PROVIDING AMPLE ACCESS TO QUALITY EDUCATION IN SOUTH AFRICA

Obezbeđivanje dovoljnog pristupa kvalitetnom obrazovanju u Južnoj Africi

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Abstract

This paper seeks to articulate the challenges being faced by the rural South African people pertaining to the aspect of ample access to quality education. The structures, policies and programs of the then apartheid era were compared and contrasted to the post-apartheid (1994) structures, policies and programmes. It argues that any impediment to the right to quality education is contrary to the spirit and purport of the provisions of the Bill of Rights enshrined in the South African Constitution of 1996 which guaranteed the right. Although there was a radical transition in educational policies and programmes from apartheid to post-apartheid, till date, there are still numerous challenges within the basic and higher educational sectors.

Keywords: Education, Previously disadvantaged South Africans, Rural areas, Transformation, Empowerment

Kontakt autora: kooacademics@gmail.com. Autori izjavljuju da nemaju značajne materijalne ili finansijske interese koji se odnose na istraživanje opisano u ovom radu. Takođe, autori izjavljuju da je podneti članak njihov originalan rad i da nakon izdavanja ništa od sadržine neće predstavljati povredu autorskog prava. Rad primljen 17.02.2015. godine. Odobren za objavljivanje 27.04.2015. godine. The authors declare that they have no relevant or material financial interests that relate to the research described in this paper. Also, the authors declare that the submitted paper is their original work and that, upon publication, nothing contained in it will not constitute an infringement of any copyright. Paper received 17.02.2015. Approved 27.04.2015.
1. Introduction

Education is one of the most important foundations in life and as such there should be an ample opportunity for everybody to access it (Henson, 2003). It is the cornerstone of any modern, democratic society that aims to give all citizens a fair start in life and equal opportunities (Plan of Action 2003). It does not only make children more confident about themselves and their abilities, it also opens the door to opportunities otherwise not available and makes children more aware of the world around them. The availability and access to better information in the rural areas now have made many parents aware of the need and importance for their children to be well educated. However, lack of access to quality education still inhibits parents’ dreams of providing education for their children (HECPR 2011). Quality education is the cornerstone of a child's life. It is the weapon which children can use to reach the levels of authority which their forefathers never got (HEC, 2011). This means that education can be used by children as a tool to get opportunities denied to their forefathers because of their illiteracy. And as such, “there is a need in the rural areas to access good quality affordable education, so that children in those areas do not remain disadvantaged as compared to their urban counterparts” (HEC, 2011).

The origins of schooling in South Africa could be traced from the arrival of the Dutch East India company in the early seventies (Fataar,1997). According to history, “in 1815, the British took over the Cape Colony. Schooling for the indigenous people was provided under the Dutch, but more expansively under the British through various missionary establishments” (Fataar, 1997). Education under the British was meant to spread the British language and culture amongst blacks and served as a means and instrument of social control (Fataar, 1997). From that time, “education was configured along race, class and geographical lines. Generally, the best available education was provided for the landed urban white classes” while rural whites (generally Afrikaners) provided mainly religious schooling for their children (Fataar, 1997). This continued even after the establishment of two Afrikaner independent states in the North of South Africa.

In 1855, the then Governor of the Cape, Sir George Grey, made the following statement in Parliament: “if we leave the natives beyond our border as ignorant barbarians, they will remain a race of troublesome marauders. We should try to make them a part of ourselves, with a common faith and common interests, useful servants, consumers of our goods, contributors to our revenue. Therefore I propose that we make unremitting efforts to raise the natives in Christianity and civilisation, by establishing among them missions connected with industrial schools” (Jill Adler & Yvonne Reed, 2002).

A powerful educational philosophy, Christian National Education, based on Afrikaner exclusivity, began to emerge (Fataar 1997). It was this philosophy which initiated the apartheid education when the Afrikaner-dominated National Party came to power in 1948. The provision of missionary schooling before the introduction of mass schooling for Africans in 1948 was negligible (Fataar 1997). Only a few Africans went to mission schools and most of them received no schooling at all (Fataar 1997). Then, “missionary schooling focused on basic reading, writing and industrial skills” (Fataar 1997). They were basically used to train “many missionary-Africans to become priests, court interpreters, clerks and teachers” (Fataar 1997). They became the purveyors of modernity in carrying “civilisation” to the traditional people who did not go to school.
They also contributed to the destruction of traditional modes of life and thus to the alienation of Africans from their land (Fataar 1997).

