Setbacks and Partial Victories: Social Justice Struggles After 28 Years of Democracy in South Africa

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ABSTRACT   *Post-apartheid South Africa is ravaged by crises of extreme unemployment, poverty, and inequality. While the majority who were politically excluded by apartheid can now choose their government through democratic elections, social and economic justice continues to elude them. Neoliberal policies which seek to reduce state expenditure on social services and promote state policies that protect the interests of big businesses at the expense of working-class and poor communities, along with corruption and abuse of power, are the primary causes of poverty and unemployment. However, what is missing in the assessments of social justice since the pre-1994 democratic era is the recognition that social justice organisations have not simply disappeared, but have actually remained involved in social justice struggles. Based on information from in-depth interviews and internet sources, this article records some of the partial victories scored through these struggles, albeit in the context of generalised pauperisation of working-class and poor communities. These partial victories in the era of defeats show that these organisations, although weakened, have not given up the struggle for social justice.*

KEYWORDS   social justice; South Africa; democracy; setbacks; victories; inequality

Introduction

Despite being severely weakened through some of its leading activists joining the state and the private sector, as well as by factors such as neoliberalism, chronic underfunding, and the generalised decline in mass mobilisation since the dawn of democracy, social justice organisations in post-apartheid South Africa have contributed to partial victories in the form of achievements that are accompanied by neoliberal constraints. Such constraints include chronic unemployment and poor service delivery by the state, as well as setbacks in the form of the state's inability to advance pro-poor policies and actions.

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Using in-depth interviews with several leading intellectuals from social justice organisations and academics who have written on social justice in South Africa, this article critically discusses some of the partial victories scored by movements for social justice in the context of a generalised weakening of the struggles for social justice within the country post-1994. Unlike other reviews of democracy, this one is sourced from those who have actively participated in struggles for social justice in post-apartheid South Africa (Du Preez, 2013; Friedman, 2019; Mkhwanazi, 2014; Smith, 2021). While analyses such as those from the aforementioned writers help in understanding the conditions of working-class communities, the poor in general, and the state of democracy, the challenge is that there is a dearth in the literature providing a summative evaluation of various components of social justice organisations in post-apartheid South Africa.[1] There have been sector-specific evaluations of trade unions, NGOs, and social movements in urban and rural areas, but these do not provide an overview of the role of specific social justice organisations in a democratic South Africa (Bezuidenhout et al., 2017; Brown, 2021; Hlatshwayo, 2021; Kenny, 2020; Sisaye, 2021).

To elaborate my point, Kenny (2020) provides an analysis of the state trade unions and workers in post-apartheid South Africa, an important subset of the social justice organisations, but her analysis does not, for instance, include housing struggles led by the urban poor. Steyn (2012) and Pithouse (2008) evaluate the roles of social movements involved in urban struggles for access to housing, water, and other basic needs, but do not discuss the role of social justice organisations in the workplace. While all these contributions give some understanding of the challenges and partial successes of relevant organisations, they do not assess partial victories or successes led by social justice organisations as a whole.

Below, the article sketches the socio-economic context in which social justice organisations operate, characterised by chronic unemployment, poverty, and inequality after 28 years of democracy. Whilst the socio-economic status of the majority of South Africans has not improved in general, as is argued below, the paper also uses social justice and development theory to explain inequality, partial victories, and setbacks led by social justice organisations. Subsequent to that, the paper delves into research design questions, and then presents the findings of the research.

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[1] On the one hand, authors, such as Kenny (2020) and Bezuidenhout et al. (2017), focused on the evaluation of trade unions as a social justice organisation since 1994. On the other hand, Hlatshwayo (2021) and Brown (2021) reflected on the state of social movements – one arm of the social justice organisation. Sisaye (2021) examined the role of non-governmental organisations (NGOs) after 30 years of democracy in South Africa. To addresses this dichotomic analyses, this paper seeks to provide an overview of the state of social justice organisations irrespective of the sectors or areas in which they organise.

Chronic Unemployment, Poverty and Inequality

A number of scholars have evaluated the socio-economic conditions of those who had been politically, socially, and economically oppressed by racism and apartheid for well over a century – now in the period after 25 years of democracy (Friedman, 2019; Saul & Bond, 2014). In assessing social justice after 25 years of the formal end of apartheid, Beresford (2020) concludes: "twenty-five years after democratic transition, the political liberation of black South Africans has yet to translate into socioeconomic transformation" (p. 6).

Essentially, in indirectly supporting the statement made by Beresford (2020), most socio-economic statistics emerging after 25 years of democracy indicate that five democratically elected governments since 1994 have not been able to address social and economic inequality, and instead inequality has deepened. In 2019, even the conservative World Bank admitted that South Africa, which has voluntarily implemented its neoliberal policies in post-apartheid South Africa, is the most unequal country in the world. The World Bank also reported that the richest 20% of people in South Africa control almost 70% of the resources (Mlaba, 2020).

