiciary, in its comments about the other arms of state, show respect and courtesy, in the same way that other branches of government are required to show respect and courtesy to it.”

Thus, not only has the courts affirmed the doctrine of separation of powers in making rulings that affect the executive and legislature, they have also articulated their position with regard to the appropriate extent to which they may venture into decisions of the other two branches of government within the separation of powers doctrine. Furthermore, the courts have stepped aside where the Constitution so requires. The courts have certainly attempted to explain the separation of powers, abide by its precepts, and defer to the other branches of government when appropriate as shown in the discussed case law.

In the case under discussion, Economic Freedom Fighters and Others v Speaker of the National Assembly and Another, the “impermissible judicial overreach,” as described by Mogoeng CJ, speaks to
the interpretation of section 89(1) of the Constitution, which relates to the removal of the President from office. It is argued that the National Assembly had failed in its constitutional duty. Therefore, the intrusion by the judiciary into the affairs of Parliament in this case, was one mandated by the Constitution. The judiciary did not descend into the arena on a whim, but on a clear and dutiful mandate by the Constitution. In *Minister of Health and Others v Treatment Action Campaign and Others* the court stated that any interference into the terrain of the executive for purposes of enforcing a right in the Constitution was required by the Constitution itself.

In light of the above discussion, it may be argued that the wide powers bestowed upon the courts by the Constitution makes the judiciary (i) disproportionally powerful and (ii) violates the doctrine of separation of powers. These issues will be discussed *seriatim* below:

(i) Whether or not the powers vested in the judiciary inevitably makes the judiciary invariably more powerful than the executive and the legislature

It is only the judiciary that can decide the nature, extent and applicability of the doctrine of separation of powers. In this light, the judiciary can be seen as retaining a monopoly in ascertaining the magnitude of its powers and whether or not it is permissible for it to interfere in matters involving the legislature and the executive. Furthermore, it is up to the judiciary to determine the limits of their power by striking a balance between the doctrine of separation of powers and the constitutional accountability of the legislature and the executive. On the face of it, it therefore appears that the powers in government vested in the judiciary, inevitably makes the judiciary invariably more powerful than the other two organs of the State. There is, however, an inherent paradox about all this power as highlighted in *S v Mamabolo* where the court stated, “Having no constituency, no purse and no sword, the Judiciary must rely on moral authority. Without such authority it cannot perform its vital function as the interpreter of the Constitution, the arbiter in disputes between organs of states and, ultimately, as the watchdog over the Constitution and the Bill of Rights.” It is submitted that while judicial review is a vital role performed by the courts, it does not give the judiciary greater power than any other branch of government.

(ii) Whether or not the powers of review vested in the judiciary violates the doctrine of separation of powers

In *De Lille and Another v Speaker of the National Assembly*, the High Court held that all acts and decisions of Parliament are subject to the Constitution and therefore subject to review by the courts. The court emphasized that while section 57(1) of the Constitution permits Parliament to determine and control its internal arrangements, it may not do so in a manner inconsistent with the Constitution. The exercise of the power of judicial review by the courts should, therefore, not be viewed as an “intrusion” into the affairs of the other branches of the state. This is because, judicial review that is based on the objectives, obligations and values gleaned from the constitutional text does not intrude. However, in as much as courts have a wide discretion to formulate remedies in constitutional review matters, they should observe the limits of their power. This ensures legitimacy of the judicial process (*Doctors for Life International v*...
Speaker of the National Assembly, 2006). They should not use their power of review to supervise the legislative and executive arms of government.

Findings
Courts exist to police the constitutional boundaries and where the constitutional boundaries are breached or transgressed, courts have a clear and express role. The courts are constitutionally mandated to uphold the provisions and values of the Constitution and to declare laws and conduct that are inconsistent with the Constitution invalid (section 2). The Constitution subscribes to the principle of co-operative government (chapter 3) and states that spheres of government should respect one another (section 41(1)(e)) and not assume any power or function except those conferred by the Constitution, (section 41(1)(f)) and the Constitution is the supreme law (section 2). Therefore, the constitutional obligations to apply the Constitution impartially and without fear, favour or prejudice, (section 165(2)) impel the judiciary to intervene in the actions of other organs of state, should constitutional violations occur.

