



***SUBMISSION TO THE COMMISSION OF INQUIRY INTO HIGHER EDUCATION AND
TRAINING (THE FEES COMMISSION) – JUNE 2016***



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Overview

The Commission of Inquiry into Higher Education and Training (The Fees Commission) has called for interested parties to make submissions on the feasibility of a fee-free higher education and training in South Africa.

Equal Education welcomes the opportunity to provide input into the investigation. Our submission is structured as follows:

- In Part 1, we provide background to the mandate and structure of Equal Education as a membership-based social movement working towards equality and quality in education.
- In Part 2, we outline the background and context of the Higher Education sector in South Africa.
- In Part 3, we highlight the issues in South African universities with regards to access and transformation within the system.
- In Part 4, we briefly set out the constitutional and policy framework protecting the right to education and the funding model.
- In Part 5, we state why targeted fee-free university is necessary in South Africa; we also use Brazil as a case study example.
- In Part 6, we provide our overall argument
- Finally, in Part 7, we conclude with our recommendations for the Commission.

Part 1: Equal Education

Equal Education (EE) is a social movement of learners, parents, teachers and community members. EE's core objective is to work towards achieving quality and equality in education in South Africa. In order to achieve its objectives, EE conducts a broad range of activities. They include campaigns grounded in detailed research and policy analysis and supported, where necessary, by using the courts and legal process to advance the values of, and to contribute to, a strong civil society that holds government, private interests and individuals accountable. Our core membership base is made up of high school learners, termed 'Equalisers', who actively advocate for quality education for all. EE has approximately 3220 Equalisers across KwaZulu-Natal, Eastern Cape, Western Cape, Limpopo and Gauteng who participate on a weekly basis in

the work of EE. EE also has a parent following, with six EE parent branches located in the Western Cape. EE has many other active supporters.

As a movement, Equal Education convenes a national congress every three years, where the leadership of the organization is elected by its membership. The elected National Council (highest decision making body) is bound to implement the resolutions taken by members at congress. Since being founded in 2008, Equal Education has led campaigns aimed at the development of learning facilities; improved practice; content and access to teaching; the building of commitment and passion among teachers and learners; and improving the overall efficacy of South Africa's education system. Our focus and attention is directed by the interests of our members, who are largely from working-class and poor communities.

EE believes that the systemic crisis in education cannot be solved by government alone. However, government has a duty to lead society, and marshal all the resources available, both public and private, to achieve quality education for all. The ability to picket, demonstrate and engage in a wide variety of protest actions is crucial to the work of EE and maintaining a robust space for civil society engagement with the state.

Part 2: Background and Context

Democratic South Africa inherited a divided education system – the purpose of which was to ensure that the Black majority was marginalised and excluded from the education system and more broadly, from meaningful economic participation in the country. It is now 22 years since the first democratic elections, where the hopes of many rested on the promises of equity, access and ultimately, equality. This new democracy opened the doors for more people, mostly Black, to gain access to institutions from which they were once excluded. South Africa may be democratic; all people have freedom of movement and of association, but are all people free? Freedom is what many past South Africans fought for and in the wake of the 40 years since the 1976 Soweto Youth uprising, it is imperative that we engage on how to make these freedoms more attainable and applicable.

Freedom means many things to many people. Political freedom involves having the opportunity to vote for or support particular ideas, people, or parties which best represent our views. Closely tied to this is the notion of freedom of speech, where one has the liberty to voice their personal opinion or perspective, freedom of assembly and freedom of association. Others understand freedom in a financial context, where people seek to free themselves of financial debt and burdensome loans. Freedom is both the capacity of a person

to “determine the best course of action *and* the existence of opportunities for them to realise their full potential”¹.

The demise of apartheid in 1994 was a watershed moment in South Africa’s history, not only because it marked the onset of democracy, but mainly because it signaled the beginning of a deliberate and necessary process of undoing the effects of many years of institutionalised racism, marginalisation and deprivation of the majority.