Similarly, the report by Oxfam South Africa noted that the average white male chief executive officer's (CEO) income is equal to that of 461 black women in the bottom 10% of earners (Cerruti & Baloyi, 2020). And just over 30% of black women in South Africa are in employment compared to 70% of white men, showing that black women have very low absorption rates in the economy. The report further states that many of those black women are employed as precarious workers earning low wages, with few or no benefits. Qualified black women earn 24% less than qualified white women; black women between the ages of 18 and 34 with a university degree have an average monthly income of R13,000 (USD841.42), but white women of the same subset earn R17,000 (USD1,100.32) on average; almost 90% of black households do not have medical insurance and have to use the state's poorly serviced medical facilities, while 70% of white-headed households have access to medical insurance (Cerruti & Baloyi, 2020). The report further reveals that the average monthly income of a black woman doing precarious work is just R2,500 (USD161.81), which, compared to a white woman in the same position who on average earns R10,000 (USD647.24), is very low (Cerruti & Baloyi, 2020). What is also worrying, according to the Oxfam inequality report, is that the post-apartheid state has dismally failed to deliver services like water, electricity, health care, housing, public transport, education, and other services to those who were socially and economically disadvantaged by apartheid and racism (Cerruti & Baloyi, 2020; Mlaba, 2020).

On the other hand, the Black Economic Empowerment (BEE), a policy that was meant to increase the economic participation of black people, was seen to be only benefiting those who were politically connected, many of whom in the 1990s became billionaires and multi-millionaires. The Broad-Based Black

Economic Empowerment (BBBEE) Act, No. 53 of 2003 was adopted by parliament to go beyond black ownership in the economy to focus on skills development and support for black businesses. This improved the positions of black people and black women in the workplace, expanding land rights to black folk and enhancing the conditions of black communities. In other words, the Act was meant to subvert the economic inequality created by colonialism and apartheid.

In 2013, the BBBEE Act, No. 46 of 2013, was amended to ensure that the private sector takes the policy seriously by, *inter alia*, giving more state business to those companies that implement elements of the policy (Vilakazi & Bosiu, 2021). Perhaps the social group that has benefitted most from policies such as the BBBEE is the black middle class, which grew from 2.2 million in 1993 to 5.4 million in 2008, and again to 6 million in 2018. Since 2014, the majority of South Africa's middle class has been black (Zwane, 2019). A very big portion of this class is located in the public sector, which means that the private sector's top positions continue to be generally occupied by the white middle class (UNDP, 2020). The increase of the black middle class in the context of poverty, inequity, and unemployment means that the income gap between the black middle class and the poor and working class is increasing. However, the COVID-19 pandemic and lockdown has seen this social group being squeezed economically through retrenchments, heavy indebtedness, and closure of many companies. It was reported by the UNDP (2020) that "as many as 34% of households are likely to exit the middle class into vulnerability [in 2020]" (p. 1).

Clearly, the COVID-19 pandemic has deepened the poverty and unemployment crisis. For example, the lockdown, a measure intended to contain the spread of the virus, prevented many workers from participating in employment. Between the end of March and the end of April 2020 (the one-month hard lockdown), the National Income Dynamics Study – Coronavirus Rapid Mobile Survey (NIDS-CRAM) was undertaken, involving a sample of over 6,000 adults aged 18 to 59. The results of the survey revealed a substantial decline in employment. Importantly, about one out of every three employed persons in the sample "either lost their job or did not work and received no wages during April (2020)" (Ranchhod & Daniels, 2020, p. 1). South Africa previously suffered from chronic unemployment, but this survey highlighted that the pandemic has exacerbated the situation. Moreover, nearly a year later, the Congress of South African Trade Unions (COSATU), the biggest trade union federation in South Africa, stated that more than 50% of the working-age population were unemployed in February 2021, and this figure is the highest since 2008. Close to 91% of those who are unemployed are black (Mahlakoana, 2021).

Despite the aforementioned economic hardships, several stories highlight that some progress has been made, notwithstanding the general setbacks. Through life history research of a black domestic worker who lives in Johannesburg, and in an attempt to assess the progress made after 20 years of

democracy, Kihato (2014) argues that discourses of "success" and "failure" create binaries that are not that helpful in understanding the state of democracy and social life post-apartheid. Instead, according to Kitaho (2014), the domestic worker, referred to with the pseudonym "Phindile," shows that South Africa's transition to democracy has been characterised by "progress, setbacks and stagnation" (p. 357). Despite setbacks regarding racial integration and low-income working-class communities, the housing programme, although very limited, provided many working-class families with shelter in the cities.

