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introduction

THE YEAR 2014 REPRESENTS A historic milestone of South Africa's 20 years of freedom and democracy. On 27 April 1994, for the first time, South Africans of all races, gender and creed cast their votes in the country's first democratic election. Until this momentous occasion, South Africa could not speak of one nation. The first democratic election in 1994 made it possible for people to stand together and begin to build one country that belongs to all who live in it. For the majority of South Africans who had never voted before, their dignity was restored as they determined who would lead the country and fundamentally transform it from an apartheid state to a democratic state.

This chapter provides an overview of the colonial and apartheid past, the democratic transition and a summary of South Africa's journey over the last 20 years. The other chapters provide more detailed descriptions of the legacy of apartheid and its impact on the economy, the environment, social services, infrastructure, safety and security and international relations.

1.1 AN OVERVIEW OF SOUTH AFRICA'S PAST

Under colonialism and apartheid, black people were oppressed, dispossessed of their land and other means of livelihoods and systematically stripped of their basic human rights including the right to vote and freedom of movement and association.

Following the mid-1650 warfare between Dutch settlers and the indigenous Khoikhoi population, the latter were dispossessed of their land and forced to work for the settlers who had been allotted farms in the arable regions around the Cape. From the mid-1830s the Great Trek occurred and the British entered the rest of South Africa. Despite the Thembu, Sotho, Xhosa, Zulu and other tribes fiercely resisting being conquered and winning some battles, such as the Anglo-Zulu War of 1878, they were later stripped of their independence and subjugated to white rule.

Freedom of movement of the black person was controlled in the Cape Colony, Natal, and the Boer Republics of Transvaal and Orange Free State. At all times, black people had to carry pass documents that were used to control where they lived, their movement within the country, and where they could work. Through, for example, the Glen Grey Act of 1894, the number of black people who could live on and own their land and the size of land they owned were drastically reduced, dramatically changing people's livelihoods and rendering many poor. Furthermore, the law laid the basis for racially based spatial segregation through land dispossession. By introducing stringent property requirements to qualify for the vote, the Act used land (and dispossession thereof)

to systematically reduce black people's right to vote, thus protecting white rule and domination.

Black people faced further subjugation when diamonds were discovered in the vicinity of present-day Kimberley in 1867 and when gold was discovered on the Witwatersrand in 1884. The white mine and land owners sought to consolidate their wealth while excluding black people from economic activity apart from providing cheap labour.

Following land and livestock dispossession and deprivation of the opportunity to earn sustainable livelihoods, many black people were forced to migrate towards white-owned mines and farms to work as cheap labour under appalling working conditions. Workers had no rights, were paid very low wages, housed in compounds, controlled by pass laws and separated from their families. They were held criminally responsible for strikes and any breaches of work contracts. In 1918, through the Industrial and Commercial Workers' Union and other formations, there was protest action against low wages, poor housing and passes. The Bantu Women's League also launched a campaign against passes for black women in 1918.

In 1906 the Natal government had introduced a £1 poll tax on each male in Zululand. The tax placed further financial burden on black families who had already been dispossessed of land and cattle and were unable to ensure sustainable livelihood. Chief Bhambatha kaMancinza refused to accept the introduction and collection of the poll tax and waged a fierce rebellion against the colonial administration, through what has since become known as the Bhambatha Rebellion.

THE PURPOSE OF THIS REVIEW

The purpose of this Twenty Year Review is to reflect on the legacy that democratic South Africa inherited, how the country has progressed in realising the objectives it set for itself in 1994, the challenges which still remain and how we could best address these as we enter the third decade of democracy.

The Review has built on research undertaken for the Ten and Fifteen Year Reviews, the National Development Plan (NDP), commissioned work and inputs received from national departments, provinces and local government. In developing the Twenty Year Review, 20 roundtable discussions were held with a range of stakeholders, including academic and research institutions, the business community and civil society.

When the First South African War[i] (1880–1881) occurred, followed by the Second South African War (1899–1902) and the signing of the Treaty of Vereeniging on 31 May 1902, the Boers lost their independence and agreed to be placed under the British Crown and government, paving the way for the formation of a Union. Despite numerous appeals to the British government by black leaders, black people were excluded from political participation in the Union, further eroding their political rights and aggravating their plight. The government of the Union of South Africa, established on 31 May 1910, formally introduced legislation that entrenched racially based discrimination and oppression. There was no universal suffrage and the multi-racial franchise with stringent property and literacy requirements that had existed in some provinces was gradually removed.

Through the Mines and Works Act of 1911 and related amendments, an employment colour bar was established in the workplace, and blacks were prohibited from competing for skilled work that was reserved for whites only. A black person was not allowed to keep a job if it could be given to a white person and, if there was a shortage of jobs, government had the power to compel employers to lay off blacks and provide jobs to whites[1]. The Act weakened incentive and affected the standard of work, reduced labour mobility, limited training and development and contributed to serious skills shortages that are still being felt to this day. The Act also had a damaging effect on race relations, labour relations and reduced the efficiency of industrial firms and negatively affected the general economy.

The Native Land Act of 1913 was one of the first major pieces of segregation legislation passed by the Union and it formalised the systematic dispossession of black people's land and livestock resulting in further impoverishment and marginalisation. Through the Act, 87 percent of the land was reserved for whites and only 13 percent reserved for black people. Africans were stripped of the rights to purchase, own, lease, or use land, except in "reserves" for African people.

The Act resulted in large-scale, racially based expropriation of land without compensation, as black people were evicted, lost land that had previously belonged to them, and were forcibly removed to the reserves, which were often areas with no prospects for economic development. Many black people lost their possessions and became extremely poor. While government provided low-interest loans to white farmers, African farmers received no aid and increasingly found it hard to compete with white farmers. Rights of access to natural resources such as water and minerals were reserved in perpetuity for a select few.

Land dispossession, the lack of universal suffrage, and other forms of racial oppression generated growing black political resistance and led to the formation of a range of organisations amongst African, Coloured and Indian communities, including the African Peoples' Organisation and the South African Indian Congress (which was formed by merging the Natal, Transvaal and Cape Indian Congress). On 8 January 1912, the South African Native National Congress (SANNC) was formed (renamed the African National Congress (ANC) in 1923). At the core of the formation of the SANNC was unity for all African people, striving for universal suffrage, African rural land ownership, equality before the law, equal access to skilled work and the plight of farm labourers, mine workers and other forms of employment. Pan-Africanism was another key area of focus. These political organisations were united in their opposition to racially discriminatory and oppressive policies and increasingly collaborated with each other in this regard.

