Forging A Resilient Social Contract In South Africa:

States and Societies Sustaining Peace in the Post-Apartheid Era

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ABSTRACT

Since the transition to democracy began in the early 1990s, the South African political settlement has ushered into policy a progressive framework for the realisation of socio-economic rights, enshrined by the Constitution. However, this political settlement has failed to translate into an economic and social settlement that would see access to livelihood strategies and equitable access to service delivery improve in a manner that addresses historical grievances. As a result, these core issues of conflict underlying South Africa's transition render a fragile social contract – vulnerable to divisions of stark inequality along race, class and gender lines. Tracing these two core conflict issues through historical and current analysis, this paper argues that the interaction of the political settlement and the ability of institutions to deliver services effectively has negatively affected state-society relations and the legitimacy of the reconciliation agenda meant to support inter-group cohesion.

1. Introduction

In 2016, South Africa faced its most closely contested democratic municipal election, in which the ruling African National Congress (ANC) suffered the loss of major cities that it had governed since the 1994 transition from apartheid rule. This crisis of legitimacy for the ANC resulted from various factors, including waning popular support for the party's liberation identity and the slow pace of change in addressing the social, economic and spatial legacies of apartheid. The expansion of a political settlement negotiated during the Congress for a Democratic South Africa (CODESA) did not automatically translate into an economic and social settlement. These dynamics have subsequently undermined the capacity for the reconciliation agenda to translate into an inclusive society, ultimately creating the fractures visible in the modern South African society. The paper that follows demonstrates the ways in which the drivers of a resilient social contract, detailed below (Box A), have interacted with one another to result in an untenable organisation of the South African political economy, currently mitigated by an activist and civil society that forges a responsive and adaptive policy environment while calling for improved implementation from state agents in the realisation of the Constitution.

Within this context, core conflict issues in South Africa include the slow, uneven rollout of services in predominantly black areas[1] where, despite increases in access, the quality and maintenance of these have often reinforced spatial and socio-economic inequality where the poorer parts of society receive smaller resource allocations for core services.[2] Reinforcing these axes of inequality, another core conflict issue emerges through the limited and unequal access to employment and livelihood strategies that have also seen slow and incremental change since 1994 where more recently this trend has worsened. Despite this, South Africa has not descended into a civil war, surprising as many today as in the early 1990s. This perhaps points to the nodes of activist culture that, at the micro-level, have forced the state into greater responsiveness and opened the space for civic participation in ways untenable during apartheid. The engagement between civil society and government has created a space for democracy and social justice to be shaped by communities, even if in ways that are conflictual. This resistance dynamic has sometimes challenged state infrastructure to create and effectively implement policies that take into account the legitimate needs of citizens. However, that

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1. In this paper, 'black' refers to the historical alienation experienced by certain groups based on their race. In South Africa, this is taken to mean people of African, Indian and coloured descent. However, in the post-apartheid era, fractures between the non-white population have continued, where the blanket term of 'black' is contested for varied experiences especially between the African and coloured communities. For example, see Durrheim, Kevin and John Dixon, "Racial contact and change in South Africa." Journal of Social Issues 66, no. 2 (2010): 273-288.

2. In a township in Cape Town, the Social Justice Coalition has been campaigning for greater equity in the distribution of policing and sanitation resources, in line with those in greatest need. They have directly challenged the allocation of resources away from the poor and towards richer, well-developed areas. See Gontsana, Mary-Anne. "Policing system discriminates against black women, court told." Groundup (2017): accessed December 2017 at https://www.groundup.org.za/article/day-2-sjc-case/?platform=hootsuite

this process of contract-making has also been characterised by violent protests is a function of the state only responding to the demands of its citizens when there is 'smoke that calls'[3] – edifying a social contract built on the brinkmanship of the state in ways that undermine sustainable peace and democracy.

Through interviews with leading experts, focus groups and a broad literature review, the paper argues that, in the context of compromised service delivery and employment (due to historical and current dynamics), the vertical social contract in South Africa is not resilient and that this undermines the capacity for viable horizontal social cohesion to exist. The mitigating factors that allow the social contract to survive, despite long-term instability, are the presence of an active civil society and community-based organisations engaged in extensive mass mobilisation – which has sometimes turned violent to expedite a state response or in response to a heavy-handed state response to peaceful protest. While effective in the short run, this mass mobilisation has sometimes become polemical and prone to xenophobia. Revisiting the social contract presents one such way of ensuring that its positive dimensions can be supported, especially for civil society actors that work to represent the most marginalised in society and promote longer-term resilience and positive change by carving out a social and economic settlement in the post-apartheid era.
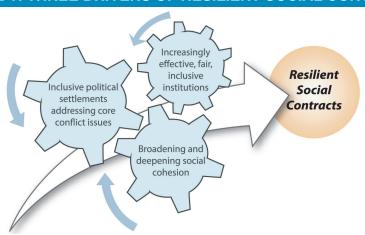
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3.   See von Holdt, Karl., Langa, Malose., Malopo, Sepetla., Mogapi, Nomfundo., Ngubeni, Kindiza., Dlamini, Jacob., and Kirsten, Adèle. The smoke that calls: Insurgent citizenship and the struggle for a place in the new South Africa. Centre for the Study of Violence and Society, Work and Development Institute (2011).

Background to Project and Methodology

This case study and overarching 11-country research and policy dialogue project are informed by a conceptual framing and methodology[4] that investigates what drives a resilient national social contract – that is, a dynamic national agreement between state and society, including different groups in society, on how to live together. Such a contract includes the distribution and exercise of power and how different demands, conflict interests and expectations around rights and responsibilities are mediated over time through different spheres and mechanisms. Three postulated 'drivers' of such a contract, constructed through deeply rooted evidence-based research and dialogue within the project working group, are that:

1. Political settlements are increasingly inclusive and responsive to 'core conflict issues'.[5]
2. Institutions (formal, customary and informal) are increasingly effective and inclusive and have broadly shared outcomes that meet societal expectations and enhance state legitimacy.
3. Social cohesion is broadening and deepening, with formal and informal ties and interactions binding society horizontally (across citizens, between groups) and vertically (between citizens/groups and the state).

FIGURE 1: THREE DRIVERS OF RESILIENT SOCIAL CONTRACTS

'Social contract-making' spheres and related institutional mechanisms – central to the study framing and findings – are conceptualised as follows: Peacemaking (i.e., through a peace agreement or political agreement); Transitional (i.e., sequenced dialogues, commissions, truth and reconciliation processes); Governance-related, including formal mechanisms (i.e., codified structures of government, formal institutions, national development plans, devolution frameworks/policies) and hybrid mechanisms (i.e., where religious/customary/non-state actor and state mechanisms interact); and Everyday (i.e., citizen actions or practices, norms, mores). In this study, the everyday sphere also serves as a litmus test of the extent to which higher-level, formalised agreements or processes represent wider societal views.

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4. This research was overseen, and this working paper edited, by Research and Project Director, Erin McCandless. For full project framing, see McCandless, Erin. 2018. "Reconceptualizing the Social Contract in Contexts of Conflict, Fragility and Fraught Transition." Working Paper, Witwatersrand University. https://www.wits.ac.za/wsg/research/research-publications-/working-papers/
5. As defined in this study, these are overt drivers of conflict and discord, either historical, or contemporary in nature, broadly agreed by the main parties to drive conflict and discord, that are being disputed in the policy arena nationally, over time, and have resonance for most, if not all of the population. Ideally, they are reflected in formal agreements or mechanisms and enable examination of how state and society address conflict (McCandless 2018).

2.0 Context

2.1 Brief description of political-economy context

During apartheid, the South African state functioned as a limited racist and sexist democracy with limited suffrage in service of a white male minority.[6] With economic development subsidised through low wages and inhumane working conditions for the black majority, the state was able to industrialize and provide services to its base. The continued racialisation of the economy further entrenched the bifurcation of the vertical social contract, where the state offered to the white minority a sense of national identity coupled with the delivery services and job reservations for the more prestigious positions in the workforce. However, for the black majority, the state offered no social contract – to the extent that it legislated the creation of pseudo-independent territories, in the form of Bantustans or homelands, that externalised the relationship between non-white residents of South Africa and the government, the former no longer classified as citizens of South Africa. Furthermore, townships were often created on the periphery of urban areas and movement was regulated for non-whites across the country. In the last days of apartheid, the wide-scale repression of the majority was economically unsustainable and, with the end of the Cold War, criticised extensively in the international community for violations of numerous human rights. By 1990, Nelson Mandela was released from prison and opposition parties were unbanned, and the ANC was ushered into the forefront of transition as the custodian of the post-conflict peacebuilding agenda.