In trying to explain the causes of difficulties to change the social and economic transformation in post-apartheid South Africa, Michie and Padayachee (1998) and Marais (2011) explain that the South African transition to democracy, and democracy in general, has been constrained by the neoliberal global environment promoting austerity measures, budget cuts, and privatisation, expressed from a policy perspective in the Growth, Employment and Redistribution (GEAR) adopted in 1996. Corruption is also one of the major causes of the lack of development of the infrastructure and the failure to deliver services to poor working-class communities. For example, it was reported in 2019 that South Africa lost US$34 billion through corruption between 2009 and 2018 when Jacob Zuma was the State President (Cotterill, 2019). Despite some pronouncements and actions to curb corruption after the removal of Zuma from public office in 2018, according to Mlambo and Masuku (2020, p. 549):

> The COVID-19 pandemic has not only laid bare the inequalities within South African society but sadly, it has also portrayed how successive South African public sectors have failed to deal with corruption which has become entrenched within every sector of society.

To sum up this section, the democratic transition from apartheid to democracy paved the way for the entrenchment of political rights for the black majority and the establishment of institutions seeking to support democracy, but the social and economic challenges, such as chronic poverty and unemployment, episodic xenophobic violence, murder, and rape are a threat to a democratic order. This has to do with the fact that struggles against apartheid and for democracy were not just about political rights but were also about social and economic justice (Shapiro & Tebeau, 2011). Perhaps the recent uprising (in July 2021) after the arrest of Zuma for contempt of court is an indication that South Africa's economic crisis and inequality are a key source of discontent in the country. About 3,000 shops were looted during the protests and 200 banks were vandalised in KwaZulu-Natal and some parts of Gauteng. However, the uprisings were not in direct support of Zuma, but were rather caused by chronic poverty and unemployment in the country. The initial protests may have been instigated by some of Zuma's supporters, but the subsequent uprisings were carried out by individuals who had no

demands related to the former president's arrest. It was ordinary working-class people who raided shopping malls located in the working-class areas characterised by unemployment and poverty (Cottle, 2021). Therefore, the partial victories discussed in this paper took place in the context of chronic poverty, unemployment, and inequality, which is theorised below.

Theorisation of Social Justice in the South African Context

Social justice as a theoretical concept has to be contextualised and grounded in concrete issues, demands, and issues of those striving towards its attainment. Subreenduth (2013) takes this point when she contends that social justice "is an ideal that must continually be re-visioned in theory, policy, and practice because context, history, and interconnected global relationships and global social movements change the landscape of justice and equity" (p. 581). In liberal democratic countries, especially in the Global North, the majority of the population is not excluded from political participation and access to social and economic rights.

Subreenduth (2013) questions the notion of social justice in the context of neoliberalism, which tends to entrench racial and gender inequality especially in South Africa, and argues that although political rights have been attained, the social and economic lives of many of those belonging to the black majority have not changed for the better. In explaining this conundrum, Buhlungu's (2010) theorisation of the failure of South Africa's democracy to deliver social, labour, and economic rights to the majority of the population has to do with the "paradox of victory." On the one hand, the unions and other social justice organisations have a democratic space that enables them to organise relatively freely. On the other hand, economic policies adopted by the successive ANC (African National Congress) governments since 1994, as well as corruption, have derailed and undermined the attainment of social and economic justice for the vast majority of the population (Buhlungu, 2010; Lehulere, 2017).

However, as Taylor (2018) contends, South Africa presents a difficult and complex case as far as political, social, and economic justice is concerned. The majority of the South African population lives in conditions that exclude them from accessing resources, economic activities, and livelihoods precisely because of the structural and resilient economic and social imbalances created by centuries of economic, political, and social projects based on colour and sex. Social justice is also about dismantling political and economic institutions, laws, and policies that sought to socially exclude the black majority, and some progress has been made in this regard (Taylor, 2018).

Although South Africa faces many socio-economic challenges, scholars and analysts trying to understand the social justice struggle cannot ignore some of the gains that have been made since the dawn of democracy. According to Taylor (2018), these gains include social grants that cover 17

million people in a country that has a population of 55 million people, as well as access to free basic education, primary health care, and free housing for income-poor households. However, Hassim (2008) argues that social welfare and the political rights obtained by the black majority have not helped to curb the escalating rise in social and economic inequality. Hassim (2008) elaborates: "a focus on social sector spending alone is inadequate to address questions of social justice" (p. 104). Distributing social grants falls into the context where infrastructure such as transport, water, and electricity mean that women continue to carry most of the social and economic burden in households in patriarchal South Africa. Although women occupy key positions in the state institutions and parliament, they have not used these positions to advocate for pro-poor policies to undermine patriarchy and women's oppression (Hassim, 2008).

A Note on Research Design

Research to review the state of social justice organisations was funded in 2019 by the RAITH Foundation, a South African donor supporting social justice organisations. A team of three researchers, including myself, conducted the study which sought to assess the role of social justice organisations between 1994 and 2020. The researchers also worked closely with the reference group constituted by leaders from organisations funded by the RAITH Foundation. After public release of the report from the main study, it was agreed that the individual researchers could use the data that were collected to write their own independent academic articles, which would not in any way purport to represent the views of the Foundation, its partners, and other researchers who had participated in the project.