When the National Party came into power in 1948, it formally introduced apartheid and determinedly enforced it. Building on the Native Land Act of 1913, it established 10 homelands under the guise of ultimately providing "independence" to black people. The real intention was to deprive black people of their South African citizenship and enable the creation of a white Republic of South Africa. Through this system, the apartheid state would have no responsibility towards African people as citizens of South Africa.

The homelands mainly served as labour reservoirs for "white" South Africa, housing African people and releasing them into white areas/towns when their labour was required. Through this system, the apartheid government sought to serve the mining industry's labour requirements as well as those of farmers and other white-owned businesses, while at the same time retaining white political dominance in South Africa.

[i] Previously known as the Anglo Boer Wars.
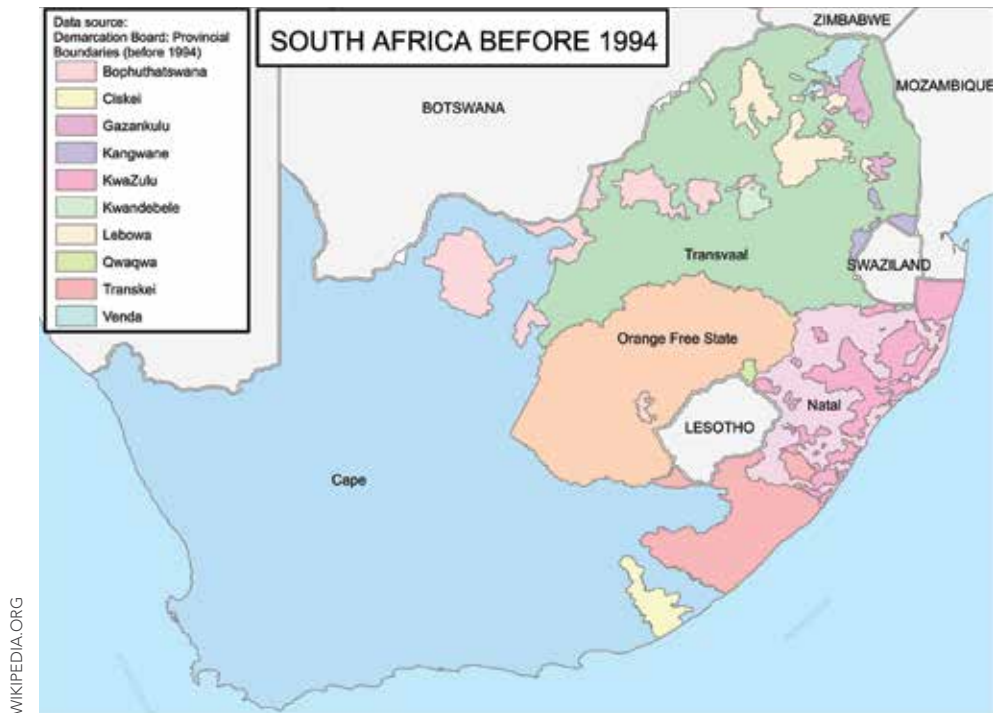
The homelands were largely characterised by marginal lands with low production capacity, were unable to develop local economies and were dependent on the apartheid state for funding. Due to a lack of resources, coupled with issues of corruption and a lack of legitimacy of the homeland administrations, huge backlogs of basic services such as water, electricity and health and education facilities built up in the homeland areas. The impact of this legacy is still being felt to this day.

The creation of the homelands resulted in the black population again being subjected to massive forced relocation. Between 1960 and 1983 alone, the apartheid government forcibly moved 3.5 million black South Africans (including Africans, Indians and Coloureds)[2]. To enforce race-based residential segregation through the Group Areas Act of 1950, hundreds of thousands were dispossessed of land and homes where they had lived for generations when the areas in which they lived (such as Sophiatown in Johannesburg and District Six in Cape Town) were designated as part of "white" South Africa. Furthermore, through the Reservation of Separate Amenities Act of 1953, public premises, vehicles and services were segregated by race.

The apartheid state's planned consignment of all African people to homelands was only partially successful, as many African people lived in townships and informal settlements on the outskirts of South African cities. Most remained isolated in the underdeveloped homelands, trapped in a vicious cycle of abject poverty and unemployment. The impact of apartheid spatial patterns also continues to be felt to this day.

Most blacks were not provided with access to basic municipal services such as clean water, sanitation, refuse collection and electricity. In the homelands these municipal services were often non-existent. In black urban areas, if they did exist they often did not meet basic needs and were often intermittent in nature. The lack of basic services contributed to high incidences of water-borne diseases such as diarrhoea and cholera. The absence of electricity resulted in people using coal stoves that contributed to high incidences of respiratory diseases. While most black people had to travel long distances to get to work because of apartheid spatial patterns, the state did not provide adequate safe, reliable and affordable transport.

Following the Bantu Education Act of 1953, government entrenched racially segregated education and kept per capita spending on black education at only one-tenth of spending on white education[3]. The apartheid state deliberately and explicitly sought to make black students only fit for unskilled and

semi-skilled occupations. Black schools had poor facilities compared to white schools, usually without electricity, water, sanitation, libraries, laboratories or sports fields. Black teachers were often under-qualified and poorly trained. There were few qualified maths and science teachers at black schools. African students had limited access to quality higher education and were prohibited from attending "white" universities except the University of South Africa and the Natal Medical School. The legacy of the apartheid education and training system is still with us today, in the form of skills shortages and the immense challenge of transforming the education and training system to one capable of producing the skills required by a rapidly growing economy.

Health services were also racially segregated and black people were provided with an inferior public health service compared to their white counterparts. Black people had limited access to public health facilities, particularly in rural areas, where people often had to travel very far to access a health facility. The limited public health service that was available to blacks was often of poor quality, with inadequate facilities and shortages of health professionals and medical supplies. In 1990 the infant mortality rate amongst Africans was six times higher than that of whites[4]. In 1993, the incidence of tuberculosis, a disease of poverty, was more than 10 times higher amongst Africans than amongst whites[5]. Life expectancy amongst white South Africans was 69 years for males and 76 years for females in 1990. By contrast, life expectancy amongst Africans was 60 years for males and 67 years for females.