Separation of powers prohibits organs of branches of the state and their personnel from exercising functions within the executive domain of other organs of state. However, it is evident from the constitutional architecture that the three branches (acting as checks and balances) are not hermetically sealed from each other and exhibit a degree of overlap. In Ex parte Chairperson of the Constitutional Assembly of the Republic of South Africa, para 109, the court stated, “The principle of separation of powers, on the one hand, recognizes the functional independence of branches of government. On the other hand, the principle of checks and balances focuses on the desirability of ensuring that the constitutional order, as a totality, prevents the branches of government from usurping power from one another. In this sense it anticipates the necessity or unavoidable intrusion of one branch on the terrain of another. No constitutional scheme can reflect a complete separation of powers ...” In this light, sight should therefore, not be lost of the fact that complete separation of powers is not possible – neither in theory nor in practice. Some overlapping is unavoidable.

Conclusion
The judiciary is constitutionally mandated to exercise its powers of judicial review. Organs of state are not immunized from judicial review simply by virtue of the doctrine of separation of powers (Moseneke, 2018). This is because constitutional obligations to apply the Constitution impartially and without fear, favour or prejudice, impel the judiciary to intervene in the actions of other organs of state, should constitutional violations occur. However, the judiciary must not unduly trespass the terrain of other branches of government. From the discussed case law, including Economic Freedom Fighters and Others v Speaker of the National Assembly and Another, it is evident that the courts have been consistent in proving their ability to carefully consider in detail the nature of their duty when it comes to interfering with the decisions or processes of other branches of government and how to reconcile their judicial review function with the separation of powers. It is concluded that while the principle of non-encroachment into the affairs of other organs of State is an important aspect of the doctrine of separation
of powers, it must nonetheless give way to the need to provide protection to the Constitution which is the
supreme law of the land.

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Transformation in the Judiciary from a Disability Perspective

N.T Nsimbini¹ and M.D Matotoka²

Abstract: The South African judiciary has been in the spotlight in recent years due to its slow pace to reflect broadly the racial and gender composition of South Africa as required by section 174(2) of the Constitution of the Republic of South Africa, 1996. While the paucity of women in the judiciary is critical with regard to women’s emancipation, issues of disability have taken a backseat. A restrictive interpretation of section 174(2) of the Constitution has the effect of excluding persons with disabilities from representation within the judiciary. Notwithstanding this interpretation, the failure to understand how the Constitution and conventions place a duty to promote and advance persons with disabilities is a serious injustice and contrary to the spirit of the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (PEPUDA). It is vital that persons with disabilities are properly represented in the judiciary so that their unique perspectives can be properly articulated.

Keywords: Transformation; judiciary; disability; equality; Constitution; discrimination; race, gender, persons with disability;

Background

The discourse on unfair discriminatory practices in South Africa is largely on race, religion and gender not much has been accorded to disability discrimination, particularly in the workplace.³ Persons with disabilities have generally had difficulties in exercising their fundamental social, political and economic rights. Notwithstanding progressive laws and policies in South Africa, persons with disability experience employment discrimination due to their disability.⁴ The genesis of this discrimination is the lack of policies on disability and the implementation of such policies to eliminate barriers for persons with disability in the workplace.

A barrier-free society for persons with disabilities has been a great challenge in many sectors in South Africa including the judiciary. In 2013 the North Gauteng High Court in Singh v Department of Justice and

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³ Marumoagae MC "Disability discrimination and the right of disabled persons to access the labour market" 2012 PER / PELJ 345; Du Plessis Meryl Candice Access to work for disabled persons in South Africa: The intersections of social understandings of disability, substantive equality and access to social security 2.
⁴ Marumoagae 345.
others\(^1\) (hereafter Singh) held that the Magistracy will not be diverse nor legitimate if it only represents the racial and composition of the country without proper and proportionate representation of people with disability.\(^2\) This landmark judgement serves as a guiding yardstick not only to the judiciary but other sectors also to effectively implement the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (hereafter the PEPUDA)\(^3\) as a legislative measure aimed at eliminating discrimination on the basis of disability by any persons and further fulfil South Africa’s obligations of the Convention on the Rights of Persons with Disabilities (hereinafter the CRPD).\(^4\)

It is argued in this paper that the judiciary can only reflect broadly the racial and gender composition of South Africa as required by section 174 (2) of the Constitution of the Republic of South Africa, 1996 (The Constitution) if persons with disability are equally represented and barriers to persons with disability have been eliminated.