2.2 State and national identity formation

During the transition, the broad assortment of activists included numerous actors from different racial, class and gender backgrounds who shaped the formation of informal discussions for an inclusive South Africa. The United Democratic Front (UDF) became the umbrella that held political parties, unions, religious groups and civil society actors together in popular resistance against apartheid, and evolved into the Mass Democratic Movement (MDM) – consisting of labour, the UDF and the ANC. Its diversity directly contributed to its legitimacy from the 1980s to the 1990s, including gatherings, protests and mass organisation. However, once the transition processes were formalised between the ANC and National Party (NP), the melting pot of activism gave way to more partisan engagements embodied by the first Convention for a Democratic South Africa (CODESA).

At the time, the promises of improved access to services, employment opportunities and socio-economic redress were uneasily balanced with reconciliation goals as political leaders sought to build a unified nation: At the end of apartheid, social justice became a core pillar of the constitutional obligations of the state, pending available resources. The development agenda and redress agenda were intimately linked, the latter requiring targeted taxation of the wealth and resources of those who had unduly benefited from apartheid. But in a neoliberal global political economy, stringent taxation laws (necessary to fund a social justice agenda) were argued to pose a threat to then predominantly monopoly capitalists that were able to move capital out of the country to the detriment of the majority.[7] It was thus argued that a measured approach to post-apartheid nation-building was necessary, where development was emphasised over redress. Reconciliation became the primary mechanism by which the state sought to abate the frustrations of the black majority – emphasizing the social gains of economic development in the long run through a 'trickle -down' effect, rather than the immediate vindication from widespread conflict and radical institutional reform. Reconciliation was framed through a popular narrative on social cohesion, termed here as 'rainbowism', which draws from the common refrain of the 'Rainbow Nation' used to describe post-apartheid South

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6.   Throughout its colonial and apartheid history, limited suffrage was applied in South Africa, with white women attaining the right to vote in 1930. It was only in 1994 that the country's all-race suffrage was applied.

7.   See Peet, Richard. "Ideology, discourse, and the geography of hegemony: From socialist to neoliberal development in postapartheid South Africa." Antipode 34, no. 1 (2002): 54-84.

Africa. Through the TRC and a new Constitution came the unifying values of democratic South Africa personified by Nelson Mandela and Desmond Tutu: forgiveness, reconciliation and non-racialism were the guiding ideals of this vision that has evolved into more recent policy documents, such as the National Development Plan (NDP), to recognize South Africa as united in its diversity.[8] As a narrative, rainbowism has taken hold internationally and has become an image of the nation reified through South Africa's global reflection. Rainbowism is supported by pluralist and humanist notions of ubuntu, a value intrinsic to South Africa's nation-building project that broadly means, 'I am who I am because of others' (MISTRA 2014, p. 95). In essence, ubuntu places the value of the collective over that of the individual, stressing social values of compassion, respect, collective unity and solidarity and is, as Kunene (1996) argues, the very "potential of being human".

However, we argue that the narrative of forgiveness and reconciliation was not sufficient to carry the deferred aspirations for the black majority wanting socio-economic justice and improved livelihood options. By not directly addressing the structural violence of apartheid, transitional policies contributed to an individual-focused reconciliation process – laying the basis for the current fraying of the social contract, where the state grapples with losses in legitimacy from the failure to address the broader grievances faced by marginalised South Africans across a spectrum of identities involving race, class and gender. Rather than look to the humanist and reconciliatory ideals that underpin the state's claims to legitimacy, citizens have increasingly measured the state's legitimacy through its delivery of services and responsiveness to grievances. The reconciliation agenda has thus come under direct challenge in ways that lay bare the fractures in society. Across social indicators, different groups have come to experience the state in relation to their race, class or gender – where these inadvertently serve as determinants of relative receipt of services and access to economic opportunities. This dynamic is captured in policy terms by Outcome 14 of the NDP and the Medium-Term Strategic Framework (MTSF), which details the working end of the South African Government's commitment to the NDP for the period 2014 – 2019 (Government of RSA 2013, p. 4). The NDP's analysis of the divisions in South African argues,

> "The country cannot achieve unity and social cohesion without reducing the gaps between rich and poor, black and white, women and men, city and country. In doing this, it is necessary to recognize the historical obligation for redress, to correct the wrongs of the past and to affirm the historically disadvantaged. Without unity, the nation cannot hope to correct the wrongs of the past. Without correcting the wrongs of the past, unity would be superficial" (NDP 2014, p. 2).[9]

> In the absence of addressing the need for redress, whether through equitable service delivery or employment opportunities, vertical cohesion has come under threat: citizens increasingly engage in mass mobilisation and violent protest to highlight their grievances against the state. The failures of service delivery and economic mobility, when situated in the context of corruption and divisive

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8.   National policy documents, such as those of the Departments of Transport, Social Development, Education and Arts & Culture, are viewed as the channel for creating a cohesive society through sports, education, media and early childhood development. The ambitious documents position social cohesion as an independent and dependent variable in relation to major social development goals. The most significant of these is the NDP, which creates a broader integrative policy framework for employment, growth and development.
9.   The MTSF echoes this same analysis: "Despite progress since 1994, South African society remains divided. The privilege attached to race, class, space and gender has not yet been fully reversed, and the quality of services continues to be affected by who you are and where you live" (Government of RSA 2013, p. 36).

class or gender divides. Horizontal cohesion, taken to mean the interaction of citizens across different identity groups, has waned as racist, sexist and classist language takes hold of public discourse – all framed in relation to economic, social and political dynamics in the country. These contrasting experiences of post-apartheid society give rise to competing narratives that express vastly different degrees of accessibility to state resources and the consequent perceptions of state capacity. Pro-poor, inclusive civil society and community activism in this context ultimately give practical meaning to a reconciliation agenda, but primarily focus on social justice as the main mechanism for social change.

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2.3   Conflict, fragility, resilience

The emergence of intra-group and state-society conflict is dictated by which groups attain access to land, housing, sanitation, health care, employment, education and other services at the expense of others. The core conflict issues in South Africa can be traced to the legacy of apartheid, but also have intensified over time because of the limitations of the transitional process and have been reinforced by policy frameworks enacted in present-day South Africa. Consequently, much like during apartheid, access to housing, to land and to basic services, unemployment and a marginalisation of youth, contribute to conflict in the new South Africa, with many of the fault lines reflecting apartheid-era racial divides.[10] In this report, we identify service delivery and economic participation as the core drivers of conflict in South Africa. These two conflict issues are particularly significant in their direct impact on the broad range of grievances experienced by marginalised identity groups. Taken together, the convergence of these dynamics constitutes what has been called a "rebellion of the poor" (Alexander 2010, p. 25). Using apartheid-era strategies, these actors have articulated critiques of the post-apartheid social contract and engaged in protests that challenge the formal avenues of political expression.

In this context, numerous 'social contracts' in contemporary South Africa transcend the classic democratic compact under scrutiny here. These include the workers' social contract that positions a more leftist approach to the economy. It ideally espouses a collaboration for change but only with

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10.   Recent developments at the subnational level suggest that a largely top-down approach to enforcing a social contract built on democratic values and freedoms has had mixed results. Incidents of racism, violent protests and police brutality point to deepening fractures along the country's contentious fault lines, most of which can be traced to the legacy of apartheid and the political settlements entrenched in the transitional period that began in 1990.

accompanying socialist policies, embodied by the tripartite alliance that features the state, unions and the Communist Party. This is undermined by the state's social contract captured by its commitment to its tax base, which is predominantly upper-class and at odds with a broader workers' struggle. As the ANC political elite fuses with the economic elite, the interests of the ANC-dominated state (represented by its policies) depart from its commitment to the principles that underpin those of the tripartite alliance – indicated by an ANC that 'talks left, but walks right' (Bond 2006). Other tense relationships exist between state and civil society, with the latter (usually issue-specific) at odds with the rate and quality of service delivery. Normally funded by international agencies, these civil society organisations engage government directly for core issues (such as HIV/AIDs, housing or sanitation) and use litigation or mass mobilisation as primary strategies. Government attempts engage civil society through extensive consultations around core development processes – as required by the Integrated Development Planning process. Often, however, consultations do not translate into systemic and sustained change in relation to service delivery. At times, these pacts between political and economic power conform to South Africa's competing interests. In other instances, authority to rule is reduced to a paternalistic politics between the ruling party and the recipients of state tenders. Without acknowledging and accounting for subnational needs, the democratic social contract is at risk of coming apart as people seek to have their basic rights realised with greater urgency.