The institutionalisation of apartheid by the National Party generated resistance and activism. In 1955, a gathering of South Africans representative of all races adopted the Freedom Charter as a vision for a democratic, non-sexist and non-racial South Africa. On 9 August 1956, more than 20 000 women of all races, representing different political formations marched to the Union Buildings to demand the abolition of pass laws. Building on women's struggle for freedom and equality over time, including the resistance campaign by the Bantu Women's League, the march called for an end to the carrying of passes and an end to discriminatory laws.

The apartheid state was brutal towards those who resisted its policies, with many detained without trial, sentenced to imprisonment, or killed. The Communist Party of South Africa, later renamed the South African Communist Party (SACP), had been banned in 1950. Leaders of political organisations were arrested, charged with treason and imprisoned. On 21 March 1960, during a peaceful Sharpeville protest against pass laws, police opened fire, leaving 69 people dead and 180 people seriously wounded. Following the Sharpeville massacre and increased resistance in other areas like Langa, the apartheid state declared states of emergency and used these to detain thousands of people without trial. In 1960, other political organisations such as the African National Congress (ANC) and the Pan African Congress (PAC) were also banned. Continued state oppression and brutality resulted in the formation of armed wings of the banned political organisations and renewed commitment to overthrow the apartheid government.

The apartheid state adopted a hostile foreign policy stance towards African countries that were in the frontline of resistance against the oppressive apartheid system, particularly targeting southern African countries such as Angola, Botswana, Mozambique, Lesotho, Swaziland, Zimbabwe and Zambia. Namibia was occupied and used as a base for attacking other countries. South Africa invaded Angola on several occasions. It carried out frequent military attacks, including bombing raids and land-based incursions, against the other neighbouring countries. It organised and provided arms and training to opposition groups in these countries, thus fuelling civil wars, particularly in Angola and Mozambique. Millions of people are estimated to have died as a result of this destabilisation, and the economies of the neighbouring states were devastated[6]. In addition to military force, economic blockades were also used to undermine and weaken the neighbouring states and thus reduce their ability to support the struggle against apartheid.

Internationally, South Africa had become a pariah state, with the United Nations General Assembly condemning South African racial discrimination as "reprehensible and repugnant to human dignity" by a vote of 95 to 1. The country was isolated diplomatically

and excluded from almost all multilateral institutions. It was also economically isolated through more than a decade of effective sanctions and disinvestment, with about 90 percent of South Africa's merchandise exports subjected to restrictions on trade and sanctions. The country's rising inflation rate and stagnating growth rate exacerbated matters. Many firms were unable to compete in global markets.

The 1970s were marked by turbulence and insecurity as mass mobilisation and resistance increased in opposition to oppressive and brutal apartheid policies. There was an upsurge of protest strikes in communities, later resulting in a generalised culture of resistance. Through the Black Consciousness Movement, there was increased emphasis on black pride and victory over oppression. Labour unrest increased. The 1976 Soweto student uprising against the imposition of Afrikaans as a medium of instruction profoundly changed the socio-political landscape of South Africa. Demonstrating students were met by heavily armed police who fired teargas and live ammunition, killing many. The uprising later spread to the rest of the country and many students left the country to continue the struggle against apartheid from exile.

Opposition to apartheid grew within South Africa and across the world when images of police firing on peacefully demonstrating students were shown. Many more countries declared that they would not recognise the government of South Africa because of its apartheid policies and imposed diplomatic and economic sanctions on the country. The Organisation of African Unity (OAU) had always expressed strong opposition to apartheid. In addition to advocating for the United Nations and other bodies to expel South Africa, on 21 August 1989, the OAU issued the Harare Declaration, which reiterated its view that apartheid was an obstacle to justice, human dignity and peace, which are all critical for the stability and development of Africa. It called for all necessary measures to be adopted to bring a speedy end to the apartheid system and tabled a framework for negotiation towards a democratic South Africa.

1.2 THE DEMOCRATIC TRANSITION

By the mid-1980s, South Africa was reaching breaking point. The apartheid state had

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intensified repression and resistance had also intensified to the extent that it could no longer be repressed. There were increasing armed actions by the military wings of the liberation movements. The United Democratic Front had become a powerful force capable of mobilising mass protest and resistance. Black townships had become increasingly dysfunctional and ungovernable through civil protests and rent and service boycotts. The Congress of South African Trade Unions (COSATU) and its affiliates had become a strong trade union movement capable of mobilising labour against both specific workplace issues and the broader oppression workers experienced under apartheid.

As a result of the work of the Anti-Apartheid Movement and other international opponents of apartheid, South Africa was

politically, diplomatically, culturally and economically isolated from the rest of the world. The economy was under severe pressure – economic growth had slowed, the state had run up a substantial debt and was running a high budget deficit, foreign exchange reserves were low, foreigners were disinvesting and there were large outflows of capital by South African residents.

Across most of the political spectrum, there was acknowledgement that apartheid could neither be maintained by force nor overthrown without considerable suffering, and there needed to be a shift to the negotiating table. Recognising that the apartheid system had become indefensible and unsustainable, President FW de Klerk unbanned the ANC and other liberation struggle organisations in February 1990 and unconditionally freed political prisoners including ANC leader Nelson Mandela, who had been jailed for almost three decades. The release of political prisoners, marked a critical turning point in South Africa and signalled the start of formal negotiations for a peaceful end to apartheid and transition to democracy. To get to this point, there had been years of informal negotiations between the apartheid government and both imprisoned and exiled leaders of the ANC.

Between 1990 and 1991, there was a series of bilateral negotiations between the government and the ANC. Three agreements were signed, namely the Groote Schuur Minute of May 1990, the Pretoria Minute of August 1990 and the D.F. Malan Accord of February 1991. The agreements signalled a commitment by the ANC and government to resolve the climate of violence and intimidation that existed at the time and remove practical obstacles to negotiations, including immunity from prosecution for returning exiles and the release of political prisoners.

While the negotiations were taking place, there was widespread violence throughout the country, with reports of politically motivated killings in townships, hostels and in taxis. The violence mostly occurred in KwaZulu-Natal, the East Rand and the Vaal Triangle, where thousands of people were killed, threatening to derail the negotiations. The negotiating process sought to reduce the levels of violence and normalise the political process. The government lifted the state of emergency and the ANC suspended

combat operations by its military wing, Umkhonto we Sizwe.

Negotiations were then broadened and 27 political organisations, national and homeland governments, trade unions, religious and civic organisations signed the National Peace Accord in September 1991. The accord emphasised peace mediation and monitoring, outlined a code of conduct for security forces and political parties, established the Goldstone Commission of Inquiry into the prevention of public violence and intimidation and helped to deal with escalating violence in the townships.