Statement of the research problem

Following the Singh case, it was evident that there was lack of intentional commitments to redress the legacy of discriminating against people with disabilities. The policies and criteria for selecting candidates for judiciary vacancies does not specifically mention disability. This criterion is largely focusing on race and gender. The failure by the judiciary to take into consideration a variety of disabilities and reasonable accommodation of applicants results in unfair discrimination of persons of with disability.

In addition, there is lack of sufficient supportive structures and infrastructures that will entice persons with disability to join the sector. This is a contributing factor to the paucity of persons with disability in the judiciary. This discrimination arguably tramples on the right to dignity of the applicants with disability and deprives the latter to effectively participate in the economy.

Equity and Equality of persons with disability in the judiciary


The Constitution is regarded as one of the progressive Constitutions globally and a beacon for emerging countries.\(^5\) South Africa’s unusual provision of rights for its citizens, binding them to principles such a non-discrimination in the workplace, is one of the features that new democracies might consider. A special feature of the Constitution is that everyone is equal before the eyes of the law and all people enjoy

\(^{\text{1}}\) 2013 (3) SA 66 (EqC).
\(^{\text{2}}\) Singh para 53.
\(^{\text{3}}\) PEPUDA was promulgated before the CRPD in 2003.
\(^{\text{5}}\) Steven C and Ntlama N "An overview of South Africa’s institutional framework in promoting women’s right to development" 2016 Law, Democracy and Development 49; Ozoemena R and Hansungule M "Development as a right in Africa: changing attitude for the realization of women’s substantive citizenship" 2014 Law, Democracy and Development 226. The term “beacon of hope” derived from Ozoemena who described the right to development as a beacon of hope.
equal benefit of the law. Equality in this regard includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons or categories of persons, disadvantaged by unfair discrimination may be taken.

The State may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth. No person may unfairly discriminate directly or indirectly against anyone on one or more grounds highlighted above. National legislation must be enacted to prevent or prohibit unfair discrimination.

The importance of the right to equality was articulated by Mohamed DP when he stated in *Fraser v Children’s Court, Pretoria North* (hereafter *Fraser*) that:

There can be no doubt that the guarantee of equality lies at the very heart of the Constitution. It permeates and defines the very ethos upon which the Constitution is premised.

According to Mubangizi the importance of the right to equality in the post-apartheid constitutional context cannot be over emphasized. This right has been included in so many sections of the Constitution. The reason for equality’s paramount and central role is due to its non-existence prior to 1994. Giving the right to equality to all people is perceived as the only way for a society with such diverse peoples to be a truly just society.

The equality provision as provided for in section 9(1) is merely a form of formal equality. Formal equality means sameness of treatment: the law must treat individuals in like circumstances alike. One must ask if this goes far enough to redress the inequality of the past as the problem with mere formal equality is that economic inequality in the forms of poverty and unemployment are the outcomes of injustice and inequality. Accordingly, by merely having formal equality, a large percentage of South Africans appear to be the victims of inequality. A purposive approach to constitutional interpretation requires that