Core Conflict Issues:

Unequal Service Delivery

Prior to 1994, service delivery – by way of water and sanitation, health care, refuse removal, housing, electricity, education, and safety and security – was reserved for white South African communities, while the state's relationship with black communities was primarily characterised by an absence (or, at most, the dismal quality) of such services and rather the presence of antagonism and repression. After the democratic transition, progress was made to expand the reach of service delivery to the majority, especially housing, which saw a steady rollout of housing units in the late 1990s. However, this rollout of services has been uneven, fraught with corruption, and inequitable in its distribution of resources – leading communities to collective action and ultimately violent protests. Since 2004, service delivery protests have escalated in response to the frustration with municipal governance across the country for unique and interrelated reasons, including the non-delivery and poor quality of basic services. These protests represent a continuation of apartheid-era mobilisation strategies designed to challenge lengthy delays and unfulfilled promises and articulate frustrations that have not been given space for expression through formal channels. The rise in service delivery protests has been accompanied by an escalation in incidents of protest violence and police brutality, with some 1,882 gatherings turning violent between April 2012 and March 2013 alone – as well as a number of fatalities at the hands of the police.

Economic Participation and Exclusion – Young, Unemployed and Disenfranchised

As of 2017, 27.7 percent of South Africa's working population were unemployed according to the narrow definition of the term (StatsSA 2017a), with over 55 percent of South Africans living in poverty in 2015 (StatsSA 2017b). Employment is salient in post-apartheid reconstruction because, during apartheid, job reservations meant that the majority of black workers were employed in unjust working conditions and faced limited prospects for upward mobility. By design, low-earning, working class jobs on mines, farms and factories were occupied by black workers – whose low wage levels subsidized South Africa's industrialisation.[11] Alongside this creation of a black underclass was the consolidation

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11.   For a political economy analysis of this dynamic, see Porter, Richard C. "A model of the Southern African-type economy." The American Economic Review 68, no. 5 (1978): 743-755.

of a white middle class – able to live in suburbs removed from the townships reserved for black people. The concerted effort of trade unions in the struggle against apartheid for the purposes of black workers was a strong force in the opposition movement. In the 1980s, stay-aways and protests for improved working conditions, earnings and prospects contributed to a workers' solidarity that is widely acknowledged as having been fundamental to the fall of apartheid (Clarke and Worger 2016, p. 83).

The organisation of the post-apartheid political economy has included recognition for workers' rights, but not enough structural change to stop the cycle of black unemployment and high levels of inter- and intra-race inequality (the latter of post-1994 concern). Economic exclusion is exacerbated by the recent fragmentation and delegitimisation of leading unions, like the Congress of South African Trade Unions (COSATU) and the National Union of Metalworkers of South Africa (NUMSA), and the dissolution of a once-united labour movement.[12] These divisions have contributed to more confrontational forms of industrial action, 'wild cat strikes' and sustained friction between business, state and labour. The tension, a core conflict issue, has led to violent clashes with authorities – the most chilling example being the Marikana Massacre, which saw the killing of 34 striking miners in August 2012 at the hands of the police. This was the largest state-perpetrated massacre in the country since the Sharpeville Massacre in 1960.

Of the unemployed, youth unemployment is the direst concern in South Africa, showing little sign of abating with 65.1 percent of those aged between 15 and 24 unemployed,[13] the clear majority of whom are black and are expected to never find regular work in their lifetime. The exclusion of so many (particularly young) South Africans from economic participation and opportunities for training and education is a significant driver of conflict and, if there are lessons to be learned from the recent student protest action, it is that activist culture has proved invaluable to the amelioration of the social contract, placing positive checks on state misconduct.

Resiliencies for Peace

Activism, in response to the core conflicts that threaten the social contract in South Africa, represents endogenous 'resilience for peace' capacities that redeem the quality of South Africa's social contract, especially in place of once-cohering concepts like ubuntu, which are now often treated with disdain. An active and longstanding civil society, a constitution-affirming judiciary, a largely independent media, increasingly outspoken political opposition parties, as well as state-led initiatives like a broad safety-net of social grants, are some of the factors that edify the social contract in South Africa. But most redeeming, and of particularly recent prominence, are the efforts of a relentless and uncompromising 'activist culture' that has drawn from its deep roots already in South Africa's history. Traced through the anti-apartheid struggle, this activism has matured into the contemporary vibrant debate across student campuses, in schools, on vacant inner-city land and over the Internet. These efforts have come to represent the chief mediator of state-society relations by re-politicizing the right to services and employment as inherently about justice and not only about state-led development. By working from the ground up, activism has shaped society by opening policy spaces and mobilizing communities to engage with formal and informal democratic processes, including (but not limited to) the right to engage with local councillors, open budgeting, accountable governance and, failing these, the right to peaceful protests.

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12. Industrial action and a robust labour movement were some of the hallmarks of the anti-apartheid struggle and have, up until recently, been a bedrock of support for the ANC through the tripartite alliance member – the trade union federation, COSATU (Congress of South African Trade Unions).
13. Ndweni, Omarjee and Mulaudzi (2015) explain, "The broad definition, which includes those who have given up on looking for work, shows a massive 65.1% – 2.4m people – are not working or receiving any kind of education or training. Add another 3.1m young people between the ages of 25 and 34 who are neither employed nor in training."

3.0 DRIVER 1 – Political Settlements Addressing Core Conflict Issues

3.1 Discussion of spheres

Within the social contract, the political settlement presents a key path dependency that shapes future policy frameworks and creates opportunities or limitations for inclusive implementation to address the drivers of conflict, or core conflict issues, in society. In South Africa, the political settlement was a negotiated one, which ultimately created political consensus for inclusivity, but failed to be adequately transformative in relation to the core conflict issues of uneven access to services or employment opportunities. There was thus a need during CODESA not just to frame constitutional obligations of the state, but also to carve out a social and economic settlement that contributed to a more progressive social justice agenda. The first articulation of a horizontal and inclusive social contract was not formed by the state, but rather created by the South African Congress Alliance: The Freedom Charter represented the articulation of a non-racial social contract that emphasised multi-ethnic national identity and equality of citizens regardless of their race or ethnicity. In the struggle against apartheid, the Freedom Charter would serve as a reference document that would create a vision for a truly democratic South Africa. During the negotiations in the early 1990s, the Charter informed an articulation of a constitutional democracy with universal suffrage that emphasised justice and equality because of a shared sense of humanity (ubuntu) and regardless of race, gender, class or age. Since the formation of the Constitution, although the country has progressed in its attempts to forge a new post-apartheid identity, South Africa's experiences in forging a social contract are indicative of the challenges of unifying a population so fragmented by complex identities. South Africa's transition to democracy more closely aligns with that of a transplacement (Huntington 1993): the negotiated reform of government and regime. In this instance, the ANC and NP were the two main negotiating parties – forming alliances with an array of political parties, civil society organisations and the business sector to back the terms that met their public and private vested interests. Negotiations formally began with the release of Nelson Mandela in February 1990 and culminated with the formal negotiations of the Convention for a Democratic South Africa (CODESA) I & II, the Interim Constitution, the Government of National Unity (GNU), the Truth and Reconciliation Commission (TRC) and the adoption of South Africa's existing Constitution in 1996.

These formal negotiations instilled confidence in the ANC as the champion of a human rights agenda that was inclusive of all South Africans, irrespective of race, gender or class. The Freedom Charter contributed to this legitimation of the ANC, especially as a number of civil society, union and political actors formed alliances with the party for its non-racial vision for a democratic society. As the transition progressed, non-state actors became frustrated by the policy direction the ANC was taking, with some highlighting its incessant departure from the Charter and alignment with the desires of the international financial institutions, like the World Bank and the International Monetary Fund, which had already initiated meetings with the ANC (Habib and Padayachee 2000, p. 250). Furthermore, a number of civil society actors that had gained legitimacy through their grassroots activism were offered positions in what would be the ANC-led national government – positions that would remove them from their constituencies. By the end of 1991, the UDF was presented with an option to disband and support the ANC during the transition or turn into a civil society organisation focused on reconstruction and development. The leadership chose the former option, and the melting pot of political, social and economic activism that embodied the 1980s was assimilated into partisan politics. This created a unified post-apartheid national government, but created a void at the local level.

3.2   Core conflict issues in the political settlement – service delivery & economic participation

The interim Constitution, the product of CODESA I & II,[14] was the preeminent document of South Africa's political settlement whose prescriptions limited the reforms of the transitional period and have had an enduring legacy in the democratic era. An initial reading of the interim Constitution illustrates a conciliatory impression of common ground reached by the two groups enshrined in human rights language. Principally, the document includes generous provisions to accommodate white fears under a black-led future government: the NP's most difficult hurdle was shifting from a 'group rights' stance to seeing the interests of the white minority protected under 'individual rights' (Wilson 2001, p. 6). This rights-based doctrine was a difficult compromise for the Left, which felt alienated by the constitutional compromise, particularly because the progress of society was seen to require a more radical stance – instead, though, the capitalist concessions were prioritised because of the nature of the negotiated settlement (Nzimande 2006). The interim Constitution provided various limitations on the contents of the final constitution and, by then, a certain level of political consensus had been developed regarding the suitability of a rights-based system for protecting the aspirations of the majority while considering the fears of the minority.