South Africa’s Constitution is regarded by many as the most progressive Constitution in the world, with a Bill of Rights second to none². This submission will focus on one provision in the Bill of Rights: the right to education.

Section 29(1) (b) of the Constitution (1996) took forward this promise: “Everyone has the right (a) to a basic education, including adult basic education; and (b) to further education, which the State, through reasonable measures, must make progressively available and accessible.” In other words, basic education is a fundamental right, while further education (i.e. higher education and technical and vocational education and training) must be made progressively available and accessible. Progressive realisation “means that a State's compliance with its obligation to take appropriate measures is assessed in the light of the resources—financial and others—available to it”³. “To be “available” means the system must grow to provide sufficient spaces for study. “Accessible” means it should be affordable: individuals should not be denied access on the basis of financial need”⁴. Despite the admirable advances having been made in transforming the post-apartheid state and expanding access to opportunities and services, some persistent challenges serve to reinforce and, in some instances, exacerbate a legacy of poverty and inequality.

One of these is in the area of higher education. Although the causal factors are diverse, this discussion concentrates mainly on funding-related issues, which, as acknowledged by educational economists, are intricately linked with issues of accessibility. There are various ways in which issues related to funding have constrained poor people’s access to higher education in South Africa and the question rests on transformation; what has been done to advance redress and open access to the university sector for all South Africans.

¹ <http://ifsw.org/policies/globalisation-and-the-environment> Accessed: 15 June 2016. Emphasis added.

² Read more: <http://www.southafrica.info/about/democracy/constitution.htm#.V2PWkfl9600#ixzz4Bphfl73N> Accessed: 15 June 2016.

³ “Frequently Asked Questions on Economic, Social and Cultural Rights”, Office of the United Nations High Commissioner for Human Rights, <http://www.ohchr.org/Documents/Publications/FactSheet33en.pdf> Accessed: 28 June 2016.

⁴South African Human Rights Commission. “Chapter three; the right to education”.3rd Economic and Social Rights Report. http://www.sahrc.org.za/home/21/files/Reports/3rd%20ESR%20report%20chapter_3.pdf Accessed; 12 June 2016.

Part 3: South African Universities and Access

South Africa had a segregated university system where universities and colleges at large were separated across the racial lines. There was a distinct division in resources, teaching and research outcomes. While white institutions were provided with excellent infrastructure, adequate funding and capacity for teaching and research, Black institutions “were mainly located in under-developed, impoverished rural areas with little economic infrastructure for supporting local development and university expansion”⁵. “Historically Advantaged Institutions” (HAIs) and “Historically Disadvantaged Institutions” (HDIs) were distinctions used in literature to describe the distinct split along racial and ethnic lines of universities as set out in the apartheid 1959 university education policy, which created separate universities for the different African ethnic populations (Zulu, Tswana, Sotho, etc.) and for Coloured and Indian populations⁶. Such engineering aimed at limiting Historically Black Universities (HBUs) to institutions of teaching, rather than institutions of research, and their limited potential and capacity was further exacerbated by the fact that most of them were located in rural areas (in government-created ethnic homelands) to give some credence to those territories as being independent and having their own institutions, government and administration (to which these universities could direct their training).

Access was also a key factor post-1994, where it was the hope of the new government to see more Black people attend higher education institutions; on the eve of democracy, the gross participation rate⁷ in higher education was 17%. “Participation rates were highly skewed by race: approximately 9% for Africans, 13% for Coloureds, 40% for Indians and 70% for whites”⁸. In 1993, while Black (African, Coloured and Indian) South Africans comprised 89% of the population, Black students constituted 52% of a total of 473 000 students. Although Africans constituted 77% of the population, African students made up just 40% of enrolments. White

⁵ Jansen, J. 2003. “Mergers in South African Higher Education: Theorising Change in Transitional Contexts” *Politikon* 30 (1): 27–50.