Pursuant to this, 75 in-depth interviews with the leaders of trade unions, social movements, NGOs, public intellectuals, and academics who have an intellectual association with social justice organisations in South Africa were conducted. It must be noted that we were not able to interview all of the leaders of the social justice organisations due to time constraints. Those who participated in the study were chosen based on their knowledge of, and experiences in, struggles waged by social justice organisations during apartheid, as well as their participation in social justice struggles as activists and as intellectuals during and after formal apartheid. They shared invaluable knowledge and information on partial victories and setbacks in the struggle for social justice since the dawn of democracy. The interviewees were against apartheid and continue to be involved in social justice struggles in post-apartheid South Africa. Therefore, their analysis and views are based on their daily or even hourly engagement with social justice issues. To make sure that leaders of social justice organisations who did not participate in the study are also represented, the researcher perused their statements and views on YouTube and other internet sources. The limitation of the research could be

that rank-and-file members of social justice organisations were not interviewed. However, the purpose of the paper is to capture the views and opinions of leaders of social justice organisations, and academics and formal intellectuals associated with the social justice organisations. Their views, perceptions, and perspectives are important from a scholarly point of view, because their location helps shape the direction of social justice organisations.

It is important to note that there are many partial victories or even victories that have not been mentioned here. For example, several land and environmental struggle victories and partial victories in certain localities have not been reflected on due to the limited scope and objectives of the paper. There are many access-to-land struggles waged by small and large communities; the reason for not addressing them here is because the land reform issue remains elusive, to the extent that all social justice role-players or organisations in the land struggles realise that in general the land question has not been addressed on a national scale. Between 1994 and 2021, land redistribution and restitution has only moved from 13% to 17% of ownership by black people (Kirsten & Sihlobo, 2021). That is why there are debates about changing Section 25 of the South African Constitution and the establishment of a land agency of the state to speed up land reform.

Due to COVID-19 and the national lockdown beginning in early 2020, data were collected virtually, using the online platforms of Zoom and WhatsApp. All interviewees gave their informed consent to having the sessions recorded, transcribed, and quoted in the publication of the findings of the research. Below I discuss the findings from the interviews on what the participants regarded as successes or partial victories spearheaded by social justice organisations since 1994.

The Treatment Action Campaign's (TAC) Victory in the Struggle for Antiretroviral Drugs (ARVs)

After lengthy legal battles and mass demonstrations (some nearly a decade long), the South African government introduced free antiretroviral drugs (ARVs) in the public sector in April 2004. Today, South Africa's antiretroviral treatment (ART) programme is the largest in the world, but also a direct result of the Treatment Action Campaign's (TAC) campaigning. The programme has contributed directly to an increase in life expectancy from 56 years in 2010 to 63 years in 2018 (Avert, 2020).

What made the TAC's victory possible? Kumi Naidoo, an environmental activist, noted that an interesting feature of the TAC's victory was that it was an initiative of a social movement, not an NGO. The strategy that was employed was "fantastic," according to Naidoo, because it combined agitation, mobilisation and litigation, and concrete organisation of activists like field workers, before resulting in the saving of tens of thousands of lives

by ensuring that poor people could access ARVs (K. Naidoo, personal communication, July 3, 2020).

Zackie Achmat, who was a leader of the TAC and led the campaign for access to ARVs, had this to say about the significance of the victory: "I think that the struggle of the Treatment Action Campaign, the struggle of tens of thousands of people in South Africa meant that people across the world could get access to generic medicines that can save millions of lives and will continue to save millions of lives" (Achmat, 2013).

Gender-based Violence (GBV) Struggles

Khwezi (pseudonym) was a 31-year-old HIV positive woman who brought a rape charge to the Johannesburg High Court in November 2005. The accused in the case was Jacob Zuma, then 63, who was about to become the ANC President and the State President of South Africa. Although he was formally acquitted, the case demonstrated how women face vilification and violence when they lay charges of rape and sexual violence. Right from the start, the Zuma presidency, which began in 2009, was riddled with controversy. In condemning the African ANC Women's League, a women's structure in the ANC, Hassim (2008) had this to say: "the vocal leaders were perhaps the most shocking – the ANC Women's League. The storm troopers of patriarchy, they mobilised actively against Fezekile [Khwezi] both in public and in private" (p. 1).

On average, only one in nine rape cases are reported to the police in South Africa. The country's femicide rate is five times higher than the global average. In August 2018, thousands of people, mainly women, organised public events to highlight the crisis of gender-based violence in South Africa (Odufuwa, 2018). The events, which coincided with Women's Month in South Africa, were called "The Total Shutdown," and spread to Botswana, Lesotho, and Namibia (Odufuwa, 2018). After that, there were women-led protests in Sandton, a business and financial sector hub in the city of Johannesburg, to highlight the complicity of big businesses in gender-based violence. Government held a conference in 2018, and subsequently a National Strategy Plan on gender-based violence was drafted, but the problem is that due to the state's austerity measures the plan is most likely not to be funded.