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2. Section 9(2) of the Constitution.
3. Section 9(3) of the Constitution.
4. Section 9(4) of the Constitution.
5. Section 9(5) of the Constitution.
6. *1997 (2) SA 261 (CC).*
7. *Fraser para 20.*
9. The right to equality appears in the Preamble of the Constitution. It is included also in section 1(a) of the Constitution where it reads: “The Republic of South Africa is one, sovereign, democratic state founded on human dignity, the achievement of equality and the advancement of human rights and freedoms.” Equality is mentioned in four further provisions. It is mentioned in ss 3 (1) and 7 (1) respectively. It is then mentioned in both ss 36 and 39 (1) (a); Laher I A *Critical Analysis of Employment Equity Measures in South Africa* (LLM-dissertation Rhodes University 2007) 20 (hereafter Laher).
11. Substantive equality on the other hand requires the law to ensure equality of outcome and is prepared to tolerate disparity of treatment to achieve this goal; Currie and De Waal *The Bill of Rights Handbook* 232.
section 9 be read as grounded on a substantive conception of equality. Accordingly the Constitutional Court in *President of the Republic of South Africa v Hugo* (hereafter Hugo) observed that:

> we need… to develop a concept of unfair discrimination which recognizes that although a society which affords each human being equal treatment on the basis of equal worth and circumstances before that goal is achieved. Each case, therefore, will require a careful and thorough understanding of the impact of the discriminatory action upon the particular people concerned to determine whether its overall impact is one which furthers the constitutional goal of equality or not. A classification which is in one context may not necessarily be unfair in a different context.

In principle, the equality clause serves as a constitutional shield towards poverty alleviation and economic growth of South African citizens and more specifically women and persons with disability. In order to achieve an inclusive economic growth and poverty alleviation, it is submitted that the full participation of persons with disability within the South African economy is essential. In 2016, the Commission for Gender Equality explored in its ‘Lack of Gender Transformation in the Judiciary Report’ whether the failure to appoint female judges was also an infringement of section 9. It is therefore evident that section 9 of the Constitution is a critical tool that may be invoked in circumstances where one is differentiated unfairly due to their disability to participate in the South African economy despite an equal worth.

The Employment Equity Act 55 of 1998 (hereafter the EEA).

The EEA is one of the legislations which addresses equality and equity in the workplace. It is enacted to try to redress the imbalances of the past created by the apartheid government. It gives every employer the obligation to take steps to promote equal opportunity in the workplace by eliminating unfair discrimination in any employment policy or practice. The EEA provides that no person may unfairly discriminate against any employee on the basis of the prohibited grounds. It is not unfair discrimination to take affirmative action measures consistent with the EEA or to distinguish, exclude or prefer any person on the basis of the inherent requirement of the job. Harassment of any employee is a form of unfair discrimination and is prohibited.

According to Erasmus, Loedolff, Mda and Nel the concept “employment equity” has occupied centre stage in world business economic debates for as long as the concept ‘workforce’ has existed. The

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1 Currie I and De Waal J 233.
2 1997 (4) SA 1 (CC).
3 Hugo para 41.
5 Devenish A Commentary on the South African Constitution 47-50; Cheadle H Fundamental rights in the new Constitution 51-121; Gutto S Equality and non-discrimination in South Africa, the political economy of law making 1-15.
6 Section 5 of the EEA.
7 Section 6(1) of the EEA.
ultimate purpose of these debates has been to restore human dignity in the world of work.\textsuperscript{1} Nienaber postulates that employment equity is one of the most pressing challenges facing South African managers. Many business organizations underestimate the process of instituting employment equity on different organizational procedures, practices and roles, as well as on organizations’ climate and culture.\textsuperscript{2}

Oosthuizen and Naidoo suggests that the demography of the South African work force has changed considerably since the implementation of Employment Equity Act 55 of 1998.\textsuperscript{3} It is evident that the establishment of the EEA had a positive impact in the workplace however the poverty and underrepresentation of persons with disability in the judiciary necessitates a question as to whether the EEA achieved its objective to eradicate discrimination and entrench equity in the workplace.

In South Africa it has been found that both designated employers are fraught with challenges of implementing the EEA.\textsuperscript{4} The common thread challenge is that disability issues are not high on the priority agenda, as in most cases it is not properly budgeted for by designated employers. It was also found that there are designated employers that operated without proper and effective Employment Equity Plan.\textsuperscript{5}

The Employment Equity Plan is a critical tool to promote economic growth and eradicate poverty to persons with disability and their household commitments. It is therefore submitted that at this stage of the South African history, a failure by a designated employer to have an Employment Equity Plan in place is regarded as being so economically irrational as to be fundamentally harmful to the society. Employment Equity Plans provide employers with window opportunities to ensure that persons with disability have access to employment and escalated to decision-making positions. Employment Equity Plans further have an effect of channeling designated employers to be innovative in retaining their employees with disability by creating a sustainable career pathing.