⁶ **Extension of University Education Act, Act No 45 of 1959:** This Act made provision for the establishment of separate tertiary institutions for Blacks, Indians, Coloureds and Whites. Blacks were not allowed to attend White universities unless with special permission by the government. The separation of these institutions was not only along racial lines but also along ethnic lines. The University of Fort Hare was opened for Xhosa speaking students only, while the University of the North in Turfloop was set up for the Sotho and Tswana students. Coloureds had their University in Bellville, while Indians and Zulus had their universities in Ngoye (KZN) and Durban-Westville respectively. See more at: <http://www.sahistory.org.za/topic/segregationist-legislation-timeline-1950-1959> Accessed on: 17 June 2016.

⁷ The total enrolment in higher education as a proportion of the 20-24 age group

⁸ Council on Higher Education (2004) *Higher Education in the First Decade of Democracy*. Pretoria: Council on Higher Education.

South Africans comprised 11% of the population, but white students constituted 48% of enrolments⁹.

In 2013 the gross participation rate had increased to 19%¹⁰, up from 17% in 2011. While a positive move, this figure indicates the slow pace of change, and does not paint a rosy picture of racial representation in South African universities. Figure 1 (below) shows just how disproportionate racial representation is in the higher education sector. The number of Black (inclusive of all non-white) students has increased significantly in the last 20 years, but access is still not equitable. This low figure of participation, especially amongst African people, is in part due to high university fees that the majority of South Africans cannot afford. University tuition fees have increased substantially in the past years, making affordability the new hurdle in access for the (mainly Black) poor. With the overt racial obstacles removed, economic and social class hurdles have come to replace them. Unfortunately, this has had very negative consequences for prospective students from poor communities, because it has made higher education more unaffordable to the poor. While universities were expected to become more inclusive in terms of attracting a more diverse student profile, these inevitable cost increases have become a prohibitive factor for poor students to enter the system. Those who did gain access often become saddled with huge debts.

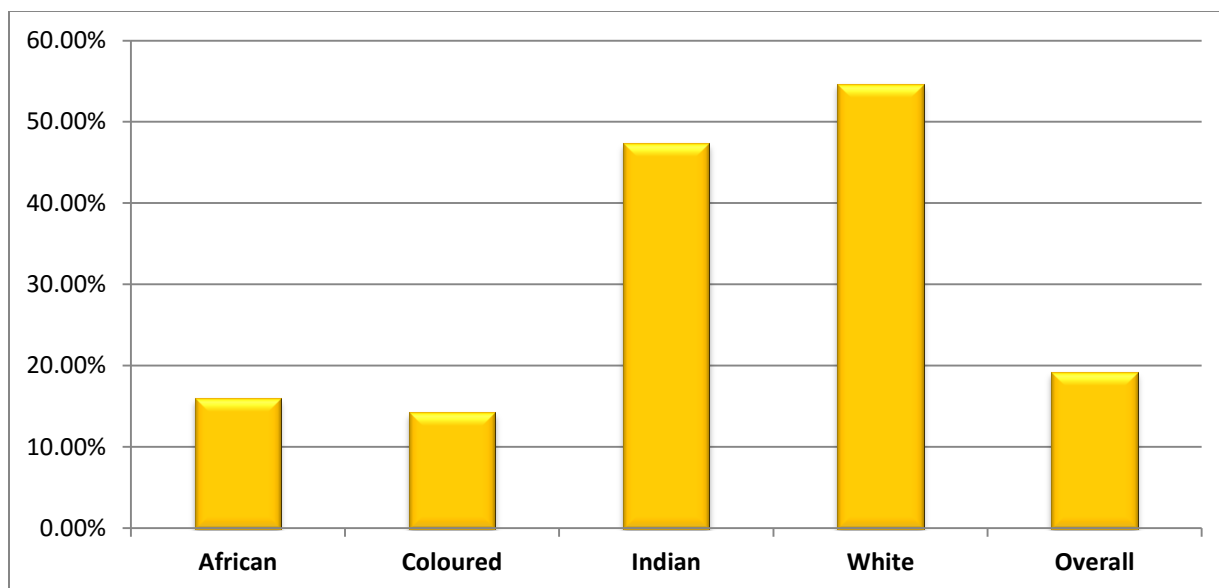
Although expanded access has been achieved in South Africa's higher education system since 1994, a huge unmet demand, especially amongst (previously) marginalised communities, still exists. The system's current carrying capacity is woefully inadequate to make a significant impact on the magnitude of the challenge. As for equity, the higher education system is still characterised by gross discrepancies in the participation rates of students from different population groups¹¹, with the African and Coloured groups being the worst affected.