In 1948, The Universal Declaration of Human Rights (UDHR) was the first international instrument to give expression to the right to education. Article 26 provides that "everyone has the right to education" and that "education shall be free, at least in the elementary and fundamental stages." It further states that "elementary education shall be compulsory" (Beiter, 2005). Since 1948 the elements of free and compulsory education have been discussed in the international treaties and covenants with regard to the right to compulsory education (Arendse, 2011).

However, during apartheid South Africa, White schooling was expanded rapidly; schooling for Africans, Coloureds and Indians grew incrementally (Fataar, 1977). African schooling was the most neglected sector, because Africans did not have their own schools or compulsory schooling like whites but depended on the missionaries. Missionary schooling remained the dominant form of schooling for Africans. From the 1920s, however, this type of schooling began to experience major crises. As the demand for schooling increased, missionary societies increasingly became unable to fund schools adequately (Fataar, 1977). There was free compulsory primary schooling for whites, but schooling for blacks was neither free nor compulsory nor large scale (Adler & Reed, 2002). There were no dedicated teacher education institutions for Africans (Adler & Reed, 2002). Secondary schooling was teacher's education. However, it was during the same period that teacher education for whites was located in post-matriculation colleges or Universities (Irogb, 2003).

Therefore there were racially divided streams of teachers' training for black learners and white learners at very different educational levels, with only white teachers' education conceived of as professional practice (Adler & Reed, 2002). Even when, colleges were set up for black teachers’ education, the normal period of study was different for the different groups. For example, three- and then four-year qualifications for white teachers, and two- and then three-year qualifications for black teachers (Adler & Reed, 2002). There were intermittent student unrests because of these inferior school conditions which characterised missionary schools until the 1940s (Fataar, 1977). The missionary school system as a whole, despite isolated successes, began to collapse (Fataar, 1977).

In 1953, the government passed the Bantu Education Act 47 of 1953 which contradicted people’s needs. The Act was passed to ensure that black children only learn things that government wanted and not what they wanted to learn, for example to work in factories and they were not given the same learning curriculum at schools like the white children (Frances & Schreiner, 1986). Frances & Schreiner, (1986) asserts that “Black children were to go to school only three hours a day, two shifts of children every day, one in the morning and one in the afternoon, so that more children could get a little bit of learning without government having to spend more money.

The Bantu Education Act was one of apartheid's most offensively racist laws. It brought African education under control of the government and extended apartheid to black schools. Previously, most African schools were run by missionaries with some state aid (Beiter 2012). However, Bantu education had done away with the rights and relative autonomy enjoyed by the missionary schools. Thus Department of Bantu Education then administered the government’s funding of black people schools which was conditional and based on racially and discriminatory curriculum (DBE). Most mission schools for Africans opted not to transform apartheid educational system (Baard and Schreiner 2012).
Apartheid government did not only deny blacks ample access to education, but also denied them the formation of the distinguished unequal educational system. (Baard and Schreiner 2012). The minority government under the white intended that bantu educational system was passed purposely to make African learners to be hewers of woods and drawers of water for the white society despite the learners’ ability and aspirations (Irogbe 1974).

In 1955, the right of access to basic education for all was recognized by the Freedom Charter (African National Congress Freedom Charter 1955). The African National Congress (ANC)’s Freedom Charter (which was adopted from the Congress of the People) stipulates that “the doors of learning shall be opened to all. The aim of education shall be to teach the youths to love their people and their culture, to honour human brotherhood, liberty and peace. Education shall be free, compulsory, universal and equal for all children.” In 1989, the National Education Co-ordinating Committee (NECC) adopted a declaration which pronounces that “Education is a basic human right. Schooling should be free and compulsory for all children.” (National Education Co-ordinating Committee 1989).

In 1993, the right of access to quality basic education was also provided for in the South African Interim Constitution which provides that “every person shall have the right (a) to basic education and equal access to educational institutions; (b) to instruction in the language of his or her choice where this is reasonably practicable; and (c) to establish, where practicable, educational institutions based on a common culture, language or religion provided that there shall be no discrimination on the ground of race” (chapter 1, clause 32 of the interim Constitution of the Republic of South African 1993 as amended in 1994).