While the Constitution contains an imperative of affirmative action and positive discrimination to rectify historical injustice, the nature of the political settlement meant that individual property rights were espoused over a more radical land and resource redistribution, which required framing the challenges facing black South Africans as requiring rights-based development and not justice or redress. The consequence of this rights-based approach has undoubtedly been complex. On the one hand, the state has met some of its obligation to increase access to education, water, sanitation and other basic socio-economic rights in South Africa. In fact, as will be demonstrated in the next section, access to many services has significantly increased since 1994. The state has made significant progress in ensuring that a number of previously disadvantaged communities have their rights to water, housing, sanitation and education met through their local governments. However, while there is an obligation under the Constitution to keep broadening access, the Constitution does not establish best practice beyond minimum standards for the quality of these services, which proves contentious in the context of great inequality. Furthermore, the Constitution does not provide direct redress for the geo-political nature of spatial inequality that continues to characterize South African municipalities: while the integration of racially segregated communities has, in theory, been addressed in policy through integrated town planning, the divide between rich and poor provinces, cities and towns, with disproportionate racial patterns, also contributes to experiences of racial inequality.

Furthermore, rural black municipalities, particularly in areas previously governed by the apartheid Bantustans, have grappled not just with under-resourcing to meet the rights people are entitled to, but also with widespread corruption and paternalistic politics that undermine democratic processes. The discrepant experiences of these rich and poor areas are not adequately addressed in the social contract entered into during the transition. Of concern in local areas have been not only access and quality of services, but also relative deprivation that typically reinforces apartheid spatial politics. It is predominantly black areas that have poor-performing school systems, failing health care or improper sanitation; meanwhile, their (mainly white) corollaries experience an effective local government system where inherited functional infrastructure is able to engage the state more effectively when problems emerge. These patterns are also observed in the labour market, where a minority of the population

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14.   CODESA was by and large representative of the multiplicity of political voices in South Africa, although its core business was resolving the dialogue between the two largest opposition forces, the ANC and the NP. The Afrikaner Weerstandsbeweging (AWB) as well as two left-leaning African nationalist groups, the Azanian Peoples Organisation (AZAPO) and the PAC, boycotted the proceedings with the PAC, accusing the ANC of selling out to the NP (Maharaj 2008, p. 26).

owns the bulk of capital – and this class remains predominantly white.[15] While there has been some limited racial diversification of the upper-middle class, extreme poverty is overwhelmingly experienced by black households and in ways that have a gendered dimension. The intersection of marginalisation with race, class and gender has, again, highlighted why provisions made in the Constitution are not solely about access to development, but also about redress, equality, dignity and justice for a number of people.[16]

The political settlement has also had an impact on the framing of apartheid-era marginalisation. Rather than emphasizing the experience of violations against entire communities, the interim Constitution included provisions under the National Unity and Reconciliation Act that focused on individual gross human rights violations and provision of amnesty for individual perpetrators upon truthful testimony at the TRC (Wilson 2001, p. 7; Constitution of RSA 1995). This has been particularly problematic for redress in lieu of injustices against entire groups based on race, gender or political affiliation, which were acknowledged during the transition but consequently framed as related to development rather than to justice (Mamdani 2002, p. 33). The discursive impact of this framing has deepened frustration with the lack of structural reform related to equality and justice. The individualisation of experiences of apartheid extended not only into the transitional justice process, but also into the development of the interim Constitution: when articulating rights, the Constitution has taken an individual-based approach to rights, framing the pursuit of social justice in terms of the pursuit of individual rights rather than structural transformation – especially in relation to property rights. This individualised reading of rights and development serves to undermine the structural underpinning of economic and social exclusion of whole groups of people based on core identities, including their race, gender and class. Black South Africans, in exchange for truth and the promise of reparations, were expected to forgive in the absence of punitive justice. The converse of this logic was extended to white South African beneficiaries of apartheid, who weathered the transition mostly unscathed. Increasingly, as the political settlement matured, it became clear whose voices were being excluded from the narrative.[17]

In 1994, the ANC was voted into power with its Reconstruction and Development Plan (RDP), which articulated its commitment to promote development for the majority of South Africans through the rollout of core services, the improvement of employment prospects and the eventual trickle-down of wealth to the poor, black majority through economic development. The RDP allowed the national government to then begin wide-scale rollout of services beginning in 1995, backed by the legitimacy of the relatively peaceful transition and the optimism for a reconciled South Africa, committed to the reconciliation agenda and the process of building a new nation-state. While South Africa's post-transition development policies indicate a commitment to alleviating the socio-economic deprivations inherited from the apartheid past, these efforts are circumscribed by the concessions agreed to in the political settlement and cemented by subsequent economic policies. Efforts to alleviate the dual core

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15.   A report by the Institute for Poverty, Land and Agrarian Studies demonstrates the 67 percent of the land available for commercial farming is owned by 'white' people. Walker, C and Dubb, A (ND). Distribution of Land in South Africa: An Overview. PLAAS. Accessed 31 May 2017 at http://www.plaas.org.za/sites/default/files/publications-pdf/No1 Fact check web.pdf

16.   While the narrative crafted by the TRC was exclusive, it also served expedient ends. Wilson (2001, p. 55) illustrates the utility of the TRC in promulgating the new human rights constitutional legalism that formed the freshly laid cornerstone of democratic South Africa and underlies the origins of rainbowism. Denouncing apartheid on moral grounds offered a politically expedient alternative to the complex political understanding of injustice initially proposed by the anti-apartheid movement (Wilson 2001, p. 55). In emphasising unity, diversity, non-racialism and individual rights, the political settlement has agenda-set rainbowism as the appropriate narrative to express one's South Africanness. The danger of this is evidenced by an environment that ignores the grievance-based protestations of non-conforming identities, demonstrating an intolerance for such groups expressed through the disregard of them or, at worst, swift suppression at the hands of the police.

17.   For example, the TRC's enabling act failed to explicitly recognise sexual and gender-based violence as constituting political violence and located such crimes under the heading 'serious ill-treatment' (Emdon and Naidoo 2016). While the TRC took some initiative in convening hearings to specifically address women's experiences of violence, and particularly sexual violence, these were tangential to a broader narrative that marginalised a gender analysis of apartheid abuses. The TRC heard a cis-heteronormative narrative of violence as it affected men, but lost the opportunity to denounce violent masculinity and chronicle a collective experience of violence by excluding women and the Lesbian Gay Bisexual Transgender Queer and Intersex (LGBTQI+) community (Emdon and Naidoo 2016; Scanlon 2015, p. 54). Such an omission is particularly poignant in a country where the female homicide rate is five times the global average (KPMG 2014) and where the plight of women has been likened to an "unacknowledged gender civil war" (Maluleke 2016).

conflicts of service delivery and economic participation are limited in the post-settlement context by a deeper commitment to maintain the fundamental structural integrity of the apartheid economic order and the protection of elite prosperity.

4.0 DRIVER 2 – Institutions Delivering Effectively and Inclusively

4.1 Overview of trends – expectations, promises and performance

During the 1994 election, access to water and sanitation, housing and land, free health care, education and electricity was articulated as part of the guaranteed freedoms for all South Africans in the RDP. The promise of these services has since been underscored by a social safety net of grant allocations that has seen an estimate of 4 million recipients in 1994 rise to 16.9 million people by 30 September 2015 (Ferreira 2016). Yet, access to land, long waiting lists for houses, police inefficiency in crime-riddled communities, the provision of sanitation and clean water as well as access to quality education, including tertiary education, continue to prove contentious in the post-apartheid era.[18] Against the backdrop of spatial and income inequality in South Africa, increase in access to core services has not addressed the quality of this access – where some municipalities have continued to provide favourable resources to already historically white suburbs while poorer communities still face resourcing challenges.[19]

Committing to a legislated and incremental transfer of land in 1994, the new regime has presided over a sluggish, bureaucratic and political redistribution process, with less than 1 percent of formerly white-owned land transferred to black South Africans by the end of 2001, falling far short of the ANC's promise of 30 percent by 1999 (Mather 2002, p. 345). The willing-buyer-willing-seller model used for land redistribution has been fraught with tension as those willing to sell are few, while the need has increased. The challenge has also been the approach to land in urban areas, as South Africa faces high rates of urbanisation. Here, too, land, livelihoods and housing are intimately linked for those who experienced forced removals during apartheid and were restricted to racial enclaves on the peripheries of urban centres – traveling the greatest distances to work from home, earning the least, working the longest hours and returning to communities that are characterised by chronic crime levels and under-delivery of services. The right to housing is, however, framed as a crisis of service delivery rather than one of historical exploitation and poor land reform (especially in urban areas) in the post-apartheid era.[20] The structure and location of state-provided housing continues to resemble those of the apartheid-era and the current policy on RDP housing fails to be transformative for its inability to be integrative across race, religion and class – where communities at the lower levels of society are still largely insular and geographically marginalised, contributing to a fractured and isolated South Africa.