Figure 1: Participation Rates in Public Higher Education by Race, 2013

⁹ Higher Education South Africa (HESA) Presentation to the Portfolio Committee on Higher Education and Training, Cape Town, 5 March 2014.

¹⁰ Information taken from the Council on Higher Education website, www.che.ac.za/focus_areas/higher_education_data/2013/participation Accessed: 17 June 2016.

¹¹ Gerald Wangenge-Ouma, "Improvements in access, but participation rates still a problem".



	African	Coloured	Indian	White	Overall
Participation Rate	16.00%	14.20%	47.40%	54.70%	19.20%
Population	4 128 451	412 243	110 337	315 660	4 966 691
Public HE	662 123	58 692	52 296	172 650	953 373

Information taken from the Council on Higher Education website, 17 June 2016.

It is evident from the above table that the higher education sector has not ‘progressed’ with South Africa in terms of access and equity. The apartheid legacy of exclusion of Black people in universities is still prevalent. While exclusion no longer occurs through explicit racial discrimination, it is nonetheless widespread.

Inequalities in higher education participation and access in South Africa have been motivated and sustained by several factors, which include historical considerations, unequal access to critical infrastructure and resources that provide opportunity, the failures of the school system (we as Equal Education are continually fighting for accountability and improvement), and financial difficulties that put education out of the reach of many. The quality of basic education for the majority of South African children is inadequate. This quality, moreover, is differentially distributed, with children who learn in the former white sector of the system being provided with much better education than those in the former Coloured and former African systems. They bring these differentials into their learning experience at university¹². A convergence of these factors has ensured that the majority of those from historically marginalised communities

¹² Crain Soudien, “Transformation in higher education: A briefing paper”. Development Bank of Southern Africa, 2010.

remain sidelined, even in the post-apartheid era where social justice and service delivery are supposed to be key policy imperatives.

The issue of access does not just emerge at higher education level, its problems start at the primary school foundation phase, as performance at the higher education level is in synch with what is happening at the basic education level; “you cannot have a good higher-education sector if you have a shaky basic education system. You cannot have a solid basic education system if your ECD (early childhood development) phase is weak,”¹³ and so to look at the problems at tertiary level in isolation would be oversimplifying and unproductive: a real change needs to take place from the starting stages of school life. It is therefore naïve to disregard the current education system as a contributing factor to the challenges at university level. There are a large number of schools in South Africa without the basic services,¹⁴ and a school needs to fully equip its learners to engage and take full advantage of what the sector has to offer.

One measure of this daunting challenge is that currently 10% of the country’s 7 000 high schools – independent schools and public schools previously reserved for white learners - produce 60% of all senior certificate endorsements/Bachelor’s passes (the entrance requirement to higher education). Another 10% of mainly historically Black schools produce a further 20% of all senior certificate endorsements. Therefore, 80% of senior certificate endorsements are generated by 20% of secondary schools, while the remaining 80% of secondary schools produce a measly 20% of senior certificate endorsements¹⁵. It is clear that a fundamental challenge is to improve the quality of education and schools. Transformation is not only crucial at higher education level, but needs to be deliberate and focused on the whole system.