According to Wendy Pekeur, an activist, some of the highlights as far as gender-based violence is concerned is that the gender-based violence conference, discussed above, in 2018 put on the government's agenda the need to take gender-based violence seriously (W. Pekeur, personal communication, May 29, 2020). Besides what has been stated by Pekeur, some laws have managed to advance the rights of women and children. In this regard, Caroline Peters, a community activist, elaborated:

> If I look at the Sexual Offences Bill and what we have achieved, and how far we have come – the Domestic Violence Act, the Trafficking of Persons Bill, and the Child Rights Bill – the Bills and rights put in place – our successes are huge. We have the best Bills and Acts. (C. Peters, personal communication, May 27, 2020)

Despite the challenges in their implementation, the laws have had a positive impact on the fight against gender-based violence, according to Peters: "The Domestic Violence Act – before the Act, if you called the police, the police would say it's a domestic issue… and wouldn't interfere. Now the police must intervene and arrest" (C. Peters, personal communication, May 27, 2020).

Another problem cited by Peters is that sometimes police and clerks do not know their roles in the implementation of the laws that seek to protect the rights of women and children. Twenty years ago, there was a lot of training for police and magistrates, but it made little difference to the number of instances of gender-based violence. Creating awareness among members of law enforcement agencies is currently one of the key tasks of the state. Resources have to be made available so that magistrates, judges, and police officers can ensure that all the laws are implemented (C. Peters, personal communication, May 27, 2020).

Social Welfare

After a series of campaigns and legal battles between the state and NGOs over social grants, in 2018 the Black Sash, an NGO, reported to the public that the South African Social Security Agency (SASSA) had signed a five-year contract with the South African Post Office (SAPO) to disburse social grants to beneficiaries. The new bank accounts of social grant holders do not allow for the deduction of debit and stop orders. This was after the state terminated an unconstitutional contract with Cash Pay Master Services (CPS) on 30 September 2018 (Black Sash, 2019).

Highlighting the significance of the victory scored by the social justice sector and the Black Sash, Karabo Rajuili, an activist, said that:

> The Black Sash played an important role in ensuring that money is not deducted illegally from the social grants of individuals who are already vulnerable economically. This can help to make certain that social grants are directly used to deal with hunger and poverty, especially in poor communities. (K. Rajuili, personal communication, July 2, 2020)

Social relief was extended during the national lockdown in April 2020. For example, for the first time in South Africa, the unemployed who did not receive any social grant and money from the Unemployment Insurance Fund (UIF) received R350 per month from the state for six months. Shaeera Kalla, a member of the C19 People's Coalition – an alliance of social movements,

trade unions, and community organisations struggling for social and economic rights in the context of COVID-19 – argued that the social grant was not enough, but it helped five million unemployed people to have access to some food (Mathe, 2021). What was disturbing was that councillors who were supposed to help with the distribution of food parcels abused their power by stealing the food and distributing it to their friends and members of their political parties (Mahlangu, 2021).

Housing and Urban Struggles

As cities begin programmes of gentrification, working-class people and the urban poor become victims of forced removals and astronomical increases in rent, which results in open and hidden struggles in many cities globally. Housing and urban struggles are a global phenomenon, often characterised by ongoing battles between slum dwellers, urban poor communities, and racialised minorities, on the one hand, and states, housing departments and agencies, local authorities, and the police, on the other (August & Walks, 2018; Chenwi, 2015; Mensah & Tucker-Simmons, 2021; Walks & Bourne, 2006). For example, one of the crucial points raised in the study conducted by Mensah and Tucker-Simmons (2021) is that redevelopment in areas like Herongate, an area in Ottawa, tends to entrench the racialisation of immigrant communities, as they face mass evictions led by the state, the private sector, and local authorities.

Joel Modiri, an academic and activist, stated: "Some of the landmark cases from Grootboom until now – these are cases that have been driven through the social justice sector – pushed the jurisprudence in the direction of holding greater accountability for the state" (J. Modiri, personal communication, July 10, 2020).

Irene Grootboom was part of a group of 4,000 residents living in Wallacedene, an informal settlement outside of Cape Town, who in 1998 launched a lawsuit against the South African government. The informal settlement lacked housing, piped water, sanitation, electricity, and other basic services. Finally, in 2000, the (Constitutional Court of South Africa, 2000) ruled in favour of Grootboom and others, confirming that, constitutionally, they had the right to housing, so that government had to find the means for housing to be delivered to the residents of informal settlements within reasonable periods. At the same time, the government had to provide immediate social relief for communities that had no access to water, sanitation, or adequate shelter. Despite the ruling, Irene Grootboom died in 2008 without having realised the right to housing, as ruled by the Constitutional Court (Hweshe, 2008).