Furthermore, the provision of a house does not guarantee access to other services. While the percentage of households connected to electricity increased from 77.1 percent in 2002 to 86 percent in 2014, the quality of water-related services was rated 'good' by only 61.4 percent of households, down from the 76.4 percent in 2005 (StatsSA 2015, p. 13).[21] According to the same data, 64 percent

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18. For official statistics on these issues, see Statistics South Africa (2016): http://www.statssa.gov.za/publications/Report%2003-01-22/Report%2003-01-222016.pdf – finds that 75 percent of households did not believe "that municipalities were actively addressing the issues they felt was most important for households in their respective municipalities". Pp. xiii.

19. See reference to Khayelitsha, note 3.

20. Despite a large backlog estimated in 2007 to cost R102 billion by 2010 and R253 billion by 2016, the provision of housing and housing subsidies has been consistent since the adoption of the RDP in 1994 (SERI 2013, p. 6). Nevertheless, the demand for housing has grown unabated "due in part to change in household structures, rapid urbanisation, migration to cities and large towns, lack of opportunities in rural areas, structural unemployment, more households falling into the subsidy income band and less access to housing finance" (Tissington 2011, p. 34).

21. Having to use shared public toilets has particular implications for the safety of women.

of households had their refuse removed at least once a week and, while sanitation services improved as the percentage of households without proper sanitation declined from 12.3 percent in 2002 to 4.9 percent in 2014, there is growing concern over sanitation-related safety, as 22 percent of respondents "felt that their physical safeties were threatened when using the toilet" (StatsSA 2015, p. 13). Grievances with poor sanitation speak to a contention at the heart of the state-society relationship, which is rendered vulnerable by the manner in which improvements with sanitation delivery have occurred. Key here is the emphasis placed on dignified sanitation, which has been raised by 'poo protestors', who, in 2013, dispersed faecal matter inside Cape Town International Airport to highlight the experiences of those living amid raw sewerage in townships. That 3.8 million households within formal areas have unsafe sanitation "due to the deterioration of infrastructure" (SAHRC 2014, p. 13) and that many are forced to use undignified alternatives like portable or bucket toilets, speaks to the particular disregard the state reserves for the humanity of poor, black urban dwellers.[22]

Economic participation, the second core driver of conflict in South Africa, has not fared any better. With an unemployment rate of 27.7 percent, the highest in 11 years, South Africa has been described as an enclave economy with a dependent and marginalised "permanent underclass" (Mbeki 2016). The democratic transition of 1994 depended on public belief in the promises made by the ANC. The then left-leaning liberation movement took charge of the economy and assuaged the unemployed and organised labour with the promise of a redistributive economic policy enshrined in the RDP. Here, the emphasis was on state intervention to expand markets across race and space, reaching former homelands and rural areas to "address historical backlogs, support industrial restructuring, and reform financial and labour markets, among other things" (Habib and Padayachee 2000, p. 261).[23]

However, these ambitious objectives remain unrealised. The working class and those unemployed have faced increasing uncertainty as employment in the informal sector decreased by 111,000 jobs in the first quarter of 2016 compared to 2015 and South Africa stared down stagflation, finally receiving a ratings downgrade. However, there have been state-led responses to growing unemployment, such as the Community Works Programme (CWP)[24] and the provision of social grants, which have been effective as stop-gap measures that elevate people out of dire poverty, but still fall short of providing sustainable jobs. Of the unemployed, youth unemployment is of most concern. Sometimes pitted against the unemployed youth, the generally older working class earning minimum wage has sought to organize through unions for better wages. The rising unemployment rates have effectively been used as a bargaining position to deflate demands for increasing the minimum wage in various sectors. Furthermore, recent delegitimisation of leading unions, like NUMSA and union federation, COSATU, contribute to incidents of industrial action and sustained friction between business, the state and labour, where these labour structures are increasingly perceived as having sold out and no longer serving the interests of their members.

As demonstrated in the conflict interests of different actors in the economy, marginalisation in post-apartheid South Africa is complex for its gendered and racialised manifestations. Race and gender distinguish the nature of economic participation, as, in the first instance, black South Africans comprise the largest portions of those unemployed or engaged in informal and low-paying sectors. Assessing the vulnerability of women in the labour market since the 2008 financial crisis until 2014, Goga (2015, p. 31) finds that women are significantly more vulnerable than their male counterparts. In 2014 alone, the unemployment rate of women (willing and able to accept a job although not

22. For larger case study, see Ndinga-Kanga, Masana. "Khayelitsha Case Study: Innovations in Peacebuilding Project." Unpublished (2017)

23. The restoration of national wealth to the people, an idea enshrined in the Freedom Charter was interpreted differently. See Habib and Padayachee (2000, p. 248) for a detailed explanation of the conversations that informed ANC economic policy and eventually the arrival of the RDP.

24. The CWP has been an effective state-led programme providing irregular employment in poor communities. Langa, Malose (2015) in "The Impact of the Community Work Programme on Violence in Orange Farm" and David Bruce's (2015) "Working for Safety: The Community Work Programme as a Tool for Preventing Violence and Building Safer Communities" provide a detailed assessment of the CWP's impact.

necessarily actively looking) was 31 percent, which is 6 percent higher than that among men (Goga 2015, p. 31). While the unemployment of women and wage disparities are skewed to privilege men over women, the impact of the state's vociferous prioritisation of male voices,[25] at best undermines a contractual agreement where more than half of the stakeholders are women and, at worst (as has been illustrated in the previous section), affirms a narrative that victimises women in South Africa.

4.2   Grievance recourse, conflict management and state legitimacy

Taken together, the economic exclusion of so many coupled with the non-delivery of essential services and exacerbated by growing dissatisfaction with local governance, rising levels of anger and impatience amongst the marginalised are unsurprising. Grievances directed at the state are expressed through protest action in South Africa – the vast majority of which is peaceful. Of the just more than one protest a day that turns violent, clashes with police, looting of shops and the destruction of property are some of the ways in which this violence manifests. Grievances are manifold, but, in many instances, these protests are addressed at local municipalities and councillors, who rely on police to manage frustrated crowds of people that resort to violent protests to garner media attention and, consequently, force state action. As access to land remains a central grievance for many, protest in achieving this end in urban areas has taken on a unique form through 'land grabs', 'illegal occupations' and what has been termed 'insurgent citizenship' (Omar 2016; von Holdt et al. 2011). This trend demonstrates the reclamation of the centre by the periphery, as those who are denied access to cities or have been marginalised to the fringes of cities through apartheid-era forced removals, gentrification, unaffordable rents and the absence of social housing are pursuing their rights in defiance of the state.[26]

While not entirely consolidated, South Africa's democracy demonstrates some capacity to respond to the needs of those on the margins. There are some achievements in the delivery of certain services, most notably social grants. However, challenges in employment, housing and education contribute to the creation of social conflict – which has been characterised by violence on the part of the state institutions and community protesters. A strong activist culture, coupled with the integrity of the judiciary and a broad range of actors, including CSOs, has attempted to advocate for a more rapid response to basic needs where the institutional capacity of the state has failed to deliver. Yet, as evidenced by alarming levels of protest, political violence and the state's consolidation of power through the prioritisation of particular versions of the social contract, the failure to respond adequately to the grievances of South Africans, and a growing distrust of the instruments of dialogue on the part of protestors, place tremendous pressure on the resilience of state-society relations.

At the local level, the ANC has sought to foster collaborative governance that includes multiple actors, such as state, business, labour and civil society, working together to implement national policies with local contextualisation through the Integrated Development Plans (IDPs). The IDPs represent an opportunity for communities to engage with their local councillors to shape effective service delivery and address grievances and conflicts emerging within communities. Furthermore, to avoid the duplication of efforts, local municipalities are tasked with working alongside national and provincial government where they have programmes for provision of certain services, like policing, health care and education. The Department of Cooperative Governance and Traditional Affairs (COGTA) is also mandated to strengthen programming at the local and provincial levels in promotion of accountability,

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25.   The state's New Growth Path (Economic Development Department 2011), which charts a strategy for bolstering employment, has been criticised for being incredibly ungendered, disregarding the core economic activities of women and focusing on male-dominated industries.

