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SCHOOL FEES –

**The Nightmare
Of “Democratic”
Change**

**APDUSA VIEWS
P O BOX 8888
CUMBERWOOD
3235**

e-mail: malentro@telkomsa.net

SCHOOL FEES - THE NIGHTMARE OF "DEMOCRATIC" CHANGE

INTRODUCTION

The first democratic elections in 1994 did not have the same significance for everybody. The vast majority of the oppressed and exploited people in this country, the African masses, looked to the elections with great pride and expectation. At long last the "impossible dream" was becoming a reality. It was for that reason, the millions were out in the queues from before dawn and waited for what appeared infinity before they could cast their votes for a black government of their choice.

For the minority groups, the same period meant something totally different. There was fear and anxiety pervading these communities. There were all sorts of rumours running riot. There was the fear that there would be prolonged unrest and strikes with shops being closed. These people began stocking up for a long siege – tinned food, candles, gas and paraffin as alternative sources of energy, withdrawal of maximum amounts of cash from savings. One anonymous leaflet even strongly suggested the purchase of large stocks of condoms to keep down unwanted pregnancies which would be caused by idleness due to long periods of confinement in a flat or room.

THE CASE OF MALIGA GOVENDER

Mrs Maliga Govender¹, a member of the community of South Africans of Indian descent, was one such person who viewed with trepidation the happenings of 1994. She, too, stocked food for the "siege". On Election Day, she did not go out to vote. Not a single one of the parties meant anything to her. Her understanding of politics was minimal.

Mrs. Govender had other things occupying her mind. She worried endlessly about her alcoholic husband who brought only a fraction of his earnings home to her to run the house. She was forever telling people what a decent and caring man he was when he was not under the influence of liquor. The problem, however was that his periods of sobriety increasingly grew less over the years.

¹ Maliga Govender are not her real names.

The burden of ensuring that there was enough food on the table for her husband and two children fell squarely on her shoulders. It was not just the preparation and cooking of the food. She had to find the food!

When the money from her husband became insufficient for basic needs, she was forced to borrow money from her mother. More often than not, the long suffering mother wrote off the debt. When shame prevented her from further “borrowing”, she would go out and look for work. Over the years, she got employment as a “shop assistant” and in time to come she marketed herself as an “experienced shop assistant.”

Maliga Govender is the mother of two children, a boy and a girl who had to attend high school closest to her home for the convenience of the children and in order to save time and money by not having to use public transport.

When she registered her children at the school, she was shocked at being told that the school fees were in the sum of R900,00 per child per annum, but this was reduced to R750,00 per child which she was told she had to pay. Maliga protested and asserted her inability to pay the fees in view of the modesty of her income. She was told flatly that she either agreed to pay the determined fees or take her children to another school.

So instead of persisting in her protestation, she agreed to pay the fees. However, she asked for time to pay and this was granted to her. Deep in her heart, she did not believe that the school would do anything should she be unable to pay the school fees. Didn't the authorities wipe off monies owed for electricity and water? Even rent owed to the Municipality?

In any case neither she nor any of her friends ever heard of parents being sued for school fees if they could not afford them! Didn't the Minister of Education and officials from the education department publicly assure the poor that no child would be excluded from school because his or her fees were not paid. Didn't the Constitution state clearly that every child had the right to education?

Was it not true that even in the bad days of Nationalist Party rule there was not a single case where a parent was issued with a summons and taken to court for non payment of school fees for a public school?

If the racist Nationalists would not do such a thing, why would the ANC government which has repeatedly said that it stands for the poor people?

Well, Mrs. Govender was wrong! The unimaginable took place. She was unable to pay the school fees and was served with a summons for the fees. She had not before received a summons in all her life! When told of the unbelievably high amount of the deposit for fees required by an attorney to advise and defend her, she became terrified and threw herself at the mercy of the attorneys issuing the summons. She was attended to by a White female clerk to whom she poured out her woes of poverty and inability to pay. She did not receive the expected sympathy from the clerk. She was told that she would be given the indulgence of paying the fees in instalments and was made to sign a document. Mrs. Govender was in a daze. She was in the cold and unfamiliar environment of a large legal office in a section specially set aside for debtors. She did not understand the rapid explanation in an anglicised accent of the nature of the document she was to sign. She was too nervous and overwrought to read and understand what she was signing. All she wanted was to get out of that building and into fresh air.

The agonising thoughts, which ran through her mind: “Is this what democracy means? That I, poor as I am, now have to pay hundreds of rands for school fees and the lawyer’s cost when my parents did not have to pay any fees except very affordable amounts?”