Higher Education Transformation

A key challenge at the heart of higher education transformation in South Africa is engaging effectively with the historical “legacies of intellectual colonisation and racialisation”,¹⁶ and patriarchy that is still present in the system. The racial composition of universities in South Africa still reflect that of apartheid; enrolments at historically white institutions continue to reflect a lower proportion of Black representation than their demographic representation, and

¹³ Moeketsi Letseka, UNISA College of Education, <http://www.iol.co.za/lifestyle/family/kids/sa-universities-worst-of-both-worlds-1569354> Accessed on: 15 June 2016.

¹⁴ According to the reported numbers in the May 2015 National Education Infrastructure Management System (NEIMS) report, of 23740 ordinary public schools, 452 schools had no water supply (1.9%), 913 had no electricity (3.8%), 128 (0.54%) had no ablution facilities, 18150 (76%) were without libraries, 20312 (85%) were without laboratories, and 15984 (67%) were without computer labs.

¹⁵ Saleem Badat, “The Challenges of Transformation in Higher Education and Training Institutions in South Africa”, April 2010.

¹⁶ Crain Soudien, “Transformation in higher education: A briefing paper”. Development Bank of Southern Africa, 2010, pg. 4.

white students remain concentrated at the historically white institutions. Conversely, the historically Black institutions remain almost exclusively Black. Social class is a factor at play here: if access, opportunity and outcomes were previously shaped by 'race', they are now also (perhaps largely) conditioned by economic and social class.

Transformation is a twofold question; the first sees transformation as a demographic intervention around the imbalances of race, class, gender, and language, while the second argues that it is about the nature of privilege and power¹⁷. Positions based on the first approach insist that numbers matter, and, more specifically, particular kinds of numbers. This is essentially the representivity focus and approach. The second position argues that transformation is an ideological process which has to engage with domination and its attendant forces and discourses. This position emphasises the distribution of political and economic power in society and the processes through which social inclusion and exclusion are effected. Both these formed part of the student protests of 2015.

When focusing on the university system it is evident that university funding is skewed and this is attached to the "brands" that each carry. It is unfortunate that there is still a divide between "Black universities" and "white universities", and that characterisation of these is still based on race, and consequently economic capital. Black universities and universities of technology "represent the equivalent in the sphere of higher education of the marginalised, disadvantaged and impoverished"¹⁸

Part 4: Policy Framework and Higher Education Funding

Policy framework

The Higher Education Act (No. 101 of 1997) makes provision for the funding of higher education (Chapter 5 of the Act). The Act outlines that the intentions of government with regard to higher education, include the following:

- a) The redress of past discrimination.
- b) Ensuring representativeness and equal access.
- c) Providing optimal opportunities for learning and the creation of knowledge.
- d) Promoting the values that underpin an open and democratic society based on:

¹⁷ Ibid.,

¹⁸ Sean Morrow, Chapter 10: "Race, Redress and Historically Black Universities", in *Racial Redress and Citizenship in South Africa*, HRSC Press.

dignity; equality; freedom; respect for academic freedom; the pursuit of excellence; the promotion of the potential of every student; and appreciation for diversity.

Chapter 5 of the Higher Education Act specifically addresses the funding of higher education:

“The Minister must, after consulting the Council for Higher Education (CHE) and with the concurrence of the Minister of Finance, determine the policy on the funding of public higher education, which must include appropriate measures for the redress of past inequalities, and publish such policy by notice in the Gazette”.

The National Development Plan (NDP) set a target of 1 620 000 enrolments in higher education per annum by 2030, and states that all qualifying National Student Financial Aid Scheme (NSFAS) students should receive full cost of study loans and that students who do not qualify based on the means test, should have access to bank loans, backed by State sureties. The 1997 White Paper 3 laid the basis for the current distribution of funding, according to a cost sharing model, recognising higher education as both a public and private good. The 2013 White Paper for Post-School Education and Training makes a commitment to progressively introduce “free education” for the poor in South Africa as resources become available. White Paper 3 also clearly states: “The direct cost to students should be proportionate to their ability to pay... Financial need should not be an insuperable barrier to access and success in higher education”¹⁹.