Christopher Rutledge, an activist who supports mining communities in South Africa, cited the Grootboom case as a success, in the sense that it confirmed that the government has to take social and economic rights

seriously, housing in particular, by developing concrete plans to ensure that socio-economic rights are realised (C. Rutledge, personal communication, July 16, 2020). Harry May, an activist, had this to say about the setback in Grootboom's court victory: "on the housing [front], the sad part about the Grootboom judgement [is that] she died without getting a house" (H. May, personal communication, June 12, 2020).

Another landmark judgement was initiated by the Abahlali baseMjondolo (AbM), an urban-based social movement. The provincial government of KwaZulu-Natal tabled the KwaZulu-Natal Elimination and Prevention of Re-emergence of Slums Act, No. 6 of 2007 ("the Slums Act"), in 2007. The proposed law was unjust because it gave the already powerful landowners and municipalities in the province unlimited power to evict tenants and those who were landless. AbM headed to the High Court in KwaZulu-Natal to challenge this law, but lost the case early in 2009. Subsequently, the organisation approached the Constitutional Court, which ruled in favour of AbM and, in late 2009 ordered the KwaZulu-Natal provincial government to pay the legal costs (Mitlin & Mogaladi, 2013).

Working with the Socio-Economic Rights Institute (SERI), AbM scored another court victory in the Durban High Court in 2012. In 2009, a court order had instructed the eThekwini municipality to organise alternative housing for households that were removed from the Siyanda informal settlement in March 2009 to pave the way for the construction of a road. The deadline passed in 2010, and the community was still living in a transit camp, under terrible conditions. On 19 September 2012, the High Court handed down a judgement instructing the city's mayor, the municipal manager, and the director for housing to find alternative accommodation for the evicted people. Failure to do so, according to the judge, would result in the fining or imprisonment of the three officials. The judgement was ground-breaking in the sense that politicians and administrators in municipalities who fail to comply with court orders, especially those relating to social and economic rights, could be fined or imprisoned (Abahlali baseMjondolo [AbM], 2019).

According to S'bu Zikode, a leader of AbM, litigation is always accompanied by mobilisation of those who are directly affected by the injustice, such as forced removals and lack of basic services provisioning by the state. Zikode (2018) elaborated on this point: "we have managed to resist all forms of repression, including evictions. That is one thing we have been able to do; we remain a home and a hope for thousands of shack-dwellers and other impoverished people in the country" (p. 1).

Besides court victories, some urban struggles sought to undermine the apartheid geography. Bevil Lucas, a leader of Reclaim the City, an organisation affiliated with the Housing Assembly, prefaced his response to the question of how his organisation was undermining apartheid geography by saying: "we need to note that victory comes in various forms – long-term, short-term, and immediate" (B. Lucas, personal communication, May 16, 2020). Lucas then talked about the occupation of the old Woodstock

Hospital, which began in 2017. According to Lucas, the first phase of the occupation was initiated by only 30 people, and their efforts encouraged many homeless people in Cape Town to join the occupation. Today, the old Woodstock Hospital accommodates 305 households who would have been homeless had they not decided to occupy empty state buildings in the inner city of Cape Town. The aim of the occupation, according to Lucas, is to symbolically transcend the colonial borders created by colonialists and imperialists.

Xolobeni: Environmental Struggles

Xolobeni is a rural area located in the Wild Coast region of the Eastern Cape. The Xolobeni community has been challenging the state (Department of Mineral Resources) and an Australian company, Mineral Commodities Ltd. (MRC), which has been seeking to mine titanium on their land since 2010 (Bega, 2019). In 2016, Sikhosiphi Bazooka Rhadebe, a leader of the Amadiba Crisis Committee (ACC) – a community organisation opposed to mining in the area – was assassinated, and his untimely death was attributed to opposition to mining in the area by his organisation. Other committee members were receiving death threats for their involvement in the anti-mining campaign (Washinyira & GroundUp Staff, 2016). After realising how mining in other parts of South Africa destroyed the environment and caused pollution, as well as diseases and sickness like tuberculosis among mine workers, the Xolobeni community rejected mining. Media campaigns, legal actions, and protests became their tools of struggle to oppose mining in the area (Washinyira & GroundUp Staff, 2016).

Following research, educational workshops, community meetings, marches, and picketing, the ACC approached the court to challenge the Australian company Transworld Energy and Mineral Resources (TEM) over mining rights in the Xolobeni area. In her groundbreaking judgement handed down in 2018, Judge Annali Basson ruled "that the mineral resources minister must obtain consent from the community, as the holder of rights on land, prior to granting any mining right to TEM" (Mitchley, 2018, p. 1). That was a significant court victory because government and politicians have always tended to ignore the cultural and environmental rights of communities when granting mining contracts to mining companies.

Again, in 2021, the High Court in Cape Town ruled that defamation lawsuits amounting to R14.25-million brought by Australian mining company MRC and its local subsidiary, Mineral Sands Resources, against three environmental lawyers, two community activists, and a social worker who criticised the operations of the mine regarding its intention to mine in the Xolobeni area, were an abuse of South Africa's legal processes (Bega, 2019).