The Goldstone Commission revealed the extent to which political violence was fuelled by a "third force" and confirmed that state-sponsored violence had sought to destabilise South Africa by fomenting paramilitary violence in order to halt the democratic transition. The commission also reflected on the violence between the Inkatha Freedom Party (IFP) and the ANC and made recommendations to investigate past and ongoing conflicts and violence. The accord contributed to the building of understanding regarding how to mediate solutions to community violence rather than resorting to counter-violence. Furthermore, the accord contributed to the transformation of agencies responsible for public order.

Following the signing of the National Peace Accord, the Convention for a Democratic South Africa (CODESA) was convened over two days in December 1991. CODESA played a critical role in facilitating discussions between political organisations that had previously been opposed to each other. In addition to representing their political parties, women were also represented under the auspices of the Women's National Coalition. CODESA had working groups that focused on the creation of a climate for free and fair elections; the development of constitutional principles and guidelines for a constitution-making body; consideration and investigation of transitional mechanisms including the formation of an interim/transitional government; the inclusion of the former TBVC state into South Africa; and processes and timeframes. Nineteen of the 20 delegations to CODESA – the Bophuthatswana government declined to sign – agreed to a Declaration of Intent committing them to "a united, democratic,

country. There was a brutal massacre of 46 residents of Boipatong in June 1992.

The ANC temporarily suspended CODESA negotiations following the Boipatong massacre. Vested interests created in the homelands resulted in some resisting transition towards a democratic South Africa. In Bisho, in September 1992, soldiers of the Ciskei government massacred people engaged in rolling mass action against the homeland government. In March 1994, there was a coup in Bophuthatswana, followed by a mutiny of the Bophuthatswana Defence Force, and the invasion of that territory by armed paramilitary members of the white supremacist Afrikaner Weerstandsbeweging (AWB). Many lives were lost in KwaZulu-Natal in the intensifying violence between supporters of the ANC and the IFP and in the East Rand, where there were reports of apartheid security forces orchestrating conflicts and violence in migrant workers' hostels and townships.

To avert further violence that could escalate into a bloody civil war, the ANC and government urgently resumed negotiations, intent on resolving any deadlocks and ensuring a peaceful transition to democracy. In September 1992, two weeks after the Bisho massacre, the ANC and government signed a Record of Understanding, entailing compromises on both sides. The parties recognised the right of all parties and organisations to participate in peaceful mass action, in accordance with the provisions of the Accord and Goldstone Commission. As part of this, the parties agreed to ban the carrying of cultural weapons at public occasions and introduced further measures to control violence between the residents of hostels and surrounding townships.

Under the Record of Understanding the parties committed to a constitution-making body or Constituent Assembly that would be democratically elected and would draft and adopt a new constitution. The parties also agreed to the formation of a Government of National Unity for the first five years that would have a president and two deputies and include all the parties that obtained over 5 percent of the vote in democratic elections. This served to calm fears about the transition and was a compromise between the ANC's wish for transition in a single stage to majority rule and the National Party's wish

non-racial and non-sexist state in which sovereign authority is exercised over the whole of its territory".

To determine whether the political negotiation process retained the support of the white electorate, President De Klerk called a referendum in March 1992 in which white voters were asked whether they wished the reform process aimed at negotiating a new constitution to continue. A majority of 68 percent voted "yes", and the ultra-right wing, which had contributed to the violence, was thrown into disarray. The results of the referendum indicated that most white South Africans were committed to building a new democratic South Africa, founded not on apartheid policies, but on national unity, non-racialism, non-sexism and democracy.

CODESA reconvened in May 1992 but ended without any significant progress being achieved, largely as a result of a deadlock on issues related to the constitution-making process. In the meantime, violence spread and led to much loss of life in parts of the

for a two-phase transition, with a transitional government and a rotating presidency. The ANC also committed to respecting existing employment contracts and retirement compensations in any future restructuring of the civil service.

The pace of negotiations accelerated following the compromises made on both sides. Although the murder of ANC and SACP leader Chris Hani in April 1993 nearly derailed the negotiation process and brought the country to the brink of civil war, it proved to be a critical turning point, after which the negotiating parties accelerated the completion of the negotiation process. Nelson Mandela appealed for calm, peace and a focus on concluding the negotiations towards a democratic South Africa.

The negotiation process was intense and the negotiators were under extreme pressure to find a solution against a backdrop of increasing violence, which could easily have escalated into a full-scale civil war. Parties from opposing sides sought to manage fundamental differences and find common ground, following centuries of colonial and apartheid oppression and separation. A common thread throughout this difficult process was the negotiating parties' unwavering commitment to a democratic, peaceful and prosperous South Africa.

On 18 November 1993, following months of negotiations, the Multiparty Negotiating Forum (MPNF), which had first met in April 1993 and had replaced CODESA, ratified the Interim Constitution, which established the parameters of South Africa's institutional and governance architecture. The Interim Constitution included key constitutional principles through which basic freedoms would be ensured and minority rights protected. The new Parliament, which would serve as a constituent assembly, had to oversee the drafting of the final constitution, ensure that the principles were conformed to and adopt the final constitution. The parties agreed to proportional representation rather than a constituency-based system. For the first time in South Africa, a Constitutional Court would be formed to be an arbiter for constitutional matters. It was agreed that an interim electoral commission would be established to conduct the first democratic elections and ensure that they would be free and fair.

"We have, at last, achieved our political emancipation. We pledge ourselves to liberate our people from the continuing bondage of poverty, deprivation, suffering, gender and other discrimination. We succeeded to take our last steps to freedom in conditions of relative peace. We commit ourselves to the construction of a complete, just and lasting peace. We have triumphed in the effort to implant hope in the breasts of the millions of our people. We enter in a covenant that we shall build a society in which all South Africans, both black and white, will be able to walk tall, without any fear in their hearts, assured of their inalienable right to human dignity – a rainbow nation at peace with itself and the world".

President Mandela, Inauguration Speech, 10 May 1994

A Transitional Executive Council (TEC), consisting of representatives of the participants in the multiparty negotiations, then oversaw preparations for and transition to the first democratic election. The powers of the TEC included creating a climate for free political activity, eliminating any impediments to legitimate political activities and any form of intimidation, and ensuring that no government or administration exercises any of its powers in such a way as to advantage or prejudice any political party.