Since 1994, government’s support for higher education has been significant. The funding of universities has been on an upward trend, from **R11 billion** in 2006 to **R26 billion** in 2013. Funding for 2016/17 is currently at **R29.5 billion**. The table below indicates budget allocation for universities for the current medium term;

Table 1: University funding allocation, 2016/17-2018/19

	Medium-term expenditure estimate		
	2016/17	2017/18	2018/19
University Funding	39 531 603	41 944 120	44 319 940

Information taken from the DHET Estimates of Expenditure 2016/17, pg. 12.

¹⁹ Department of Higher Education and Training presentation to Standing Committee on Appropriations 4 November 2015.

However, it must be noted that government expenditure on higher education has been declining alarmingly in both real and student per capita terms. It is also declining as a percentage of the government's budget and of the GDP²⁰. This decline in government subsidies has put pressure on the other two sources of income available to universities; tuition fee income and third stream income (typically research grants, contract income, donations etc.). While universities have increased levels of third stream income to some degree, these increases by no means compensate for declines in government subsidies, leaving universities in increasingly worsening financial positions.

The following tables highlight the disparities in university funding/income across South Africa, where the traditionally white universities still have more finances and can therefore compete on a grander scale and stage. It will show that the higher education gap is not just growing between those who do or do not have degrees, but among universities themselves. There is a clear distinction between the historically Black institutions and the historically white, the latter which have managed to attract the middle to upper class Black population. Where government allocation is failing in providing more funds, historically white universities have private funds/income and high university fees to assist them. The numbers show that 'wealthy' universities may have a slightly larger or smaller student body, but the financial differences are vast, to a point where at a wealthy university (i.e. UCT) the average amount a student is paying is around R152 000²¹, inclusive of accommodation. Conversely, at a poor university (i.e. Walter Sisulu), the average per student fee is R54 000.

Table 2: "White" universities income versus student body (2012-2013)²²

	UCT		Wits		Stellies		Rhodes	
	2012	2013	2012	2013	2012	2013	2012	2013
Student #'s	25 805	26 118	30 436	31 134	27 510	27 418	7 395	7 485
Income R'000	3,942,494	4,068,501	4,412,114	4,756,132	3,641,582	4,064,084	910,898	922,105

*Income here means all forms of funding; fees, governments and third stream funding.

²⁰ Presentation made by Higher Education South Africa (HESA) 08 Apr 2014, <http://mg.co.za/article/2014-04-08-sing-from-the-same-higher-education-hymn-sheet> Accessed: 27 June 2016.

²¹ Own calculations from table figure.

²² Charles Sheppard, NMMU Summerstrand Campus, June 2016, www.che.ac.za/focus_areas/higher_education_data/2013/participation Accessed: 17 June 2016.

Table 3: “Black” universities income versus student body (2012-2013)²³

	UWC		Walter Sisulu		Fort Hare		Zululand	
	2012	2013	2012	2013	2012	2013	2012	2013
Student #'s	19 591	20 383	24 613	24 122	12 044	13 315	16 434	16 591
Income R'000	1,408,265	1,577,477	1,263,468	1,326,520	767,706	779,887	769,891	774,616

In 2013 the University of Cape Town (UCT) had a slightly higher student body than Walter Sisulu University (WSU), 1 996 more students to be exact, but the income difference was not proportional. UCT had an income of **R4.068 billion** in 2013 compared to WSU's **R1.326 billion**, that is almost 3 times higher. On the other hand, Rhodes University had less than half the student body of the University of Zululand, but overshot their income by close to **R150 million**. Zululand has over 9 000 more students than Rhodes.

The majority of students enrolled at these 'poor' universities are Black – that is, African and Coloured (see Table 4, below) – and mostly come from disadvantaged socio-economic backgrounds. In addition, these students generally attend poor-performing schools, which leave them poorly prepared for university education.