Zuma Must Fall

Former President, Jacob Zuma, resigned on 14 February 2018 after a sustained campaign to force him to quit as President of South Africa. Various political formations, some civil organisations, businesses, and the mass media accused Zuma of having handed over the executive authority entrusted to him to the Gupta family. Part of this campaign included journalists analysing "Gupta Leaks," which led to the release of many email exchanges about corrupt activities on the part of the Gupta family, in collusion with local companies and politicians. Khadija Patel, a journalist, recounted this victory, but also argued that a setback is that no one has been jailed for this massive corruption: "the Gupta Leaks was successful, but no one went to jail" (K. Patel, personal communication, July 9, 2020).

It was the media that analysed a series of leaked emails showing how the Guptas, who were businessmen, had direct influence in the appointment of some cabinet ministers, leaders, and managers of state-owned companies, and the allocation of big state contracts; all these activities amounted to what is regarded as state capture. These leaks were made possible by the bravery of journalists and the fact that South Africa still has an independent media (Dadawala, 2020).

Social justice organisations, such as trade unions and NGOs, played a role in the "Zuma Must Fall" campaign. Litigation, organising protests, and analysis of the Gupta Leaks to further expose activities of state capture, were some of the actions taken by social justice organisations. The establishment in 2018 of the Zondo Commission to investigate corruption and state capture, signalled the possibility of responding to corruption effectively within the confines of the law. To fight corruption and state capture, some social justice organisations have made submissions to the Commission with a view to making sure that those who are guilty are brought to book.

Zuma's resignation and the promises of Cyril Ramaphosa (who succeeded Zuma) to end corruption did not in any way lead to the reduction of corruption in South Africa. COVID-19 and the lockdowns in 2020 saw corrupt acts allegedly perpetrated by national and local leaders of the ruling ANC. Former Minister of Health, Zweli Mkhize, who had to lead the fight against the pandemic was also accused of corruption and had to resign as minister. Deokaran, who was a witness in Gauteng's personal protective equipment (PPE) corruption scandal, was gunned down outside her house in August 2021 after dropping her daughter off at school (Carmen, 2021).

Workers' Rights

Following "Rhodes Must Fall," a campaign calling for the removal of colonial symbols in public spaces and decolonisation, students fought a number of battles. Provoked by the announcement of fee increments by

university managers in 2015 and 2016, university students and workers intensified their struggle for access to higher education and to end the outsourcing of work in universities, respectively, leading to some partial victories for students and workers. Dubbed as "Fees Must Fall" (FMF) and "Outsourcing Must Fall" (OMF), students and workers participated in nationwide protests, and in this regard, Shaeera Kalla, a former student leader at Wits University, highlighted some of the victories achieved. The obvious one was the no fee increase announced by the state, which indicates a material gain. Another was the pressure placed on the National Student Financial Aid Scheme (NSFAS) to accommodate more students; as a result, the Department of Higher Education and Training (DHET) allocated additional funds to the scheme. Other victories were that the children of workers at the university were able to study free, and that outsourcing was discontinued (S. Kalla, personal communication, May 29, 2020).

According to Kalla, student activists involved in FMF contributed to the struggles that ended outsourcing in 2015 and 2016. Since the late 1990s, outsourcing of what was described as "the non-core activities of universities" led to black women who worked as cleaners losing direct employment with universities and, in effect, carrying most of the social and economic burden in the university context.

Before the student uprising, which began in 2015, campaigns against outsourcing were low-key and isolated from the public eye. Kalla elaborated on how outsourcing of workers was ended:

> The ability to join together with the workers was very important to [the] Fees Must Fall [campaign] at Wits, particularly because we had to support their struggle for an end to outsourcing. They were also very supportive of our struggle for free education because that also affected the working class. (S. Kalla, personal communication, May 29, 2020)

The solidarity between students, workers, political groups, and some academics ended in less than a year what the unions could not end for close to 25 years. To be more specific, according to Hlatshwayo (2020), the campaign resulted in wage increases for the workers, which in some cases were more than 100%, and in 2016 the repudiation of outsourcing by many South African universities. These two partial victories for students and workers in universities do not necessarily mean that struggles in institutions of higher education have stopped.

Democracy coincided with the entrenchment of neoliberal policies that sought to weaken the positions of labour. What has been happening since 1994 has been a trend towards the generalised rise of precarious work, which is a type of work that has no or very limited security and benefits (Hlatshwayo, 2009; Jinnah, 2020). As mentioned earlier, the COVID-19 pandemic and national lockdown fuelled the burgeoning trend of precarious work through massive retrenchment and the entrenchment of chronic

unemployment. Even workers who are regarded as permanent employees with benefits are more precarious due to retrenchments resulting from work reorganisation, eroding many victories scored by workers since 1994.