Mrs. Govender’s employers have now to deduct and pay over to the attorneys a third of her modest salary of R1300,00 per month towards the school fees and legal costs.

THE PROMISE AND THE PRACTICE

In the issue of ANC TODAY dated the 25 June to 1 July 2004, “The Letter from the President” has as its first line :

“Our historians must have the courage to speak the truth.” (Our emphasis)

Below this sentence, the letter goes on to mention the Freedom Charter of the Congress of the People and quotes the following:

“Among other things the Freedom Charter says:

“The doors of learning and culture shall be opened.

“The government shall discover, develop and encourage national talent for the enhancement of our cultural life.

“All cultural treasures of mankind shall be opened to all, by free exchange of books, ideas and contact with other lands.

“The aim of education shall be to teach the youth to love their people and their culture, to honour human brotherhood, liberty and peace.”

The quotation from the Freedom Charter on education stops somewhat abruptly and sounds incomplete. One goes to the Freedom Charter and checks. Indeed, the quotation is significantly incomplete because the next line reads as follows:

“Education shall be free, compulsory, universal and equal for all children.”

The ANC does not want this portion of the Freedom Charter to be publicised. They do not want the thousands of Maliga Govenders of this country to learn of the promise of FREE education by the ANC before it came to power.

The ANC is called upon to explain the discrepancy between the promise of free education and the practice of fleecing of the poor struggling workers like Maliga Govender. To date it has not done this.

So much for the boast: “**Our historians must have the courage to speak the truth.**” Concealing a very important portion of a document is concealing the truth.

THE ANC HAS BEEN CAUGHT RED-HANDED CHEATING – both in relation to the promise in the Freedom Charter and in the concealment of the truth about free education.

THE VERBAL GYMNASTICS IN THE CONSTITUTION

The architects of the constitution, in the full knowledge of the promise of free education in the Freedom Charter, took a deliberate decision to renege on the promise. They took the decision NOT to provide free education. A decision was taken to make the people pay for the education of their children whenever and wherever it was possible to do so.

But to say so openly would have raised a storm of protest and condemnation. So they got a clever person to formulate the right to education in such a manner so as to deceive the people into believing that education was free. At the same time, it was to be drafted in such a way that any action in Court to enforce the right so as to make it “free education” would be defeated. This is how the right to education is formulated in the Constitution.

“29 (1) Everyone has the right-
(a) to basic education, including adult basic education”

This section means that education must be available to the public. That is to say the *facility of education* in the form of school buildings, teachers, desks/tables, chairs/benches/ stools² must be in existence. The conditions of entry into that school, the criteria for admission – age, qualification and standard of proficiency etc – had to be worked out. Included in the criteria for admission is the **payment of school fees** by the parents or the person legally responsible for the upkeep and upbringing of the pupil.

Nowhere in the constitution does it say that education shall be free!!

² “and trees where there are no buildings” a cynic may add.

And the exclusion of “free education” from the Constitution has opened the doors for the kind of persecution that the Maliga Govenders of post 1994 South Africa are facing. It has also given full scope for the dishonesty and hypocrisy displayed by the politicians heading the education ministries and departments.

In a true democracy, especially where there is a large poor population, education must be free and the demand for it is usually formulated as follows:

“Compulsory, free and uniform education for all children up to the age of 16, with free meals, free books and school equipment for the needy.”

(From the Ten Point Programme of the Non European Unity Movement adopted in 1943)

With this kind of formulation, there is no doubt that neither the parents nor the pupil are liable to pay any school fees.

Let us quote again the section of the Freedom Charter which was adopted in 1955:

“Education shall be free, compulsory, universal and equal for all children.”

Again the right is clear and there is no place for doubt or confusion.

THE POSITION OF EDUCATION UNDER THE CONSTITUTION

It has been declared over and over again that no child shall be excluded from any school purely on the grounds of inability to pay school fees. However the matter does not end there. Wherever possible the parent/s of the child is coerced to pay a certain sum of money as fees depending on the income they earn, the budgetary requirements of the school and the skill and mood of the bureaucrat making the calculation. Like Maliga Govender, most poor parents are only too eager to get a “foot

in”, i.e. to get their child into the school. The matter of the fees can be dealt with later, hopefully by having the fees written off.

But the system put in place will not allow that to happen.