Parallel and complementary to the political negotiation process, civil society organisations, including faith-based organisations, academic and research organisations and the private sector, which had all placed significant pressure on the apartheid government and contributed to the democratic transition, embarked on multi-faceted negotiations throughout society. Key in these negotiations was the facilitation of communication, the building of relationships and the promotion of reconciliation across different groups. Civil society groups also prioritised political education for the building of an active citizenry.

South Africa held its first democratic non-racial election on 27 April 1994. Nineteen political parties participated and 22 million people voted. Contrary to fears of political violence, the elections were relatively peaceful and widely hailed as a success. Although the ANC gained a majority of the vote, minority parties obtained sufficient votes to enable the formation of a Government of National Unity, headed by the ANC's Nelson Mandela, who became the first black president of democratic South Africa.

GALLO IMAGES / SUNDAY TIMES / RAYMOND PRESTON

The successful transition from apartheid to non-racial democracy is internationally recognised as a remarkable feat. It serves as an inspiration to people seeking resolution of other seemingly intractable conflicts elsewhere in the world.

1.3 THE 20 YEARS IN BRIEF

The advent of democracy in 1994 ushered in a new social order. A new constitutional, policy and legislative framework was put in place. Through the Constitution of 1996 (see box overleaf), the apartheid system was dismantled and the foundation laid for a democratic and inclusive state founded on the values of human dignity, human rights, freedom, non-racialism, non-sexism and the rule of law. To achieve this, the democratic state had to work towards reconciliation and social cohesion and ensure that mechanisms were put in place to deal with the legacy of apartheid and redress of past imbalances. The state also faced challenges of integrating the country into a rapidly changing global environment[7].

Recognising that gross human rights violations and atrocities had been committed during the apartheid period, the Government of National Unity established the Truth and Reconciliation Commission (TRC). The TRC sought to uncover the truth about past violations of human rights, facilitate reconciliation and grant amnesty, provided that perpetrators fully disclosed politically-motivated crimes and provided evidence that led to investigations and prosecutions. The Commission also recognised that there had to be reparation in acknowledgement of what people had endured and a commitment to ensuring such violations did not occur again. Following public hearings, reparations were paid out to victims of gross violations, programmes and scholarships were established in honour of people who had lost their lives, counselling and other forms of support was provided and amnesty was granted where appropriate.

There are varying views about the transparency of the amnesty process, the adequacy of the reparations and the completeness of investigations and prosecutions, as well as the overall impact of the TRC in forging reconciliation. Nevertheless, there is broad consensus that, together with CODESA and other negotiation processes, the TRC made an important contribution to nation-building, reconciliation and reconstruction. Internationally, many countries have drawn inspiration from the TRC's structured environment and process that enabled victims to voice their experiences without resorting to retributive justice.

THE CONSTITUTION

The Constitution of the Republic of South Africa 1996, hailed as one of the most progressive in the world, set the foundation for the ambitious task of transforming the apartheid state into a democratic and inclusive state. The Constitution underscored the importance of universal adult suffrage and to achieve this, a national common voters' roll, regular elections and democratic government system should be in place. The Constitution has three essential features:

- A Constitutional democracy with all arms of the state subject to the Constitution
- A rights-based framework for all citizens based on equality before the law
- Socio-economic or second generation rights such as the right to education and a legal framework for the state to reverse the effects of apartheid.

Guided by the Constitution, government was divided into national, provincial and local spheres, which are distinctive, interdependent and interrelated. The Constitution provided for institutions of representative democracy, including Parliament, provincial legislatures and municipal councils. Apartheid laws were repealed and a Bill of Rights in the Constitution guaranteed all citizens both socio-economic and basic human rights.

Beyond ending political violence, establishing and maintaining a social compact and negotiating a new Constitution, President Mandela set out the key challenges of the democratic government in his first State of the Nation Address on 24 May 1994[8]:

"My government's commitment to create a people-centered society of liberty binds us to the pursuit of the goals of freedom from want, from hunger, freedom from deprivation, freedom from ignorance, freedom from suppression and freedom from fear. These freedoms are fundamental to the guarantee of human dignity. They will therefore constitute part of the centrepiece of what this government will seek to achieve, the focal point on which our attention will be continuously focused. The things we have said constitute the true meaning, the justification and the purpose of the Reconstruction and Development Programme…"

The Reconstruction and Development Programme (RDP) was the policy framework for the fundamental transformation of South Africa. At the heart of the RDP was a commitment to addressing the problems of poverty and gross inequality evident in almost all aspects of South African society[9]. This could only be achieved if the South African economy, which was in crisis at the time, could be significantly transformed and placed on a path of high and sustainable growth. Active partnership between government, civil society, business and labour would be critical to improve the quality of life of all the people and bring about the change the country had voted for.

As will be explained in more detail in the chapters that follow, the key objectives of the RDP have continued to define public policy since 1994. In some areas, the emphasis may have changed, but the broad objectives of eradicating poverty, creating employment and reducing inequality remain.

By the early 2000s, South Africa had succeeded in transforming the governance landscape and building institutions critical to a constitutional democracy. The National Assembly, National Council of Provinces, provincial legislatures and municipal councils were all in place. Balkanised apartheid-era administrations and homelands had been amalgamated and rationalised into a unified and decentralised governance system with national, provincial and local government spheres. The composition of the public service was also transformed to better represent the entire population. Following these changes, over the last decade attention has shifted to improving the capacity of the state and to improving the quality of administration and service delivery, particularly at provincial and municipal level. There is also a focus on improving the management of the intergovernmental system and improving coordination within and between the three spheres of government.

A Constitutional Court was set up as the apex court. Constitutional structures, such as the South African Human Rights Commission, the Public Protector and the Auditor-General, were established to enhance accountability. These institutions have been robust in looking after the public interest and holding the executive and bureaucracy accountable. An independent judiciary that adjudicates matters without fear, favour or prejudice has been established.

The Constitution has established justiciable rights such as freedom of speech and assembly, enabling citizens to pursue their political views and ideals freely.

A credible, independent Reserve Bank has been established and an efficient tax administration put in place. The budget process has become highly transparent, with South Africa ranking first in the Open Budget Index in 2010 and second in 2012[10].

Since the first democratic elections in 1994, South Africa has had regular elections every five years. Unlike many other countries with a longer post-colonial history, the country's electoral institutions command enormous respect, and electoral results are accepted as free and fair. Despite an inevitable decline in turnout after the landmark 1994 elections, turnout levels have remained good and, following declines in 1999 and 2004, actually increased with the 2009 elections.