Eddie Webster, an academic, spoke about the complexities of victories for the labour movement in post-apartheid South Africa. For example, according to Webster, having full-time shop stewards paid by management to do union work was a partial victory. On the other hand, the problem is that these full-time shop stewards tend to get co-opted and end up serving the interests of managers, not workers. Another example given by Webster was that winning the right to strike and to have protected strikes are some of the victories for workers. However, Webster noted another contradiction in this success by saying:

> Your right to strike is protected by the Labour Relations Act of 1995, but there are procedures which at times make it difficult to use striking as a weapon. So I think that sometimes these victories turn out to be a double-edge[d] sword. (E. Webster, personal communication, May 28, 2020)

COSATU President, Zingiswa Losi, argued that organised labour has scored a number of victories in post-apartheid South Africa. Losi comments:

> Success is when the campaign has been won and employers and government have agreed to demands. They are implemented by the employer, passed into law by government and given resources; for example, the National Minimum Wage Bill was passed into law and is being implemented across the country. Maternity leave exists for all workers, paid for by the employer or the UIF. Parental leave is being implemented and laws have been passed that protect farm workers. Access to the UIF has been massively expanded and is being felt by millions of workers. (Z. Losi, personal communication, June 22, 2020)

Losi mentions the Basic Conditions of Employment Act and the Minimum Wage Act, and there are laws that were passed in 1997 and 2019, respectively, as partial victories of workers, including precarious workers. Pinky Mashiane, a worker leader, concurs with the view expressed by Losi, and mentions that domestic workers can now access the UIF as well as approach the Commission for Conciliation, Mediation and Arbitration (CCMA) when they are unfairly treated by employers, as outlined by the Basic Conditions of Employment Act (BCEA), No. 75 of 1997. The regulation of a minimum wage and conditions of work by the state are some of the victories scored by organised domestic workers. However, one of the setbacks is that some employers do not comply with these legal requirements. Educating and organising domestic workers around these victories will help them realise these rights (P. Mashiane, personal communication, June 22, 2020).

Igshaan Schroeder, who heads the Casual Workers Advice Office that supports the struggles of precarious workers in South Africa, was more

reserved about victories of labour in post-apartheid South Africa. Schroeder indicated that workers are fighting a struggle to defend their minimum rights. According to Schroeder, it makes sense to talk about partial victories, which tend to be temporary and small in nature. He elaborated further by saying:

> It's important to understand that it's a period of defensive struggles… we have had quite a lot of partial victories, for example, workers are made permanent, and the minimum wage increases. But I regard them as partial victories because it's not long before the bosses restructure and dismiss the workers again, or they just force the workers to sign new, shorter contracts. So it has been difficult for the workers to struggle to hold on to the victories. (I. Schroeder, personal communication, May 28, 2020)

Contextualising Partial Victories and Setbacks

In some cases, these successes have been accompanied by contradictions, hence I regard them as partial victories. For example, progressive laws or policies may not be implemented by the state due to the inefficiencies within the bureaucracy and a lack of political will. Some of the victories are visible and seek to directly undermine the racial geography created by the apartheid state and maintained by politicians and businesses that believe that black people are not supposed to live in cities like Cape Town. Direct actions, like the occupation of an unused government building in the inner city of Cape Town, can be counted as partial victories, because they show that working-class people can challenge the oppressive system and establish their own ways of living, which embrace democracy and solidarity (Robins, 2021).

Another piece of advice from Rutledge is that winning a court victory is important, but the implementation of court decisions is another matter. In the final analysis, according to Rutledge, "without mass participation and mobilising people to claim their rights, a victory in court is meaningless" (C. Rutledge, personal communication, July 16, 2020).

This point raised by Rutledge emphasises that social justice organisations must recognise that, in the final analysis, those who are directly affected by different forms of social and economic oppression can only achieve real and meaningful change by follow-through of initial victories. Shamim Meer, a feminist, mentioned that activists want to see the endpoint, which is about changing power relations in society, in order to improve the lives of workers, women, and all marginalised members of our communities, and to make sure that people participate meaningfully in decision-making at all levels. Moreover, Meer pointed out that, "we need to measure the incremental changes that move us towards that long-term goal" (S. Meer, personal communication, May 28, 2020). Changes caused by actions of social justice are incremental in the sense that social justice struggles are an uphill battle requiring organising, patience, and recognising that there are powerful forces constantly undermining social justice.

Conclusion

Some of these mentioned partial victories, as alluded to by Schroeder, demonstrate that social justice organisations and poor communities have to continue to struggle for social justice to improve their living and working conditions generally, from the short-term up to the long-term. The article has shown that political life in South Africa, like elsewhere in the world, is contradictory and dynamic. If one just reads the statistics that show the depressing economic and social life in South Africa, one may wrongly conclude that social justice struggles that are supposed to improve the social and economic lives of the economically excluded have disappeared. However, as this article has demonstrated, social justice organisations not only continue to exist, but they are also involved in a constant uphill battle characterised by defeats, setbacks, and some partial victories. More research is required on how to build social justice organisations that can cohere around common issues and demands without undermining the autonomy of each social justice organisation in its sector.

Acknowledgments

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