HOW FREE SCHOOLING IS SABOTAGED

There is a deliberate SHORT FUNDING. All schools are deliberately given LESS than what they require to run a school in a manner that can make a community proud of having that institution of learning in its midst. The schools (the Principal, teachers and the School Governing Body -SGB) are told that they and the parents of the pupils had to find for themselves the difference between the subsidy provided by the State and the actual amount required to run the school. The subsidy given by the State is usually niggardly.

The school governing bodies (SGB) have been given the green light to extract as much as possible from the parents. It is only too well known that parents all over the world will do anything for their children, including denying themselves food so that their children may not go hungry.

The schools are denied basic expenditure. For example one school gets as little as 6% of its expenditure excluding salaries of staff. There is never enough money from the government to employ required teachers. There is never enough money for water and electricity; money for keeping the school clean, neat and tidy so that children come to a clean school with proper fencing, paved paths, well laid out and attractive gardens. There is never enough money for sporting facilities like grounds for soccer and rugby, courts for tennis, volleyball, netball, badminton and squash racquets. Nor is there money for decent equipment for various sports like balls, bats, racquets, nets, table tennis and the like.

But when schools are given insufficient funds for basic needs, they will either do without them and teach children in schools with overgrown grass, broken fences and windows; blocked toilets stinking with overflowing urine and faeces; broken chairs, benches and desks/tables. What is the impact of this environment on young minds? How is it

possible to let them enjoy and appreciate poetry about “a host of golden daffodils” in that kind of environment?

The alternative is to squeeze the money from the parents.

The collection of debts in the form of fees from parents has become a burgeoning industry with firms notorious for their heartless attitude and whose offices ordinary people dread to enter.

“IT’S NOT ME! IT’S THE TAX COLLECTOR!”

In feudal Russia, the many millions of peasants who suffered great hardship and privation, regarded the Tsar as their father. When they were given the lash and when they writhed under the injustice of the enforcers of the law and the landlord, they always believed that they would obtain relief and justice from the Tsar if only their suffering could be brought to his knowledge and attention.

It was only on the eve of the Russian Revolution that the peasants came to realise that all their local oppressors –the tax collector, the landlord, the policeman, the soldier, the bishop, the justices – were all part of a feudal society which had as its head and leader the Tsar. The belief that the Tsar was the Father of the people was carefully created, nurtured and maintained for centuries. The purpose of this Lie was to have the anger and fury of rebellious peasants directed against the local oppressors or representatives of the Tsar and NOT against the latter.

In a limited way the whole question of school fees was fashioned with a similar purpose in mind. The real culprits who excluded the right of free education from the Constitution were all those organisations which took part in the CODESA talks. They fashioned and finalised the Constitution. They deliberately left out the right of free education. In other words, they all agreed that education was not to be free and the people would have to pay towards the education of their children.

Having taken the decision to make people pay for the education of their children, the politicians involved did not have the nerve to go to the people and announce and explain that education was no longer free. The task of those explanations and the task of working out the amount of fees to be paid was an unpleasant task. It would invite anger and

criticism. It would result in people voting against the ANC in future elections.

So the task of announcing the bad news was fobbed on to the SGB, in particular the teachers, principals and their deputies. They had to do what can best be described as the dirty work of the politicians. They had to fix the amount of the school fees. They had to advise the SGB of non payment. Based on that advice, the matter would be handed to the attorneys.

It was the professional staff at schools who had to spend many hours pleading, persuading, cajoling, warning and in the end threatening legal action to parents.

The school professional staff has been transformed into the pre-legal stage team of debt collectors. Their valuable time was spent in trying to collect the school fees. They were placed in the forefront – cannon fodder. When parents against whom legal action was instituted, hurled their curses, it was directed against the school professional staff and NOT against the real culprits.

The question is why are the professional staff taking it lying down? They belong to teachers organisations which appear to be well organised. It will take just one determined strike to get the government to reconsider its position.

THE FARCE OF PARENTAL “EMPOWERMENT”.

In terms of the law, the power to decide the amount of fees to be paid by parents for the pupils resides in the parents. In theory it is the parent, who at a properly constituted meeting, takes the decision as how much fees are to be levied per child. That sounds very democratic and people-orientated, but the truth of the matter is that it is nothing more than giving the shadow and withholding the substance.

Let us explain.

The business of running a school has to be in the hands of people who have the skills to manage an institution of that size and complexity. Effective management will invariably pass into the hands of the intellectuals – accountants, lawyers, doctors, pharmacists, teachers etc

and business class. It is this layer of society, which prepares the school's budget. They understand figures; they make arithmetical calculations and projections. More than that, they set the norms and standards of the school which is to accommodate and teach their children. The richer you are the higher the standards. And when the school fees are set, the amount is something they the rich and well off can afford.