As mentioned earlier, the democratic government prioritised extending basic services to the majority of the population, which had been deprived of these services under apartheid. However, the government also had to stabilise its finances by reducing the budget deficit. The government therefore had to be prudent in its expenditure plans. There was also a need to stabilise the economy and to get it onto a positive growth path to generate employment and increase incomes.

On average, the economy has grown at 3.2 percent a year from 1994 to 2012, despite the global setback of the 2008 recession. In constant 2005 prices, gross national income per capita increased from R28 536 in 1994 to R37 423 in 2013. While this is a marked improvement over pre-1994 growth rates, it is modest compared with other emerging economies, and has not been adequate to meet the objective of reducing unemployment. South Africa will need to sustain higher economic growth rates in order to substantially reduce unemployment in future.

Employment grew by approximately 5.6 million between 1994 and 2013, or by 60 percent. The 2008/09 crisis was a setback, with the loss of approximately one million jobs between the end of 2008 and the end of 2010. Employment only recovered to 2008 levels in 2013, when a total of 15.2 million people were employed. While there has been a large increase in the number of people employed, this has been offset by a larger increase in the number of people looking for work. The reasons for this include population growth, increasing urbanisation (which in turn was partly a result of the dismantling of the homeland system and the removal of the pass laws) and increasing numbers of women looking for work, due to advances in gender equality. Youth unemployment remains a particular concern.

Positions of power in the economy have become more representative, encouraged by government's black economic empowerment and affirmative action policies. These policies will need to continue until the structural characteristics of apartheid in terms of inequitable ownership, work organisation and pay have been addressed.

The growing economy and rising standards of living have resulted in increased demand

for road, rail, port, water, electricity and telecommunications infrastructure. In the second decade after 1994, demand for such infrastructure exceeded supply and shortages in electricity generation, in particular, became a constraint to further economic growth. Since the mid-2000s, government has placed increasing emphasis on economic infrastructure and investment has increased markedly, and is planned to increase further. Major areas of infrastructure investment include new ports, expansion of container capacity, new national roads, new airports and improvements to international airports, new public transportation systems, new dams and new power stations. An important achievement in the past 20 years has been the modernisation of the telecommunications sector, with huge investment in cellular infrastructure and greatly increased access to telephony, television, postal services and, more recently, data communications.

Prior to 1994, the labour market was characterised by deep segmentation and oppressive workplace relations. The democratic government introduced a number of initiatives to improve industrial relations. The National Economic Development and Labour Council (NEDLAC) was formed to enable consultation between social partners on key legislation. The labour laws were deracialised, modernised and extended equally to all workers. This led to a more stable, safe, fair and equitable workplace. Despite these improvements in the labour market, some challenges remain. Since the late 2000s, strike levels have risen again, posing risks for growth and investment. In addition, there are negative investor perceptions about some aspects of the regulatory frameworks for labour relations.

In line with an increased global focus on sustainable development and mitigating climate change, the democratic government needed to ensure that economic growth and poverty-reduction objectives could be achieved while simultaneously ensuring the long-term sustainability of natural systems and the environment. The necessary legislation has been put in place and commitments have been made to reducing pollution, improving the quality of the environment and addressing the impacts of climate change. Going forward the emphasis will need to be on implementation, monitoring and enforcement of these commitments.

Since 1994, government has prioritised funding for the social sector, which, coupled with pro-poor policies, has resulted in a reduction in poverty and a range of advances towards racially integrated and equitable provision of services. As will be described in Chapter 3, the reduction in poverty is confirmed by a range of methods of measuring poverty. Social assistance through grants has been the democratic government's most effective poverty-reduction tool. In comparison, social assistance was limited under apartheid, particularly for black people. The number of grant beneficiaries increased from 2.7 million people in 1994 to more than 16 million people by 2013.

Recognising that the apartheid legacy would weigh heavily on sectors of society that were most discriminated against[12], the democratic state has put particular focus on women, children and orphans, young people, people with disabilities and the poor. A range of laws, policies and programmes have been developed to ensure increased representation, ensure the provision of basic services, create jobs, reduce poverty, eradicate violence, and promote and protect the human rights of these groups. As will be described in more detail in the chapters that follow, this has resulted in major advances in gender equality.

There has been a huge increase in access to early childhood development (ECD), including Grade R, and there now needs to be more focus on widening ECD to cover the period from conception to Grade R, with a more comprehensive set of services including home-based and community-based ECD programmes. Primary school enrolment rates are good at approximately 98 percent. Over 8 million learners are now benefitting from no-fee policies, and this has contributed to an increase in secondary school enrolment from 51 percent in 1994 to around 80 percent currently. South Africa is also achieving gender parity in school enrolment. Approximately 9 million children are benefitting from the school feeding scheme and this has ensured that learners no longer have to study on an empty stomach. While backlogs in school infrastructure remain, thousands of schools have been built and connected to water and electricity supply since 1994.