Overall, the key student constituency of HBUs comprises mainly poor and under-prepared students. However, resources available to HDIs do not seem to be sufficient for adequately addressing the magnitude of the challenge. It is therefore important that the HBUs' critical role of improving the educational position of the most educationally disadvantaged South Africans be adequately supported.

According to the 2013 report of the Ministerial Committee for the Review of the Funding of Universities, chaired by Deputy President Cyril Ramaphosa, these HBU's are still characterised by poor Black students. Considering that a large number of students who enroll in HBU's come from poor-quality schooling backgrounds, they require extra support to succeed in their studies. The current funding framework does not sufficiently resource HBUs to adequately provide for their large pool of poorly prepared students. It rather links the awarding of government higher education grants to national and institutional planning. This funding/planning link makes the framework essentially a goal-oriented mechanism for the distribution of government grants to individual institutions, in accordance with;

²³ Ibid.

- (a) national planning and policy priorities,
- (b) the level of funding made available in the national higher education budget, and
- (c) the approved plans of individual institutions.²⁴

This model does not work effectively as it takes into account outputs that HBU's often do not undertake. There is a high linkage between Bachelor's degrees, Honours and doctorate output and the level of grant funding a university receives. The research output grant is almost completely lost out on by HBU's as they have always been positioned as teaching centres rather than research focused universities.

Given the economically disadvantaged nature of the majority of HBU students, these institutions maintain fees at low levels to allow access and participation, which translates to much lower fee income per capita. Related to this is the challenge of high student debt. The combination of low tuition fees and high student debt means that tuition fees are not a viable source of income for HBUs – yet, as already pointed out, their location in deprived and isolated areas makes the possibility of generating third-stream income slim²⁵.

Table 4: HDI student enrolments, by percentage of Black (African and Coloured) students (2013)²⁶

Historically Black University	Black Student (%)
University of the Western Cape	89
Fort Hare	97
Walter Sisulu	99.5
Zululand	99.2

As long as Black students attend under-resourced universities, the questions of equity, transformation and redress will remain. The department has responded to the need through the establishment of the new Historically Disadvantaged Institutions Development Grant, which will inject R410 million per annum from 2015/16 to 2020/21 to those identified, including the

²⁴ Department of Higher Education and Training (2004), *Funding of Public Higher Education in South Africa*, <http://www.dhet.gov.za/Reports%20Doc%20Library/New%20Funding%20Framework%20How%20Government%20grants%20are%20allocated%20to%20Public%20Higher%20Education%20Institutions.pdf> Accessed: June 24, 2016.

²⁵ Department of Higher Education and Training (2010a) *Report of the Ministerial Committee on the Review of the National Student Financial Aid Scheme*. Pretoria: DHET.

²⁶ Charles Sheppard, NMMU Summerstrand Campus, June 2016, www.che.ac.za/focus_areas/higher_education_data/2013/participation Accessed: 17 June 2016.

universities in the above table. This grant will see R2.5 billion over the five years being used to “put in place systems to develop and ensure the sustainability of a financially healthy situation at the universities and to enable them to strengthen their academic enterprise and fully realise their potential, taking up a sustainable position within a differentiated higher education system”²⁷

It is therefore evident that some universities need more government funding than others, but this brings the question of how to fund free university, who will it target and will this not develop further separation in the system? Will the rich universities not privatise if the government cuts its funding drastically ensuring more autonomy and less government intervention?

Part 5: Why Fund targeted Fee-Free University in South Africa

Funding is a key determinant of access to higher education. This is especially the case in South Africa, where the greatest demand for higher education comes from those who are still struggling to overcome the effects of the many years of economic and social deprivation. Students from these communities, on average, are challenged financially, which means that significant state funding – to cover both tuition and living costs - is required for any impact to be realised.