In all this, the working class parents contribute virtually nothing. They are not trained or equipped to work with complicated figures. They know nothing about budgets and projections. Many of them can barely read and write. Therefore, at a meeting called to discuss the budget, the working class parent will not bother to attend because much of the contents of the meeting and the resolutions passed mean nothing to them.

We then ask the question: What is the point of giving parents the right to determine the fees when they are not equipped or empowered to exercise that right? The point is to create the *impression* or *illusion* that parents have that right when all along the lawmakers knew full well that the real power would reside in the intellectuals and the business class. Again you will notice the deception perpetrated. It shows nothing but contempt for the ordinary workers.

The mass of the poor parents have no REAL say in determining the amount of fees to be charged per pupil.

SUFFER THE CHILDREN

The Minister of Education and his functionaries are quick to add that in the often gut-wrenching process of extracting the fees from parents, the children are NOT to be involved nor are they be victimised in ANYWAY!

No honest and right thinking person can seek to separate the child from the fees to be paid on his or her behalf and from the person made liable to pay the fees. The child, the fees, and the parents are indivisible and inextricably bound. Whatever pain is inflicted on the parent as a result

of the non-payment of the fees, the child will inevitably share that pain in one form or another.

The injunction by the Minister of Education and his minions is hypocrisy par excellence.

There is not a day that goes by when thousands of children do not suffer in one way or another when fees are paid or extracted by the legal process.

1. Certain schools, in order to save on postage, are in the habit of sending requests/demands/threats for payment of the fees with the pupils to be handed to the parent at home. To save time the names of the pupils are called out in the normal assembly where they are given envelopes containing the demands etc.

Apart from the trauma of having to respond to one's name and then stepping out of line in the assembly to receive the envelope, every pupil and teacher knows that the contents in the envelopes relate to unpaid fees. This has exposed the child to public shame and humiliation for no act or omission of unworthiness on the child's part.

2. When the child reaches home and hands over the envelope, there will be no thanks. Only curses. At the first excuse or chance the angry parent will remind the child of the indebtedness for his or her school fees. Worse if the child does poorly in school or if he or she asks for money for one thing or another that children are forever asking parents.

That child had better watch out if the father has had to forgo a day's work in order to go court in response to some legal document arising from non-payment of fees. Worse if the parent has to spend time in prison because he or she has fallen foul of the numerous pitfalls that await the lay person in the jungle called the legal system.

Where the SGB obtains a warrant of execution and attaches the family furniture, the children suffer. They will be blamed because it is for their school fees that the attachment is made. The attached goods are removed in broad daylight in the full view of the neighbours. So again, the child feels deep shame and avoids friends. There is double pain if the attachment of the assets of the family is a television, or a hi-fi

system. It means that members of the family and the school-going child are denied a very common source of pleasure and entertainment.

The amount of hard earned money used to pay school fees and the prohibitively high legal costs incurred in recovering those fees means so much less money available to fulfil the needs of a growing child for requirements of school (uniform, shoes, sportswear, extra text books, photocopying charges etc etc.), for the child's own pleasure and for things which children all over the world desire and dream of - toys, pleasure reading, desirable things to eat and drink, going to the cinema or pleasure grounds etc.).

The formative years of the child are the most crucial ones in determining the child's character and personality. The all-rounded and healthy personality does not come from childhood of poverty, want and shame and humiliation.

South Africa, already ten years in democracy, is daily reaping the grim harvest of murders, rape and robbery by the unhappy, neglected and brutalized children of pre and post 1994. All one has to do is to look at the ages of those charged with these most heinous crimes. They are the young men in their late teens and in their early and mid twenties. They were the:

“..young, young children, O my brothers,
They are weeping bitterly!-
They are weeping in the playtime of the others,
In the country of the free.

.....
“But the child's sob curseth deeper in the silence
Than the strong man in his wrath.”³

3. Although it is illegal to deny a child access to school on the grounds of non-payment of fees, this goes on nonetheless. There is an absence of
- 4.

³ From the “The Cry of the Children” by Elizabeth Barrett Browning

4. See article by Khopotso Bodibe in the “Echo” of 29th July 2004.

supervision in areas far removed from the urban centres and there the school governing body reigns supreme.

“...many children, especially in rural areas, have reported being expelled from schools because their families cannot afford the fees.”⁴

In the article quoted above the writer goes on to state that research shows that “*education saves lives;*” that children who did not attend school, particularly girls, were far more likely to be exposed to sexually risky situations.