The school curriculum has been made uniform and modernised. Racist, sexist, tribalist and historically incorrect content
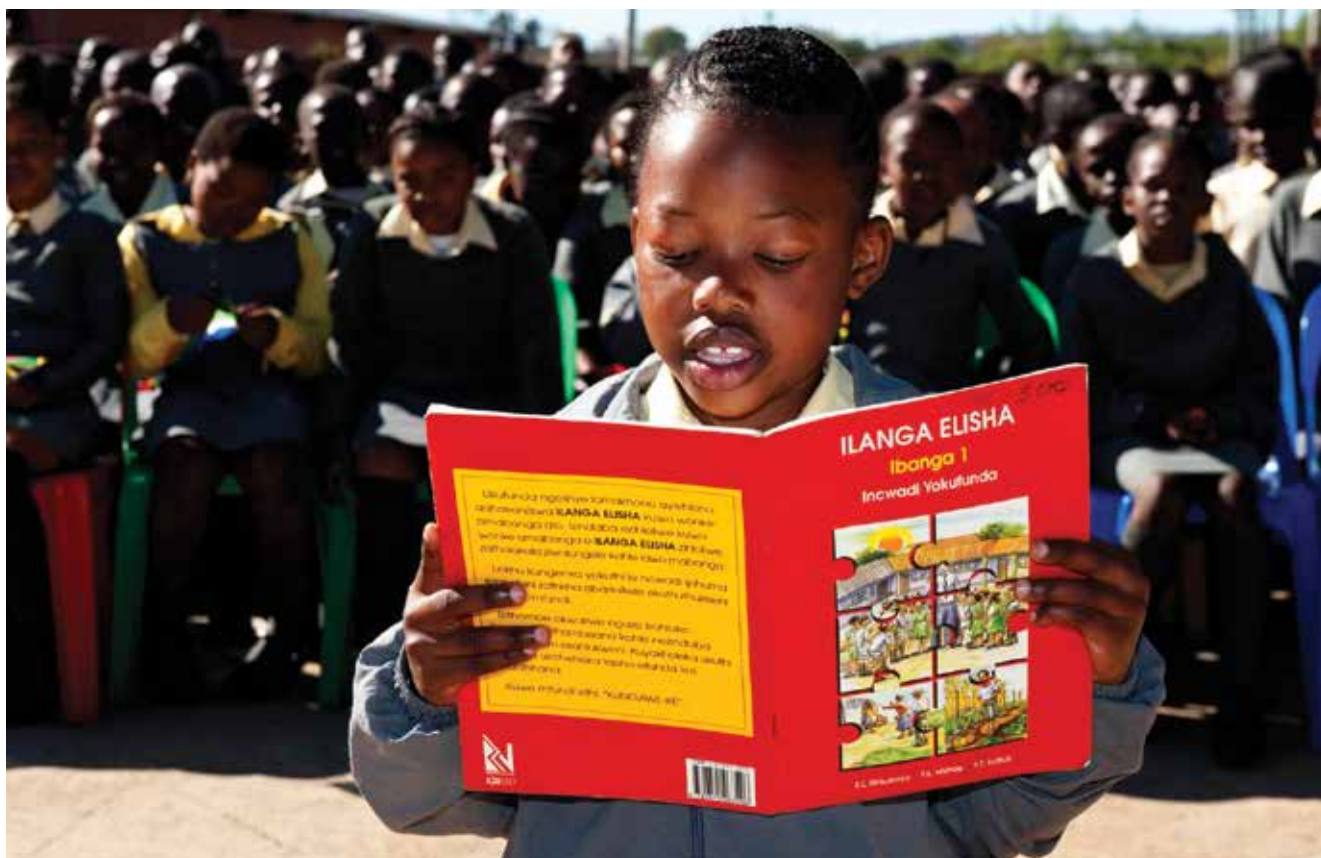
from the apartheid era has been removed. A new school governance system has been put in place, which provides for a high level of parent participation in school governance. Increasingly this should lead to more accountability of schools to local communities and better performing schools.

In the last five years, the Annual National Assessments (ANA) system was introduced to enable objective assessment of the education system below Grade 12 for the first time. While the generally poor ANA results point to the terrible legacy of the apartheid education system and the challenges that remain to improve the quality of learning and teaching, the results also indicate that the system appears to be starting to improve at Grade 3 and Grade 6 level. These improvements have been due to targeted teacher support programmes and initiatives such as the introduction of workbooks to assist teachers and learners to cover the curriculum and to understand the assessment standards. Improvements in literacy and numeracy in the lower grades should flow through to improvements in

results in the higher grades in the coming years. As will be discussed in Chapter 3, a range of initiatives have led to an improvement in the matric pass rate, which, for example, increased from 61 percent in 2009 to 78 percent in 2013. Going forward there will need to be a focus on reducing the drop-out rate, particularly between Grade 9 and Grade 11, and increasing the number of Grade 12 learners passing Mathematics with a mark above 50 percent, which has not yet improved substantially.

After 1994, a new training and skills development system was put in place with the aim of increasing the number of skilled people to meet the needs of the growing economy. The new system increased the range of available pathways for learners to obtain skills and increased the degree to which learners could move between these pathways, thus broadening access to skills development opportunities. Tens of thousands of learners are now being put through learnership programmes each year. An unintended consequence of the new system was a drop in the number

of qualifying artisans, but this has since improved as government has corrected the system. There have also been challenges in placing learners in experiential learning and sustainable employment, partly due to issues with the quality and relevance of some of the qualifications, and partly due to the economic downturn since 2007/08.

University enrolment has almost doubled since 1994, and there have been huge increases in enrolments at further education and training (FET) colleges. The racial and gender composition of the student body has been markedly transformed since 1994. Government has been working on challenges in the FET sector, including very low throughput rates and industry perceptions of problems with the quality of FET colleges. Despite the huge increases in enrolments in post-school institutions, the education and skills development systems have not yet been able to meet all the increased demand for skilled workers and professionals resulting from the growing economy, leading to skills shortages in some areas.

In the health sector, the focus has been on the transformation of a predominantly curative and hospital-based health system to a unified national health system founded on the primary healthcare approach, which emphasises the prevention of disease and the promotion of good health. There have been great improvements in access to healthcare services since 1994, following the removal of user fees, and a large-scale infrastructure programme that saw more than 1 500 healthcare facilities being built and existing ones revitalised. Community service, scarce skills allowances, community healthcare workers and mid-level workers have also been introduced, mainly for the benefit of under-resourced rural areas.

One of the major challenges that confronted the democratic government was the rapid rise in the HIV epidemic. While government policy regarding HIV and AIDS was ambiguous for some time, significant progress has since been made in accelerating interventions to turn the tide against the epidemic in collaboration with civil society, business and other key stakeholders. Over the past decade, the country's response to HIV and AIDS and TB has resulted in improvements in health outcomes such as increased life expectancy, reduced infant and child

mortality rates, and TB treatment outcomes. For instance, the average life expectancy of South Africans improved from 51.6 years in 2005 to 59.6 years in 2013, although life expectancy levels are still below those in 1990, due to HIV and AIDS. South Africa's HIV and AIDS response has now received international recognition and has made the vision of an HIV and AIDS free generation possible. There has also been a significant reduction in malaria cases and deaths due to malaria. Severe malnutrition has also significantly declined. Despite this progress, challenges remain with the quality of care in the public health sector, spiralling private healthcare costs and the country's quadruple burden of disease, and these challenges are the current focus areas of government.

Over the past 20 years, remarkable achievements have been made in increasing access to a basic level of essential municipal services, especially for communities deliberately excluded by apartheid (sanitation: from 50 percent of households in 1994/95 to 83 percent of households in 2011/12; water: from 60 percent of households in 1994/95 to over 95 percent of households in 2011/12; electricity: from around 50 percent of households in 1994/95 to 86 percent of households in 2012/13). The focus is now on reaching those remaining communities without access to basic services, particularly in informal settlements in urban areas and in remote rural areas. There have been challenges with the quality and functionality of municipal services in some municipalities due to poor operation and maintenance. This has been a contributory factor in the rise in municipal service delivery protests in recent years. These challenges relate to institutional and governance weaknesses and a lack of capacity in some municipalities. Government interventions to address these challenges are discussed in Chapter 2.