26.   Holsten (2007) asserts that it is "precisely in these peripheries, residents organise movements of insurgent citizenship to confront the entrenched regimes of citizen inequality that the urban centres use to segregate them." A recent formalised example of citizen insurgency is the group Reclaim the City. Through petitions, protest action and the courts, they have challenged city administration over spatial injustice and what they have called "spatial apartheid in Cape Town" in attempting to realise their mantra "Land for People, not for profit" (Reclaim The City 2015). While this group has not met violence in its inner-city efforts, land grabs and occupations in the semi-periphery have been confronted with violence often in the form of specialised task teams like the Anti-Land Invasion Unit, whose sole mandate is to stop the erection of homes on vacant land in the city.

service delivery and economic development (Government of RSA ND). Taking a reflective process, the IDP system incorporates learning, monitoring and evaluation into its mandate – to measure successes and failures. Taken together, the mandated systems have the potential to contribute to conflict resolution. Indeed, local councillors have sometimes been responsive to grievances and engaged with multiple actors successfully – as in Orange Farm, where the Community Works Program has created an opportunity for communities, COGTA and councillors to cooperate to promote violence prevention.[27] All too often, local councillors are, however, unresponsive and inaccessible once elected and are accused of delaying democratic engagements in the face of increased community mobilisation. According to Afrobarometer, in 2016, "trust in members of parliament (MPs), premiers, local government councils, the ruling party, and opposition parties has also declined dramatically, making political leaders the least-trusted public officials in the country. Furthermore, trust in the president is lower than in any of the other 17 institutions and leaders that the survey asked about" (Afrobarometer 2016). Where left unaddressed, demands raised through collective action have escalated into violence and destruction of property as a strategy to garner media attention and to force a more urgent response from the state.

5.0 DRIVER 3 – Social Cohesion Broadening and Deepening

Because post-apartheid political settlement and institutional reform have not adequately addressed the core conflict issues, there has been direct challenge to tenable vertical and horizontal cohesion in society. Specifically, as the state has failed to adequately address service delivery inequities and economic exclusion, vertical cohesion (taken to mean the relationship between citizens and the state) has been undermined through declining trust in government institutions riddled with corruption. An unintended consequence of this declining vertical cohesion has been limited horizontal cohesion (taken to mean the relationship between citizens or groups in society), as different identity groups perceive themselves in relation to their access to state services and economic opportunities. The ANC's waning majority vote is indicative of perceptions of poor local governance, coupled with shifting narratives on identity: in some moments of protests and violence, the ANC condemns separatism and calls for unity articulated in the Constitution; during the electoral periods, though, it uses the rhetoric of race that pits different identities against each other. To different groups, this shifting narrative has been alienating. It has also called into question the currency of the reconciliation agenda articulated during the political settlement. As the state has failed to transform society, there emerges inter- and intra-group conflict over services and economic opportunities, with reconciliation losing its impetus as citizens wrestle for political, economic and social space in South Africa's unfolding democracy.

5.1 Horizontal social cohesion

The NDP presents a compelling analysis of the divisions in South African society and speaks a language of redress and transformation in order to rectify these wrongs. However, in 'recognizing the historical obligation for redress' and amending the divisions wrought by settler colonialism, the

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27. Asserting that "the ANC inherited essentially what the British put in place," Mbeki (2016) charts the history of the South African economy as it changed hands from the British, to the Afrikaner Nationalists under apartheid and eventually to the democratic government. He argues that, through each of these permutations, the nature of this extractive economy has remained unchanged from the intrinsic intent, inherent in its initial design, and that the language of violence and coercion that saw extractive mining established in South Africa has remained (Mbeki 2016). Mbeki (2016) goes on to comment that, as with the pneumatic drill, "the backbone of the South African economy is driven by violence and archaic technology."

efforts spearheading this national project have been limited primarily to the ambit of sports and recreation and have failed to adequately engage with structural drivers of inequality. Transformation in sport[28] and other initiatives that would see "the number of people over 18 that belong to a charitable organisation rise from 5% in 2011 to 10% in 2019" (Government of RSA 2013, p. 36) are some of the core outcomes delineated in the MTSF for the period ending in 2019. As contributors to the systemic restructuring of society in favour of social cohesion, sports and charity are quite limited in their overall structural impact – despite some utility in promoting mutual understanding (Barolsky 2013, p. 384).[29] The real challenge has been identified in the NDP and is, however, about more than mutual understanding because this fails to address fundamental grievances like land reform, equitable service delivery or reparations – which are arguably more relevant for a resilient social contract.

Recognizing that sports participation as an indicator of social cohesion does not adequately capture complex societal relationships, other relevant indicators do not depict improved horizontal cohesion: 45 percent of South Africans are of the opinion that race relations are improving in South Africa, down 15 percent from 2004, when this figure was 60 percent (DPME 2014, p. 64). While 67 percent of South Africans were 'confident in a happy future for all races' in 2014, this figure is also down from the 85 percent who were confident of this in 2004 and 2005, respectively (DPME 2014, p. 63).[30] A more critical reading of social cohesion in South Africa is offered by the South African Reconciliation Barometer (SARB). For example, 81 percent of people felt that one must be very careful when dealing with other people, up 5 percent since 2011 (Sibusiso 2016).[31] Furthermore, 44 percent of people trusted their relatives, 19 percent their neighbours, 15 percent their own ethnic group and 11 percent other ethnic groups (Sibusiso 2016). For women, progress in vertical cohesion and inclusion in national processes has not translated into horizontal safeties. Thus, while women's participation in legislative bodies has increased from 24.5 percent to 42.5 percent in 10 years,[32] such an improvement in legislative representation has not translated into meaningful results in relation to inequality and gender-based violence (GBV) among citizens, where South African women suffer some of the highest income inequality in the world and one in five women will be the victims of sexual violence in their lifetimes. These concerning trends are echoed racially across socio-economic data. Hofmeyr and Govender (2016, p. 1) found that 67 percent of respondents across race groups "feel that income inequality has either worsened or stayed the same since 1994." The authors conclude that the "promotion of national reconciliation and, by implication, the reduction of racial polarisation has little chance of succeeding under the conditions that sustain these economic inequities" (Hofmeyr and Govender 2016, p. 12). 'Reflecting on Reconciliation' (Wale 2014), the SARB 2014 annual report, demonstrates an increasing trend of socialisation between South Africans of different races.[33] However, such sparse interracial socialisation is primarily limited to middle-income and wealthy South Africans, with the vast majority of South Africans, captured in the poorer bracket of Living Standards Measure (LSM) 1 – 5, seeing only

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28. across race and class" by "increas[ing] the access of South African citizens to sport and recreation activities; provid[ing] mass participation opportunities' in sporting events; advocat[ing] transformation in sport and recreation; provid[ing] adequate sport and recreation facilities and ensure that these are maintained' at the ward level; us[ing] international events to promote South Africa as a diverse socially cohesive nation; encourag[ing] communities to organise sporting events, leagues and championships; develop[ing] talented athletes by providing them with opportunities to excel; greening of public spaces" (NDP 2014, p. 18).

29. Many cite the 1995 Rugby World Cup hosted and won by South Africa as evidence of this unifying spirit and, indeed, Invictus, a film starring Matt Damon modelled on this experience, was made depicting the victory as a national achievement of reconciliation.

30. The August 2015 Brand SA study found that 78 percent of South Africans identify as South African, with this number highest – 89 percent – amongst the white population and the lowest – 75 percent – amongst the black population, who were prone to selecting a cultural self-identifier over nationality (De Kock 2016).

31. With 'somewhat', 'just a little' and 'not at all' making up the bulk of the responses (Sibusiso 2016).

32. These figures indicate a percentage of both parliament and the provincial legislatures and exclude the representation of women in local government that the Department of Planning, Monitoring and Evaluation acknowledges is lagging.

33. One in 10 South Africans reported often or always socialising with someone from another race in 2003, compared to 2.4 of 10 in 2013 (Wale 2014, p. 23).

34. Out of 10 South Africans, 1.3 of the LSM bracket 1 – 5 reported 'often or always socialising with someone from another race' in 2013 compared to 4.7 people in the LSM bracket 9 – 10 (Wale 2014, p. 23). Seekings and Nattrass, in their book Class, Race and Inequality in South Africa, demonstrate how economic empowerment policies have grown a more multiracial middle class by elevating some of the black population out of poverty. The inheritance of apartheid's economic legacy has resonance in persistent racial division, as the lower LSMs are predominantly occupied by marginalised black South Africans.

a marginal increase, from a very low base, in interracial socialisation.[34] Of the interracial socialisation reported, it is telling to see that much of this interaction happens in formal or socially scripted spaces like shopping malls, work environments or public institutions and that interracial socialisation in informal environments is less prevalent (Hofmeyr 2016).