Despite the right of access to basic education for all, after 1994 the government is still struggling to provide access to ample and quality education to all. (SAHRC, 1998-1999). Even these days, the educational system still distribute adequate resources to the former white schools than other racial groups. The educational system had unqualified educators in black communities than in the former white schools (SAHRC, 1998-1999).

In 1995, the Department of Education provided a blueprint policy which gives direction on how South African educational system must be provided to the people of South Africa (WPET, 1995). The then Minister of Education, Sibusiso Bengu commented on the preamble of the policy that “it is essential for us to build a system of education and training with which all our people can identify because it serves their needs and interests. Such a system must be founded on equity and non-discrimination, it must respect diversity, it must honour learning and strive for excellence, it must be owned and cared for by the communities and stakeholders it serves, and it must use all the resources available to it in the most effective manner possible” (WPET, 1995). The 1996 Constitution in terms of section 29 explicitly guaranteed the right to education and mandated the State to provide essential services to realize the right. However, it is still difficult for government to make sure that every person has access to quality education.

In 2003, the National Plan of Action was adopted by the government which intended to achieve improved access to free and quality basic education to all South Africans ”(Plan of Action: Improving access to free and quality basic education for all (2003) para 6).

In 2010, the National Planning Commission published the National Development Plan (NDP) (NDP 2030) which provides that “education, training and
innovation are central to the South Africa’s long term development. They are the core elements in eliminating poverty and reducing inequality, and the foundations of an equal society. Education empowers people to define their identity, take control of their lives, raise healthy families, take part confidently in developing a just society and play an effective role in the politics and governance of their communities (NDP 2030, Chapter 9, page 261, par 1). Education, training and innovation are not a solution to all problems, but society’s ability to solve problems, develop competitively, eliminate poverty and reduce inequality. The quality of schooling system impacts significantly on further education, college, higher education and society’s ability to innovate” (NDP 2030, Chapter 9, page 262, par 1).

While years of apartheid had left consequential inequalities in schooling and the entire educational sector, in recent years, the new democratic government has exacerbated the problem by not providing essential services that will make the right to education realizable not to talk of it being fulfilled (Ndimande, 2009).

2. Problem Statement

Despite the fact that the right to access to basic and quality education in South Africa is duly intact and incorporated in the Constitution, the ANC freedom charter as well as other related policies, the reality physically on the ground has shown that there are still some unsatisfactory features. The right suffers from a serious fracture which has divided itself along the racial lines making the right usually inevitable and beneficial to one group and detriment to the other especially the historically disadvantaged black majority. Fundamental right to basic education is not fully accessed by the communities in particular the previously disadvantaged rural communities.

The major problem with the enforcement of this right is that there is still a distinction between what is termed rural and urban communities which bring inequality. Notwithstanding the fact that the South African schools act was enacted to create quality of education and funding in schools; there are still inequalities as per treatments in rural and urban schools are concerned (Zenex 2013). SASA’s framework includes:

- Making 7 years of schooling compulsory (grade 1 to 9)
- School governing body was given the power to develop admission policies, language policy and code of conduct of the learners as a way of giving power to the school community.

The Act made it mandatory for the school to be responsible for the purchase of their own textbooks and the payment of services (section 3(1), sec 5, sec6 (2), sec 8 (1) and (2), sec 10, and sec 39 (3) of the South African Schools Act 84 of 1996). School communities could not effect change in schools on the basis that it was faced with the challenge of inequality as far as the resources are concerned (Zenex 2013). This means that there is unequal allocation of resources in rural and urban schools which lead to poor quality education in rural areas.

3. Methodology

The research methodology used in this paper is purely non-empirical (qualitative) as opposed to empirical (quantitative). This research is library based and
reliance is heavily on library and online materials including but not limited to textbooks, articles, case law, legislations, regulations, previous works and the collection of papers dealing with the right to access to education. A legal comparative method was applied to find solutions, particularly an investigation on the way forward for the enforcement of the right to access to education. This study established the development of legal rules, the interaction between laws, and proposed solutions to the existing laws based on empirical and historical facts.