There have been improvements in the quality of some services offered by national and provincial government since 1994. Notable amongst these have been improvements in some of the services offered by the South African Revenue Service, the Department of Home Affairs and the South African Social Security Agency. However, there have also been many challenges with the quality of service delivery, such as excessive queues and waiting times, long turnaround times,

shortages of supplies such as medicines, and problems with the timeous delivery of textbooks to schools. These challenges are a source of frustration for citizens who expect their government to be more responsive. There are also ongoing administrative weaknesses in government, as illustrated by poor audit outcomes, non-payment of legitimate invoices within 30 days and the large debts owed by national and provincial departments to municipalities. These shortcomings point to a lack of administrative and managerial capacity in some government departments. Initiatives to improve this capacity are also discussed in Chapter 2.

The new government committed itself to ensuring that the country develops sustainable rural communities by focusing on land reform, agrarian reform, improving rural household food security and rural services, improving access to education and creating employment in rural areas. Since 1994, the government has redistributed 9.4 million hectares of land[12], benefiting almost a quarter of a million people. Going forward, the focus will need to be on realising the potential of land reform to stimulate economic growth and employment, especially in the agricultural sector. Many land-reform beneficiaries are

not yet using the land productively, partly due to inadequate infrastructure, inputs and technical support after they were settled.

Over the past 20 years, about 2.8 million government-subsidised houses and over 875 000 serviced sites were delivered, allowing approximately 12.5 million people access to accommodation and an asset. Fifty-six percent of all subsidies allocated have been to woman-headed households. Public investment in housing for the very poor has facilitated a wave of investment in housing by beneficiaries, other households and the private and not-for-profit sectors. The proportion of people living in formal housing increased from 64 percent in 1996 to 77.7 percent in 2011. The value of the formal housing market has increased 13-fold from R321 billion in 1994 to R4.036 trillion in 2014. The estimated value of the state-subsidised housing market is about R300 billion, representing a threefold increase in the value of investments by the state since 1994, as a result of increasing property values.

There has been good progress in terms of the racial integration of cities and towns, but more needs to be done to reverse apartheid urban spatial development patterns, and to provide more affordable housing closer to places of work. Although there was a rapid

growth in the number of informal settlements in the first 10 years after 1994, the number has remained stable over the last 10 years and the government is now focused on upgrading informal settlements as well as building new low-cost houses.

Since 1994, the levels of serious crime and property crime have declined. Despite this progress, crime levels remain unacceptably high, particularly crime against vulnerable groups such as women and children. Access to justice by all, especially those who were previously marginalised, has been greatly enhanced through the establishment of more police stations and courts as well as through the increased provision of legal aid.

Over the 20 years, a range of interventions has been put in place to address corruption in both the public and the private sectors. This has included, among others, the passing of the Prevention and Combating of Corrupt Activities Act, the creation of the Anti-Corruption Hotline under the Public Service Commission, the introduction of disclosure requirements for senior managers in the public service, the establishment of the Office of the Public Protector and the establishment of special anti-corruption investigating units in the criminal justice

system. These interventions have resulted in an increase in the number of reported and publicised cases of corruption, which in turn could be contributing to slightly worsened public perceptions about corruption. While the actual levels of corruption are difficult to measure, there is a general consensus in society that corruption poses a serious threat to many of the gains that have been made since 1994.

South Africa has gone from being a pariah state to a widely respected member of the international community. It has managed its entry into the international community tactfully, building new relationships and partnerships while maintaining sovereignty over domestic economic and social policy. It has benefitted from its re-entry into the international community in areas of trade, education, health, technology, culture, sport, literature, politics and human rights.

South Africa has made major contributions to initiatives to strengthen governance and to promote peace and development on the African continent. It contributed significantly to the transformation of the continental political architecture with the transition from the OAU to the African Union (AU) and the adoption of the New Partnership for Africa's

Development (NEPAD). It has also contributed to resolving conflicts on the continent and the adoption of the AU policy of no longer tolerating military coups. South Africa has actively promoted African interests through its roles in multilateral and other global institutions. Increasing peace, democracy and economic growth on the African continent has provided significant opportunities for South African firms and investors to grow markets and generate sustainable economic returns for both the investor and the host countries.

In addition to creating opportunities, South Africa's entrance into the international community has increased risks, such as the 2008 global financial crisis and economic downturn. Since the early 1990s, there have been profound shifts in global and regional politics and economics that have impacted on South Africa's development. The rise of China and other emerging economies has provided South Africa with large new markets for its commodity exports, as well as a source of competitive manufactured imports.

Various measures have been put in place to provide a basis for a common national identity and greater social cohesion, including the recognition of 11 official languages in the Constitution, new national symbols, the flag and a national anthem. Apartheid-era museums and monuments have been protected and a range of new heritage sites and legacy projects have been completed. Sporting events, such as the Rugby World Cup in 1995, the Africa Cup of Nations in 1996 and the FIFA World Cup in 2010, have made an important contribution.

Over the 20 years, there has been a sharp decline in politically and racially motivated violence. The role of civil-society bodies has changed from one of resistance to apartheid to one of engaging in and lobbying for improved service delivery. This helps the voiceless to have a voice, which also contributes to social cohesion and inclusion.

Nation building and social cohesion remain work in progress. Public opinions on race relations, pride in being South African, and identity based on self-description all show little improvement or a decline[13]. This could be due to a number of reasons. Opportunity is still generally defined by race, gender and class, although there have been improvements in this regard, compared with pre-1994. Inequity in employment, incomes and patterns of ownership could also be playing a role.

The diagnostic report of the National Planning Commission identified the persistence of poverty, unemployment and inequality as the key challenges that South Africa needs to overcome. The National Development Plan (NDP), developed through extensive consultation with a broad range of stakeholders and adopted by government in 2012, spelt out a vision of South Africa in 2030 and built on the diagnostic report by setting out the steps that South Africa needs to take to overcome its challenges and achieve the 2030 vision. This Twenty Year Review uses the NDP as its main reference point for making recommendations regarding the way forward.

In summary, in 1994 the country embarked on an ambitious project of democratic nation building and socio-economic transformation. Twenty years later, South Africa is a markedly different place to the South Africa of 1994, in almost every respect. In the chapters that follow, we track South Africa's journey with regard to governance and administration, social transformation, economic transformation, infrastructure, sustainable development, safety and security, and international relations.

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