In \textit{Barnad v South African Police Services}\textsuperscript{6} the court correctly noted that:

> "Our quest to achieve equality must occur within the discipline of our constitution. Measures that are directed at remedying past discrimination must be formulated with due care not to invade unduly the dignity of all concerned. We must remain vigilant that remedial measures under the Constitution are not an end in themselves. They are not meant to be punitive nor retaliatory. Their goal is to urge us on towards a more equal and fair society that hopefully is non-racial, non-sexist and socially inclusive."\textsuperscript{7}

It is therefore evident that a careful balancing of interests is required to ensure that the employment equity plans align with the EEA and the Constitution.

\textit{The Promotion of Equity and Prevention of Unfair Discrimination Act, 4 of 2000 (PEPUDA)}

\textsuperscript{1} Erasmus et al \textit{Managing training and development in South Africa}
\textsuperscript{2} Nienaber, H "Assessing the management status of South Africa" 2007 \textit{European Business Review} 7288.
\textsuperscript{5} Commission for Gender Equality above.
\textsuperscript{6} 2014 (6) SA 123 (CC)
\textsuperscript{7} \textit{Barnad v South African Police Services para 30.}
PEPUDA was enacted as a result of section 9(4) of the constitution which requires the State to pass legislation which promote equality and prevent unfair discrimination. Without PEPUDA, the Constitution cannot be celebrated well.\(^1\) PEPUDA binds the State and all persons and does not apply to any person to whom and to the extent to which the EEA applies.

Neither the State nor any person may unfairly discriminate against any person.\(^2\) Accordingly PEPUDA denotes that no person may unfairly discriminate against anyone on the ground of race, gender, disability, including the failure to eliminate obstacles that unfairly limit or restrict persons with disabilities from enjoying equal opportunities or failing to take steps to reasonably accommodate the needs of such persons.\(^3\)

There are equality courts which have been established to adjudicate on matters relating to equality and these matters are covered by PEPUDA. Every Magistrate Courts and High Courts are equality courts in their area of jurisdiction.\(^4\)

PEPUDA addresses systemic inequalities and unfair discrimination that manifest in the institutions of society and the practices and attitudes of South Africans insofar as these ‘undermine the aspirations of our constitutional democracy’.\(^5\) PEPUDA puts two responsibilities on persons that are operating in the public domain to promote equality\(^6\) and on the social commitment for all persons to promote equality.\(^7\) PEPUDA bestows the responsibility on persons operating in the public domain to promote equality even when executing their social commitment. The society that PEPUDA envisages for South Africans is

"a democratic society, united in its diversity, marked by human relations that are caring and compassionate, and guided by the principles of equality, fairness, equity, social progress, justice, human dignity and freedom.”\(^8\)

Whilst PEPUDA was enacted to give effect to the constitutional right to equality, it was not meant however to be a re-statement of section 9 of the Constitution.\(^9\) The provisions of the PEPUDA ‘may extend protection beyond what is conferred by section 9. As long as PEPUDA does not decrease the protection

\(^{1}\) South Africa celebrated 16 years of the Constitution on 10 December 2012.

\(^{2}\) Section 6 of the PEPUDA.

\(^{3}\) Sections 7,8 and 9 of the PEPUDA.

\(^{4}\) Section 16(1)(a) of PEPUDA.

\(^{5}\) Preamble of the PEPUDA.

\(^{6}\) Section 26 reads:

It is the responsibility of any person directly or indirectly contracting with the State or exercising public power to promote equality by –

(a) Adopting appropriate equality plans, codes, regulatory mechanisms and other appropriate measures for the effective promotion of equality in the spheres of their operation;

(b) enforcing and monitoring the enforcement of the equality plans, codes, regulatory mechanisms developed by them; and

(c) Making regular reports to the relevant monitoring authorities or institutions as may be provided in regulations, where appropriate.