4. Aims and Objectives

This paper is aimed at conducting a solid analysis of the laws, regulation, policies and guidelines dealing with the fundamental right of access to education. The objectives of this paper were to articulate and evaluate the implementation as well as the enforcement of the fundamental right of access to education.

5. Definition of Key Concepts

It is significantly to take a look at the meaning of certain concepts being used in this study. It is also important to keep in mind that defining legal term is always difficult. However, Okunniga said that: “nobody, including the lawyer, has offered, nobody, including the lawyer is offering, nobody, including the lawyer, will ever be able to offer a definition of law to end all definition. This is not advocating pessimism. It is because the nature of law makes it very pliable when it comes to the problem of definitions.” Keeping in mind the fact that defining most of the legal concepts are controversial, the following are some definitions:

**Ample**
The dictionary meaning of the word ample refers to enough or more than enough; plentiful.

**Quality education**
According to United Nations International Children's Emergency Fund (UNICEF) 1946, quality education includes:

- Learners who are healthy, well-nourished and ready to participate and learn, and supported in learning by their families and communities;
- Environments that are healthy, safe, protective and gender-sensitive, and provide adequate resources and facilities;
- Content that is reflected in relevant curricula and materials for the acquisition of basic skills, especially in the areas of literacy, numeracy and skills for life, and knowledge in such areas as gender, health, nutrition, HIV/AIDS prevention and peace.
- Processes through which trained teachers use child-centred teaching approaches in well-managed classrooms and schools and skilful assessment to facilitate learning and reduce disparities.
- Outcomes that encompass knowledge, skills and attitudes, and are linked to national goals for education and positive participation in society (UNICEF 2002).
**Universal access**

Universal access to education is the ability of all people to have equal opportunity in education, regardless of their social class, gender, ethnicity background or physical and mental disabilities. This encourages a variety of pedagogical approaches to accomplish the dissemination of knowledge across the diversity of social, political, cultural, economic, national and biological backgrounds.

**Rural area**

There is no single, universally preferred definition of rural area. Distinguished countries different ideas of what rural area is, which makes comparison difficult (Atchoarena & Gasperini, 2003). The perception of Ashley and Maxwell appears to be the most appropriate. Rural areas is described as “the space where human settlement and infrastructure occupy only small patches of the landscape, most of which are dominated by fields and pastures, woods and forests, water, mountain and desert, where activities are affected by a high transaction cost, associated with long distance from cities and poor infrastructure” (Seroto 1994). According to National Geographic Education of the United States, “a rural area is an open swath of land that has few homes or other buildings, and not very many people. A rural areas population density is very low. Many people live in a city, or urban area. Their homes and businesses are located very close to one another.”

Generally a rural area is a place situated outside cities and towns (urban areas). The Health Resources and Services Administration of the U.S. Department of Health and Human Services define the word "rural" as including or comprising all population, housing, and territory not included within an urban area. Whatever is not urban is considered rural.

**Rural education**

Rural education is “education provided to communities, which are characterised by geographical isolation, limited access to the usual social amenities and facilities, high levels of poverty and low levels of services” (Seroto 1994).

6. The Significant of the Study

The implementation of the right of access to quality education will contribute to the Republic of South Africa as follows:

- This study will contribute to the government’s measures and instruments to realize the right to access education in South Africa.
- It will further contribute to the usage of law to enforce the realization of the right of access to adequate education as stipulated in the constitution.
- This study will also assist the Department of Education and other relevant stakeholders in realization of proactive implementation of laws which are in favor of the protection of the fundamental right of access to education.
- This study will also assist the government and other stakeholder entrusted with the protection of socio economic rights to learn the enforcement and best practices of protecting socio economic rights, and also to take them as their first priority.
- Lastly, this study will help students who are studying in various fields including but not limited to Constitutional law, Administrative law and
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Human rights and also academics who are intending to research on similar topic in the near future to bring insight to their research projects.

7. Literature Review

According to Motala, access to education is a central pillar in development strategies linked to the Millennium Development Goals (2007) (UNO, 2007) and the Dakar Framework for Action (2000) associated with Education for all (Motala 2011). Motala argues that while substantial physical and structural access to schooling has been achieved in South Africa, it does not provide that learners have equal chances or experiences equal access to quality education (Motala 2011).