5.2   Vertical social cohesion

Given the state of horizontal cohesion in South Africa, it is worth interrogating whether such a resoundingly positive acceptance of ubuntu as a guiding national value offers a measure of peace that can support resilience of South Africa's social contract – particularly for vertical cohesion, where the state and society relations are edified. As one interviewee commented, "as much as people criticize [rainbowism and ubuntu], we are part of something" (Omar 2016). That ubuntu enjoys such support is perhaps testament to the success of the post-apartheid reconciliatory narrative that has its roots in the political settlement.

Nevertheless, Beall, Gelb and Hassim (2005, p. 690) concluded 12 years ago that, by overstating reconciliation and the rainbow nation, the nation-building ideology was at risk of "glossing over socio-economic fractures and inequality". Abrahams (2016), writing 10 years later, argues that this 'glossed over' version of social cohesion now faces a more sinister threat of political capture by insisting on a particular version of identity and patriotic alliance that "instantiates a version of nation that is based on and produces a narrative that seeks to solidify the African National Congress's hegemony" (Abrahams 2016, p. 98).[35] The figures are telling: in relation to state institutions, 12 percent trusted the courts 'a lot' in 2000, a figure that peaked at 35 percent in 2004 and has declined steadily again to 24 percent in 2015. Nine percent trusted the police 'a lot' in 2000, peaking at 28 percent in 2004 and declining at a similar rate to the courts to 14 percent in 2015 (Sibusiso 2016). By pursuing the uncomplicated interpretation of social cohesion, the social contract in South Africa is founded on unstable ground. Oliphant (2004, p. 12) notes the difficulty in nation-making as the claim of 'nationhood' is less about the "actual linguistic and cultural homogeneity of the people, but rather the territory of political sovereignty, no matter how fragmented or tenuous." Unless the state effectively engages in the socio-economic fractures in society, it is at risk of losing its grasp on political sovereignty – particularly as the reconciliation narrative fails to translate into meaningful change in the core conflict issues.

6.0 Analysis and Conclusion

Newer generations of South Africans, who continue to live through the structural legacies of apartheid, have grown fatigued with having to face similar injustices as their parents and have drawn from the older generation's mobilisation tactics: using peaceful demonstration, engaging in existing channels and then escalating grievances to protests when these channels fail. Unlike their parents, though, they have access to social media and, more importantly, the right to demonstrate through their votes. As such, it has become pertinent that national, provincial and local leadership be present and responsive between elections to reinforce those aspects of the social contract that have structures that could work well – such as the IDPs. An analysis of the social contract elucidates the ways in which this collective action has carved out new forms of power that can shape the ways institutions function – making them more economically and socially inclusive, more directly addressing the drivers of conflict not clearly addressed in the political settlement.

The political settlement that ushered in the democratic social contract in 1994 created the space for a national identity built on mutual benefit for the democratically elected state and its multi-racial base. CODESA, the Constitution and even the transitional justice mechanisms were infused with a narrative of forgiveness and reconciliation, while, at the same time, political elites increasingly aligned

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35.   Abrahams asserts that there is an urgent need for re-politicising social cohesion to emphasis "social justice, solidarity and equality" (Abrahams 2016, p. 107).

their interests to those of the private sector – resulting in favourable macroeconomic and taxation policies for the rich while limiting the capacity for the state to deliver. The political settlement raised expectations for an inclusive economy that favoured the predominantly black working class and that would transform the nature of socio-economic exclusion through the rollout of core services. Thus, the narrative of horizontal cohesion, articulated as reconciliation, served as surety for the concessions required for the ANC to take over from the NP. It would then be under the democratic leadership of the ANC that dignified services, human rights and economic opportunity would be realised.

However, since then, it has become increasingly apparent that the agreement among state, unions and business, and the compromises made, are at odds with the promises espoused in the Constitution. Institutions have also had limited function in addressing the historical nature of exclusion from service delivery and unemployment. This tension also emerges because of the failures of neoliberal macroeconomic policies to translate into broader employment opportunities for the typically black working class, some of whom now see their children unemployed over 20 years after the end of apartheid. There also emerges the experience of marginalisation, where the minimum standards that dictate the provision of certain services (like sanitation, education or housing) do not adequately address the grievances of relative disadvantage that exist along geospatial and racial fault lines. This means that the poor, under-resourced and unemployed continue to be black and female – although there has been change in the upper echelons of elites, where the upper-middle class is more likely to be racially diverse and has better services and employment opportunities. At 15 percent of the population, the middle class is diverse, yet not representative of the majority experience (BusinessTech 2016).

Taken cumulatively, the mistrust in the state, or negative vertical cohesion, means that the state is perceived to be corrupt and aligned with the interests of a business elite – the lines between the two often blurring. This mistrust has resulted in the loosening of the tripartite alliance among business, government and labour, with the latter experiencing the state as anti-labour. For the unemployed, the state's increasing alignment with the economic elite has meant that there is little faith that increased wages or unemployment will be radically addressed within the current framework. This negative vertical cohesion also translates into limited horizontal cohesion – where the struggle for employment, service delivery and participation are seen to be the struggle for justice against the systemic injustices committed during apartheid. Thus, much like the student protests for more representative curricula or the provision of free tertiary education, the service delivery and workers' protests all highlight the slow pace of transformation for the majority in the country – oftentimes, the majority that is black. This social mobilisation, whether through protest or other mechanisms, requires that the state take more seriously the demands of its base, lest the social contract give way to increasingly violent means of engagement not only with the state, but also among citizens disconnected from the national narrative of reconciliation.

Unfortunately, the state's response to the social mobilisation processes of civil society and others has been left wanting. In April 2016, State Security Minister David Mahlobo said that the intelligence services will be monitoring those promoting "unconstitutional change of government" and NGOs fronting as "security agents" (Merten 2016). Similar language has been used to describe striking mine workers and protesting students. Rather than addressing students' grievances, the state responded in a paranoid fashion, attributing student protest to 'sinister forces' or the work of 'a third force' operating behind the scenes to orchestrate the uprising (ENCA 2015). Such actions on the part of the state damage a state-society relationship whose strength is underpinned not only by notions of legitimate authority, but also by an understanding of the need for ongoing citizen mobilisation for social change to address historical injustices. It is this very form of mobilisation that has provided resiliencies for engaging with the state to meet its obligations. Supported by a mostly independent judiciary, activists have put the rights of communities at the centre of public discourse – whether this be in the form of social services or economic participation. Activists, particularly within civil society, have contributed to a generation of social entrepreneurs, highlighting the plight of unemployed youth, women and children

whose lives are endangered when using toilets or who resort to protests when councillors are absent from the communities that elected them. Thus, despite the availability of multisector engagement channels built into the post-apartheid dispensation, the poor response of political actors, combined with the ahistorical reading of rights, has undermined state-society relations in the presence of already compromised horizontal relations, which, too, are strained by the geo-political economy that has remained untransformed since 1994.

Expelled from school, losing their scholarships and hounded by the state and their institutions, the renewed #FeesMustFall protests of 2016 and 2017 demonstrated that there are students and academic staff, backed more broadly by some in civil society, who tirelessly table the issues that need urgent attention in South Africa. The students have articulated their grievances as systemic and directly linked to the poor provision of numerous services in South Africa, including education, health care, water and sanitation – which directly affect their capacity to effectively engage in tertiary education. Similarly, without tertiary education, the prospects for young people are grim in a country facing such high levels of unemployment. Here, the right to higher education is not about creating an elite educated class, but about survival of the young and the families that rely on them to provide. There are also those community activists around the country who tenaciously campaign for the rights of those most marginalised, winning small victories and holding the state to account. Increasingly, the new generation of activists rejects rainbowism and the compromises of the transitional negotiations as the Trojan Horse that smuggled in the unchecked hegemony of patriarchy and racism, which perpetuates the inequality that still characterizes society.