THE DEAR LITTLE DARLINGS

Those who are responsible for thinking out and formulating the policy to tax poor parents to pay fees for their children’s education, make sure that **their own children or grandchildren** are denied NOTHING that money can buy. They get the best of clothes by way of fashion and quality without consideration for expense. They are taken to select private schools in luxury limousines under armed escort. They are fed with the best of food. The dear little darlings will need strong legs and arms to drive those luxury cars that Mother has promised them when they turn 18. They are taken to all the holiday resorts that travel brochures rave about. For them this is heaven on earth where the basic economic law of unlimited needs against limited means or resources does not apply. For them it is the case of unlimited needs with unlimited resources!

PLANS AND PROMISES GALORE

The government has had ten years to lay the foundation of a true charter for the proper education of the young.

To date all that the people have got are impressive but often unintelligible plans.

For example, in the “ANC TODAY” (the official mouthpiece of the ANC) Volume 3 No 24 20 – 26 June 2003, the reader is told that the poor are to benefit from the free schooling action plan.

The plan covers:

- Government's contribution to the funding of the poorest fifth of learners
- Ensuring that parents are able to distinguish between reasonable and excessive school fees
- Closing loopholes on fees exemption procedures
- School uniforms
- Relieving teachers of too much administrative functions
- Improving productivity
- Appointment of Managers
- Nutrition and meals at the poorest schools
- Transport
- Establishment of Education Complaints Office

Over a year has gone by and none of the above plans have been implemented.

Instead, the new Minister of Education has stated that:

“ If a basic level of financing could be guaranteed, there would be no reason for a school in a poor community to collect school fees.”
(our italics)

She went on to say that national and provincial Education Departments are working through recommendations by researchers to abolish school fees from *next year* (i.e. 2005) in the poorest schools.⁵

So what has happened to the elaborate Free Schooling Action Plan set out in “ANC Today” 20/26 June 2003? What about all the promises made in the Plan to be implemented in 2004?

Once again it is a case of a plan being long in formulation and short in implementation.

So the great day of abolishing fees in the poorest schools is going to take place in 2005? Not quite! It is just contemplation. As the Minister has stated, it depends if a basic level of financing could be guaranteed.

⁵ The Natal Witness of the 19th July 2004.

And what if it is not guaranteed? Then there will be no abolition of school fees in the poorest of schools! The Minister has not said who is required to do furnish the guarantee and to whom? Nor what criteria are used to define “the poorest schools”.

When there is need to deliver services, this government cannot be beaten for dragging its feet. There is no better example with more serious consequences than its criminal conduct in delaying the roll out of anti – AIDS drugs and the related treatment. That foot-dragging has cost many thousands of lives. There is even talk of levelling charges of genocide against the Minister of Health on this issue.

The destructive consequences of foot-dragging on the issue of education and the question of school fees are not as easily perceptible. The consequences are long term and imperceptible but extremely insidious.

So we wait with bated breath whether there is going to be a tangible move towards the abolition of school fees or any other fees in public schools.

CONCLUSION

In the meantime the Maliga Govenders of this democratic country have yet to touch and taste the benefits of democracy. So far there has been nothing but grief and misery. This is how Maliga Govender and the many thousands view democracy. Until such time as they experience direct benefits, democracy will only be viewed in terms of the hardship they suffer in present day society. But Maliga Govender is not alone. The people of South Africa who had such high hopes and expectation in the new government are increasingly and swiftly becoming disillusioned with “democracy”. A significant section of the population see no hope in the new parliament and in the democratic process.

It is for this reason that almost 50% of the eligible voters did not bother to vote in the 2004 national and provincial elections. So when there is unrestrained jubilation of the “overwhelming

majority of this country's population voting for the ANC", it must be remembered that it is an "overwhelming majority" (70%) of just over 50% of the eligible voters. To be more precise, 70% of 53,79% which equals to 37,65% of the eligible voters. In the end the "overwhelming majority" turns out to be not quite so impressive.

When a people have been rendered landless and disenfranchised for such a long time, democracy means so much to them. In it they repose their hopes, trust and future for a decent life consisting of employment, decent wages, housing, medical care and safety and security and all the structures and institutions for the proper upbringing of their children.

Yet in a matter of ten years, an abnormally large number appear to have lost faith in democracy and in the new order.

Why?

The hopes they fought and died for have been dashed; the dreams they nurtured have vanished and what was expected to be sugar in the mouth has turned out to be sand.

The alarming rate of increase in vigilantism is but one consequence of loss of faith in the present system.