Motala suggests further that “the experience of apartheid education requires a view of educational access which is wider than mere structural access to schooling” (Motala 2011). Under apartheid, most black South Africans did have access to schooling, but this access was based on separation and inequality (Motala 2011). Motala suggest further that “what is particularly relevant to the South African case is that educational access is not only about how many learners of school-going age are in school, nor even about how many successfully complete their schooling. Educational access is also about who has access to what kind of schooling, and on what basis”? (Motala, 2011).

In order to create an enabling environment for access to quality schooling, issues of financing and resourcing continue to be of greatest concern (Motala 2011). the policy challenges is about improving efficiently and must make sure that learners are not denied access to quality education (Motala, 2011). South Africa need to be transformed from all the inequalities in apublic schools by redistributing all the resources equally (Motala, 2011).

Motala concluded by saying that “quality educational access is an essential component of efforts to arrive at a more equitable, just, prosperous, sustainable and harmonious world order. In South Africa, a negligible percentage of children of school going age have never been to school, and enrolment rates only begin to decline after basic or compulsory education has been completed.” Government should be making sure that it is in this stage of higher education after the basic education wherein quality education or resources and opportunities are made available to the children because it is in this stage where they are fully matured and ready to take educational responsibilities and informed choices.

Devenish (1998) asserts that “education is of seminal importance as far as human rights are concerned, since it liberates people from the bondage of ignorance, superstition and fear”. “It gives to them dignity and self-confidence and is a basic right, on which the materialization of many other rights depend. Education is of cardinal importance for meaningful human existence, it enables a person to fully participate and function in society” (Devenish, 1998). In the same manner, Bekker (2000) asserts that “the right to vote, freedom of expression, freedom of information, freedom of association, labour rights and the right to participate in the cultural life of one’s community are all linked to the right to education. These rights can only be meaningfully exercised in the context of a certain minimum level of education having been achieved” (Bekker, 2000).

Dlamini opined that “the importance of education lies in the fact that it develops the human mind to think critically about issues. Education is fundamental to human existence. It is the process through which human beings develop to full humanity or
maturity. This development is acquired through the acquisition of knowledge which makes a difference in human condition.”

According to Tomasevski “education also plays a crucial role in the fulfillment of socio-economic rights: education enhances a person's prospects of securing employment, which in turn secures access to food, housing and health care services.” This means that a person who is educated or who had access to quality education has more chances of securing good employment as opposed to someone who is not educated.

8. Policies and legislative frameworks in educational sector

South Africa has the national legislative frameworks, policies and supporting papers aimed at redressing the past injuries and inequalities in educational sector to give its people an education of high quality for talent and capabilities of its people. All this policies and frameworks strongly support the effective realization of the right to education. They also stand against the unfair discrimination and intolerance and contribute towards eradicating poverty and also uphold the rights of learners, parents and educators as well as promoting the governance and funding of schools hand in hand with the State.


Section 29 of the Constitution provides that “everyone has the right to a basic education, including adult basic education; and to further education, which the State through reasonable measures must make progressively available and accessible. Everyone has the right to receive education in the official language or languages of their choice in public educational institutions where that education is reasonably practicable. In order to ensure the effective access to, and implementation of this right, the State must consider all reasonable educational alternatives, including single medium institutions, taking into account equity, practicability; and the need to redress the results of past racially discriminatory laws and practices. Everyone has the right to establish and maintain, at their own expense, independent educational institutions that do not discriminate on the basis of race; are registered with the state; and maintain standards that are not inferior to standards at comparable public educational institutions. Subsection (3) does not preclude state subsidies for independent educational institutions”.

The South African Schools Act (SASA) 84 of 1996

SASA is aimed at doing away with the apartheid educational system and focus on eradicating an equal and uniform high quality education. SASA also wants to empower schools communities to make a difference. It provides that “subject to this Act and any applicable provincial law, every parent must cause every learner for whom he or she is responsible to attend a school from the first school day of the year in which such learner reaches the age of seven years until the last school day of the year in which such learner reaches the age of fifteen years or the ninth grade, whichever occurs first” (section 3 (1) of the South African Schools Act 84 of 1996). The Act further provides “that the State must fund public schools from public revenue on an equitable basis in order to ensure the proper exercise of the rights of learners to education and the redress
of past inequalities in education provision” (section 34 (1) of the South African Schools Act 84 of 1996).