The unfortunate loss in this is the rewriting of a successful transition into democracy as an inherent failure for its inability to address socio-economic inequality. And while poverty and access to basic services have been significantly ameliorated by the development policies that have assisted the most desperate, these have failed to give them a real stake in the economy or speak to the need for redress that is framed as the need for a more equal society. It is here that the social contract distils the different ways in which the state can be responsive to grievances of its base, viewing them not only as beneficial during times of elections, but as necessary for the continued functioning of society. The social contract frame helps to highlight the transactional nature of post-conflict state rebuilding that must address the core conflict issues that continue to affect citizenry through exclusive institutions after political settlements have been negotiated. In South Africa, a large part of this process of creating a new, inclusive state has included the role of collective action to push the boundaries of the political settlement, ensuring that it speaks to the economic and social realities of ordinary South Africans. In contrast to the increasingly delegitimised structural and identity narratives (such as the blunt application of rainbowism), active citizenship, assisted by the integrity of the courts and the rights enshrined in the Constitution, has introduced a vibrancy to South Africa's social contract. Drawing on a long history of social action and a vision of a more equal and decolonised society, the confrontations between citizens and the state hold the prospect for a more resilient social contract. While some have argued that the student protests represent an "opportunity to prosecute a larger revolution against Mandela's rainbow nation and constitutional democracy" (Manjra 2016), we argue that the contestation of this hegemonic narrative is ultimately a venture that affirms an enduring vision of the South African social contract that seeks to include marginalised groups within this expanding and delivering sense of citizenship.

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Resource List

Abrahams, C. (2016). Twenty Years of Social Cohesion and Nation-Building in South Africa. Journal of Southern African Studies, 42(1), 95–107. https://doi.org/10.1080/03057070.2016.1126455

Afrobarometer. 'South Africa Trust in Political Leaders Plunges Near Record Low' http://www.afrobarometer.org/press/south-africa-trust-political-leaders-plunges-near-record-low at Afrobarometer, online report (2016).

Alexander, P. (2010). Rebellion of the poor: South Africa's service delivery protests – a preliminary analysis. Review of African Political Economy, 37(123), 25–40. https://doi.org/10.1080/03056241003637870

Barolsky, V. (2013). The 'State' of Social Cohesion: Re-stating the Question of Social Cohesion and 'Nation-building'. In U. Pillay, G. Hagg, F. Nyamnjoh, & J. Janson (eds.), State of the Nation: South Africa 2012-2013. Pretoria: HSRC Press.

Beall, J., Gelb, S., & Hassim, S. (2005). Fragile Stability: State and Society in Democratic South Africa. Journal of Southern African Studies, 31(4), 698.

Bond, P. (2006). Talk left, walk right. SOUTH AFRICA'S FRUSTRATED GLOBAL.

BusinessTech (2016). This is what it means to be Middle Class in South Africa. BusinesTech, accessed online at https://businesstech.co.za/news/wealth/136257/this-is-what-it-means-to-be-middle-class-in-south-africa/

Constitution of RSA. Promotion of National Unity and Reconciliation Act 34 of 1995 (1995). Retrieved from http://www.justice.gov.za/legislation/acts/1995-034.pdf

Daniels, L. (2014, June 22). Feuding in Cape Town: Indigenous Community Split Over Land Occupation [Text]. Retrieved 23 September 2016, from http://indiancountrytodaymedianetwork.com/2014/06/22/feuding-cape-town-indigenous-community-split-over-land-occupation-155423

DPME. (2014). Development Indicators 2014. Republic of South Africa.

Economic Development Department. (2011). The New Growth Path (Framework). Pretoria: Government of South Africa.

ENCA. (2015, November 4). Police believe 'third force' fuelled #FeesMustFall [News]. Retrieved 14 October 2016, from https://www.enca.com/south-africa/police-says-third-forced-fulled-feesmustfall

Ferreira, L. (2016). FACTSHEET: Social grants in South Africa - separating myth from reality. Retrieved

from https://africacheck.org/factsheets/separating-myth-from-reality-a-guide-to-social-grants-in-south-africa/

Goga, S. (2015). Women in the Labour Market: Vulnerability and Opportunity. In A. Du Toit, I. Woolard, & A. Nyoka (eds.), Transformation Audit 2015 - Radical Reconciliation: Critical Choices for Economic Justice. Cape Town: Institute for Justice and Reconciliation.

Government of RSA. (2013). MTSF. National Government. Retrieved from http://www.gov.za/sites/www.gov.za/files/MTSF_2014-2019.pdf

Habib, A., & Padayachee, V. (2000). Economic policy and power relations in South Africa's transition to democracy. World Development, 28(2), 245–263.

Hofmeyr, J. (2016, June). Somewhere over the Rainbow: Selected Findings from the SA Reconciliation Barometer. Presented at the DAC Nation Building and Social Cohesion Workshop, Cape Town.

Hofmeyr, J., & Govender, R. (2016). South African Reconciliation Barometer 2015. Institute for Justice and Reconciliation.

Huntington, S. (1993). The Third Wave: Democratisation in the Late Twentieth Century. Norman: University of Oklahoma Press.

Kunene, M. (1996, August). The Essence of being Human: An African Perspective. Inaugral Lecture, Durban.

Maharaj, M. (2008). The ANC and South Africa's negotiated transition to democracy and peace. Berlin: Berghof-Forschungszentrum für Konstruktive Konfliktbearbeitung.

Mamdani, M. (2002). Amnesty or Impunity? A Preliminary Critique of the Report of the Truth and Reconciliation Commission of South Africa (TRC). Project Muse, 32(3-4), 33–59.

Manjra, S. (2016, October 9). Making sense of the student protests [News]. Retrieved 9 October 2016, from http://www.groundup.news/article/making-sense-student-protests/

Mather, C. (2002). The Changing Face of Land Reform in Post-Apartheid South Africa. Geographical Association, 87(4), 345–354.

Mbeki, M. (2016, July 29). Social Contract Interview.

McCandless, Erin. 2018. "Reconceptualizing the Social Contract in Contexts of Con ict, Fragility and Fraught Transition". Working Paper, Witwatersrand University. https://www.wits.ac.za/wsg/research/research-publications-/working-papers/

McGarry, J. (1998). Political Settlements in Northern Ireland and South Africa. Political Studies, XLVI, 853–870.

Msimang, S. (2016a, August 5). South Africa's local election shock down to anger and apathy. The Guardian. Retrieved from https://www.theguardian.com/world/2016/aug/05/anger-and-apathy-behind-south-africas-shock-local-election

Msimang, S. (2016b, October 11). Shutdown–On the death of compromise in South Africa [Opinion]. Retrieved from http://africasacountry.com/2016/10/shutdown-on-the-death-of-compromise-in-south-africa/

National Planning Commission, National Development Plan. (2014, August 11). Outcome 14. Government of RSA.

Nzimande, B. (2006, October 18). What is the National Democratic Revolution? Retrieved 10 August 2016, from http://www.sacp.org.za/main.php?ID=1850

Oliphant, A. (2004). Fabrications and the Question of a National South African Literature. Journal of Literary Studies, 20, 5–24.

Oliphant, A. (2016, July 27). Social Contract Interview.

Parkinson, C. (2016). The first South Africans. BBC Africa. Retrieved from http://www.bbc.co.uk/news/world-africa-36522970

SAHRC. (2014). Report on the Right to Access Sufficient Water and Decent Sanitation in South Africa: 2014. Cape Town: South African Human Rights Commission.

Sibusiso, N. (2016, June). South Africa's social cohesion - inequality, interpersonal/institutional trust, identity and tolerance: Findings from Afrobarometers Round 6 surveys in South Africa. Presented at the DAC Nation Building and Social Cohesion Workshop, Cape Town.

StatsSA. (2015). General Household Survey 2014. Statistics South Africa. Retrieved from http://www.

statssa.gov.za/publications/P0318/P03182014.pdf

StatsSA (2017a). Quarterly Labour Force Survey – Quarter 3, Retrieved from http://www.statssa.gov.za/?p=10658

StatsSA (2017b). Poverty on the rise in South Africa, Retrieved from http://www.statssa.gov.za/?p=10334

The Constitution. (1996). Chapter 2: Bill of Rights. In The Constitution of the Republic of South Africa. The Government of the Republic of South Africa. Retrieved from http://www.constitutionalcourt.org.za/site/constitution/english-web/ch2.html

The Presidency. (2004). Social Cohesion and Social Justice in South Africa. Pretoria: Policy Co-ordination and Advisory Services.

von Holdt, K., Langa, M., Molapo, S., Mogapi, N., Ngubeni, K., Dlamini, J., & Kirsten, A. (2011) The Smoke that Calls: Insurgent Citizenship, Collective Violence and the Struggle for a Place in the New South Africa. Centre for the Study of Violence and Reconciliation | Society, Work and Development Institute. Retrieved from http://www.diversityjoy.nl/downloads/files/thesmokethatcalls.pdf

Wale, K. (2014). South African Reconciliation Barometer Survey: 2014 Report (Annual Publication). Cape Town: Institute for Justice and Reconciliation.

wa Mutua, M. (1997). Hope and Despair for a New South Africa: The Limits of Rights Discourse. Harvard Human Rights Journal, 63, 1–52.

Wilson, R. (2001). The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-Apartheid State. Cambridge: Cambridge University Press.

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