\(^{7}\) Section 27(1) reads:

Pursuant to section 26, all persons, non-governmental organizations, community-based organizations and traditional institutions must promote equality in their relationships with other bodies in their public activities.

\(^{8}\) Preamble of the PEPUDA.

\(^{9}\) MEC for Education: Kwazulu-Natal v Pillay 2008 (1) SA 474 (CC) para 43.
afforded by section 9 or infringe another right, a difference between the PEPUDA and section 9 does not violate the Constitution’.  

PEPUDA is a progressive piece of legislation that may be relied on to challenge direct or indirect practices that discriminate unfairly on a person due to their disability. The mechanisms for promoting equality for persons with disabilities included the establishment of the Equality Courts to promote access to justice for the bringing of anti-discrimination cases, the prohibition of unfair discrimination based on disability, as well as special measures to promote equality.\(^2\)

Convention on the Rights of Persons with Disabilities (CRPD)

Hendricks observed that persons with disabilities:

\["were predominantly seen as objects of care instead of legal subjects entitled to respect and the full enjoyment of human rights."\]^3

This thus necessitated the adoption of the CRPD in order to promote the rights of persons with disabilities. The CRPD was then adopted by the United Nations General Assembly on the 13\(^{th}\) of December 2006, South Africa ratified the CRPD on 30 November 2007 and it came into force on the 03\(^{rd}\) of May 2008.\(^4\) The purpose of the CRPD is:

\["to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity."\]^5

The preamble to the CRPD recognizes the need “to promote and protect the human rights of all persons with disabilities, including those who require more intensive support” and notes concern about:

\["The difficult conditions faced by persons with disabilities who are subject to multiple or aggravated forms of discrimination on the basis of race, colour sex, language, religion, political or other opinion, national, ethnic, indigenous or social origin, property, birth, age or other status...Recognizing that woman and girls with disabilities are often at greater risk, both within and outside the home of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation..."

The CRPD accordingly obliges the state to promote the employment of people with disabilities and not merely eliminate active discrimination against them.\(^6\)

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\(^1\) MEC for Education: Kwazulu-Natal v Pillay para 43.


\(^5\) Article 1 of the CRPD; Hendricks 2007 European Journal of Health Law 273.

\(^6\) Article 27 (h) of the CRPD; Singh para 40; General Comment No. 5 of the United Nations Committee on Economic, Social and Cultural Rights, dealing with persons with disabilities. Clause 9 of the general comment states: The obligation of State parties to the Covenant to promote progressive realization of the relevant rights to the maximum of their available resources clearly requires Governments to do much more that merely abstain from taking measures which might have a negative impact on persons with disabilities. The obligation in the case of such a vulnerable and disadvantaged group is to take a positive action to reduce structural disadvantages and to give appropriate preferential treatment to people with disabilities in order to achieve the objectives of full participation and equality within society for all persons with disabilities. This almost invariably means that
Insights from Singh v Department of Justice and others

Facts

The complainant instituted an application on the 8th of September 2011 after the Magistrate Commission released a shortlist of candidates to be interviewed from 10-28 October 2011 for appointments to vacant Magistrates posts, and the complainant was not short-listed for any of the vacant posts.\(^1\) The complainant “has a visual impairment that prevents her from obtaining a driver’s license but same did not affect her work as an acting magistrate”.\(^2\)

The complainant contended that she was unfairly discriminated against because, firstly, the requirement to possess a driver’s license for the position of Magistrate is unfairly discriminatory against people who are hindered by disabilities to obtain such a license. Secondly,

“the criteria for selection employed by the Commission is rigid and discriminatory in that it excludes candidates from consideration for a range of posts on the basis of inflexible racial and gender based preferences or quotas. The criteria are unfairly discriminatory and it resulted in her application not being considered on its merits”.\(^3\)

Lastly, the fact that disability is not included as one of the selection criterion poses an unfair discrimination that precludes persons with disabilities from enjoying benefits, opportunities and advantages.\(^4\)

The complainant therefore, based her claim on the following grounds:

(a)” that the respondent discriminated against her based on her disability;

(b) that the respondents failed to give preference to people with disabilities;

(c) that the fact that she is an Indian woman constituted a barrier to her short listing.”\(^5\)

The complainant argued that the failure by the Respondent to consider her application on the merits clearly indicates the reluctance in addressing the legacy of discrimination against people with disabilities.\(^6\) The Respondent mentioned that their failure to mention disability as one of the criterion in the advertisement was guided by section 174(2) of the Constitution.\(^7\)

Legal question

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additional resources will need to be made available for this purpose and that a wide- range of specially tailored measures will be required.

1 Singh para 8.
2 Singh para 17.
3 Singh para 8.2.
4 Singh para 9.
5 Singh para 10.
6 Singh para 14.
7 Section 174 (2) of the Constitution reflects:
The need for the judiciary to reflect broadly the racial and gender composition of South Africa must be considered when judicial officers are appointed.
(a) whether the non-mentioning of disability in the policy or criteria is justified by section 174(2) of the Constitution?

(b) Whether the failure by the Magistrates Commission to select and/or appoint the complainant amounted to unfair discrimination on the ground of disability?

Decisions and reasoning of the Court

The Court observed that race and gender should not be viewed as an exhaustive list of the factors that the judiciary must take into consideration when selecting candidates for posts, however they must be viewed as indicators of diversity. “A restrictive interpretation of section 174(2) which focuses only on race and gender effectively cuts out a significant section of the population served by the judiciary from representation within the judiciary. Disabled people are a clear case in point.” Section 174(2) does not suggest that disability should not be considered as one of the criterion since it is recognized under section 9(3) of the Constitution.

The court referred to the S v Bresier and Another where Satchwell J held that:

"Affirmative action is not just about redressing past injustice and creating opportunity for individuals. We live in a difficult society. It is a complex and heterogeneous society. South Africans combine many race groups, ethnic backgrounds, religious affiliations, languages, cultural belief and practices, employment and educational experiences. With that diversity come many difficulties and there is potential for misunderstanding. But there is richness in our differences and we have to learn from and we have to rely on each other. The preamble to our Constitution says 'we are united in our diversity'. It is essential that the magistracy and the Judiciary reflect the diversity and the richness and the challenges of this complex heritage."

The court indicated that the evidence submitted before it does not show that the applicant was not shortlisted because of her disability but it is clear that her disability was not taken into consideration when shortlisting.

The court interestingly found that:

"it is not enough to put a symbol of a wheelchair on the letterhead and to allege that the Magistrate Commissioner is sensitive to the plight of disabled people."

Lessons learnt

The following key lessons may be drawn from Singh

It is evident from Singh that Section 174 (2) of the Constitution does not exclude the consideration of disability as a ground to be considered and to be promoted since disability is expressly recognized in section 9 (3) of the Constitution and in the Equality Act.

1 Singh para 30.
2 2002 (4) SA 524 (C).
3 S v Bresier and Another 2002 (4) SA 524 (C) 539 B–D.
4 Singh para 32.
5 Singh para 33.
It is further evident that it is important for policies and criteria to specifically mention disability. To further compliment this, it is imperative that selection Committees take into account different disabilities when shortlisting candidates.

Diversity improves the outcomes of judicial decisions by increasing the range of perspectives of judicial officers. It is vital that disabled people are properly represented in the Magistracy so that their unique perspectives can be properly articulated.

Conclusion

It is trite that people with disabilities are a minority in the judiciary with attributes different from mainstream society. What is key from this paper is that there are still barriers in the workplace that deprive the integration and inclusion of persons with disability in the workplace, these barriers arguably have the effect of violating the right to equality and the dignity of persons with disabilities. Any practice that results in the exclusion of persons with disability in the magistrates Commission would likely not pass the limitation test.

It is submitted that reasonable accommodation of persons with disability in the judiciary includes the provisions of supportive structures and infrastructures. The emancipation of persons with disability in South Africa therefore requires intentional commitment on the employers to take bold steps to redress the legacy of discriminating against people with disabilities.

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