In 1995, the Department of Education published a white paper on education and training which gives direction on how South African educational system must be provided to the people of South Africa (WPET, 1995). This paper was the first document by the democratically elected government of South Africa concerning education and training (WPET, 1995). The then Minister of Education, Bengu commented on the preamble of this policy that “it is essential for us to build a system of education and training with which all our people can identify because it serves their needs and interests. Such a system must be founded on equity and non-discrimination, it must respect diversity, it must honour learning and strive for excellence, it must be owned and cared for by the communities and stakeholders it serves, and it must use all the resources available to it in the most effective manner possible.” He further commented that “as the title makes clear, it represents only our first steps on a long road. My hope is that it blazes the trail of opportunity and self-fulfilment for all our citizens.”

The then Deputy Minister of Education Renier Schoeman also commented on the paper that “I sincerely hope that all South Africans will now put that which was negative in the past behind them (also in respect of education), and will use the opportunities presented by this white paper to the full, in their own interests and in the interests of South Africa. It is a wonderful chance for a fresh start in education - let's use it to the best advantage of our country” (WPET, 1995).

The paper provides that “for the first time in South Africa's history, a government has the mandate to plan the development of the education and training system for the benefit of the country as a whole and its entire people”. “The challenge the government faces is to create a system that will fulfil the vision to "open the doors of learning and culture to all" (WPET, 1995). This paper suggested that a just and equitable educational system which will give all learners of South Africa education of good quality. This is the first priority of the government under the Reconstruction and Development Programme (RDP). The main aim of the RDP is to make sure that the country’s human resources are fully developed. Quality educational and training can be used as a strong tool to empower people and to encourage them to participate actively in all process involving the democratic society which is free from any other form of discrimination” (WPET, 1995).

**The 2003 National Plan of Action**

In 2003, the National Plan of Action was adopted by the department of education which seeks Improving access to free and quality basic education for all; the plan declares that “it is well on the way to attaining the provision of basic education that is compulsory for all children of school-going age, that is of good quality and in which financial capacity is not a barrier for any child before 2015” (WPET, 1995). This plan provides that “there is a need for free and quality education for all”.

- This means that public funding of learners educational needs is available to cover all the costs for quality education.
schooling must equip all the learners with the knowledge and skills that will enable them to participate fully in the country’s economic, political and cultural life

- No learner particularly those at the secondary level should have any barriers to attend school (Plan of Action: Improving access to free and quality basic education for all (2003)).

**Green Paper for Post-School Education and Training (2012)**

The Department of Higher Education and Training published a green paper that is aimed at improving educational system of South Africa. The paper provides that “the education system is still plagued by inequalities in terms of race, class and gender”. This Paper was developed with the intention of expanding job opportunities so as to build sustainable livelihoods. It is also a consideration to ensure that people particularly those in work places is qualified and competent. This Paper presents an idea of post 1994 on educational system of South Africa (DHET 2012). The paper further provides that education institutions in the historically black areas are still under-resourced and disadvantaged; there are insufficient PhDs especially from blacks and women, the Department of Science and Technology (DST) has targeted a five-fold increase in PhDs over the next 10 years. The requirement of PHD’s among historically disadvantaged black community and female students will assist to improve the quality of education in black institutions (Plan of Action: Improving access to free and quality basic education for all (2003) page 8, para 14).

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

- Providing a line of choices and alternatives for students
- Increase the university enrolments to approximately 1 500 000 (projected at 23%) as opposed to 2011 enrolment figure of 899 120.
- 4 000 intake (about a 60% participation rate) in institution of higher learning, with a key focus on Further Education and Training (FET) colleges.
- Improving the quality of the FET colleges- developing innovative programmes and upgrading lecturer qualifications
- Addressing insufficient levels of research and innovation echoing the DST Ten-Year Innovation Plan.
- Establishing an institution which will cater for the needs out of school community.
- Addressing the link between the secondary, post-secondary and labour market
- Establish institutions which will provide a link between education, training and labour market (DHET 2012).

**The National Development Plan (NDP) 2011**

The National Planning Commission published the NDP which provides that “although progress has been made in all subsectors of the education and training system since 1994, there are problems that must be solved to achieve the vision for education, training and innovation” (National Development Plan vision 2030 chapter 9).
The NDP provides that “education, training and innovation are central to the South Africa’s long term development. They are the core elements in eliminating poverty and reducing inequality, and the foundations of an equal society. Education empowers people to define their identity, take control of their lives, raise healthy families, take part confidently in developing a just society and play an effective role in the politics and governance of their communities (National Development Plan vision 2030 chapter 9, page 261 par 1). Education, training and innovation are not a solution to all problems, but society’s ability to solve problems, develop competitively, eliminate poverty and reduce inequality is severely hampered without them. The quality of schooling system impacts significantly on further education, college, higher education and society’s ability to innovate” (NDP, 2030, PP.262 par 1).

The NDP provides that “despite many positive changes since 1994, the legacy of low quality education in historically disadvantaged parts of the school system persists. This is hampering the education system’s ability to provide a way out of poverty for poor children “(NDP, 2030 chapter 9 p. 269 par 6). “The grade promotion of learners who are not already in the primary and early secondary phase leads to substantial dropout before the standardized matric examination” (NDP, 2030 chapter 9 p. 269 par 6).

The NDP provides further that “although progress has been made in all subsections of education and training system, there are problems that must be solved to achieve the vision for education, training and innovation”. Many parts of further education, training and skill development are not performing well. It provides that “there are not enough public institutions providing learning opportunities in this sector, despite the millions of young people who are eager to learn. Although there are some strong institutions, the college sector is still small and weak. Public colleges enroll an equivalent of one-third (roughly 300 000) of the learners enrolled in higher education when ideally the situation should be the other way round” (NDP, 2030 chapter 9 p. 270 par 4).

The Department of High Education and Training provides that “success rate in Further Education and Training (FET) colleges is extremely low and the drop-out rate in colleges is estimated to range between 13 percent and 25 percent per annum, the highest dropout levels are in level 2 of the NCV “(DHET, 2011). This is because the students cannot afford the high rate fees for their respective studies. The drop-out rates can be curbed by making higher education free.

The NDP proposed that “the higher education system should be diverse so that institution can build on its strengths and expand area of specialization. This differentiation should be enabling and developmental based on a recognition that higher education has to fulfil many functions and one institution cannot serve all of society’s needs. However, differentiation need to take place in a context that takes account of social justice and equity imperatives; this means that historically disadvantaged institutions must be given adequate support and incentives to develop their own area of excellence in both research and teaching” (Allais et al.; 2011).

It further proposed that “universities should be welcoming, supportive and have conducive environments for black and female students and researchers. They need to make significant progress in gender and racial transformation in order to reduce gender and racial disparities so that women and Africans each make up more than 50 percent of research and teaching staff” (NDP, 2030 chapter 9 p. 268 par 1). it further proposes that “Universities are an integral part of the post-school system, but are also the apex of the education, training and innovation system. Institutions need to be efficient,
characterized by higher knowledge productivity units, throughput, graduation and participation rates”. It further proposes that “by 2030, 75 percent of university academic staff should hold PhDs. The PhD graduates, either as staff or post-doctoral fellow, will be the dominant drivers of new knowledge production within the higher education and science innovation system “(NDP, 2030 chapter 9 p. 268 par 3).

The implementation of the above mentioned policies and legislative frameworks has contributed (although less) towards opening up doors of access to quality education. The problem is that these policies and legislative frameworks are only implemented, but not enforced. This means that a lot still has to be done in as far as enforcement is concern.

9. Conclusion

In South Africa, there are sufficient legislative measures and frameworks governing the right of access to quality education. It is however imperative that the government should consider the right to education as a transformative and investment tool and to take note that a nation running without quality education is a lost one. It therefore remains significant, that the right to quality education be highly protected and enforced at all costs. This is because all policies and legislative frameworks, particularly, the Constitution serves as the instruments to eradicate the past educational system and build a strong “society based on human dignity, equality and freedom”. It is obvious that as a country, South Africa has fewer problems in as far as the right of access to elementary education is concerned as compared to the right of access to higher education which needs special attention.

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Apstrakt


Ključne reči: obrazovanje, ranije nepovoljan položaj južnoafrikanaca, ruralna područja, transformacija, osnaživanje