Declining government funding of higher education has meant that universities must seek income from alternative sources to make up for the shortfall. Since the emergence of the “entrepreneurial university in the last years of the previous century, it is expected that universities increasingly tap income from various markets as a defence against ‘government failure’²⁸. Despite the expectation that universities would seek income from so-called third-stream income sources, the South African experience has shown that students, through tuition fees, have become the most important source of non-government income. The heavy reliance on tuition-fee income by South African universities has obvious implications for equity of access.

In 2012, a Working Group established by the Minister of Higher Education and Training reported on the possibility of fee-free university in South Africa. Their findings showed that South Africa’s national public budget would allow for it. However, as a historically unequal society, immediate fee-free university for all students in South Africa is not socially desirable, even if economically feasible. Free higher education for all undergraduate students (irrespective of socio-economic background) presents consequences: slashing the cost for the affluent, while narrowing the pool of lecture theatre seats available to impoverished learners.

²⁷ www.mg.co.za/article/2015-01-16-multimillion-rand-grant-scheme-for-Black-universities Accessed 17 June 2016.

²⁸ Gerald Wangenge-Ouma, “Improvements in access, but participation rates still a problem”.

The cost of higher education in South Africa is not a substantial burden for the affluent. Families with an annual income of R1 million or more, spend less than 10% of their income on average annual fees and living expenses—in the region of R80,000 as estimated by NSFAS.²⁹ Another consequence of the inequality inherent to South Africa’s basic education system is that school leavers from low-income areas are underprepared for university-level work, as well as university entrance examinations. The issue at hand is accessibility to higher education for the poorest of the poor, and integration of students from different racial and socioeconomic backgrounds. If fee-free universities were to be implemented, admissions could not be based solely on meritocracy, but rather should utilise a form of affirmative action focused on student diversity.

It should be noted, however, that these apparently ‘high fees’ often amount to a discount for a section of students and their parents, who paid even higher fees for secondary education. This is indicative of the unacceptably high levels of inequality in the country. Universities, especially historically advantaged universities, therefore, are confronted with the challenge of setting fees at levels that do not discourage poor students from accessing higher education, without making the fees unnecessarily cheap for students from privileged backgrounds.

The affordability of higher education in South Africa is a real challenge, considering the inability of NSFAS to provide financial support to all deserving cases. In addition, while historically disadvantaged universities charge relatively low fees, most of their students, who come from poorly performing schools, still cannot afford these fees, as is evident in the high levels of student debt at these institutions. The bottom line here is that there are South Africans who are not able to afford any level of tuition fees, regardless of their ability as students.

Overall, high student fees, though an important source of revenue to universities, have become an obstacle to widening access for the poor, especially in a context of inadequate financial aid. It is against this background that demands have been made recently for free higher education for the poor.

According to studies by the South African Institute of Race Relations (SAIRR) in 2015, currently, levels of public spending on universities sit at around 0.8% of gross domestic product (GDP), which is low by global standards. A more appropriate number would be 2.5% of GDP. From 2012 data, for Brazil the proportion of GDP is 0.95%, Senegal and Ghana 1.4%, Norway and Finland over 2% and Cuba (a country much admired by the Minister of Higher Education) 4.5%. The budget for higher education for 2015/6 was R30 billion, if the SA government spent 1% of

²⁹ <http://www.dailymaverick.co.za/article/2015-10-21-university-fees-free-higher-education-is-possible-in-south-africa/#.V1gsT5N97R0>

GDP on higher education; it would be R41 billion – an additional R11 billion, which is almost four times more than the reported shortfall due to the zero percent increase³⁰.

In data that the SAIRR produced on household spending levels, they suggest that only 5% of South African families could comfortably afford to pay university fees for their children³¹.

Ensuring access to children from less prosperous backgrounds will require a significant degree of subsidy or grant funding. Free undergraduate study is possible in South Africa if the government prioritised spending. SAIRR published an analysis which stated: “If higher education was to be funded solely through taxpayer subsidies then a further R71-billion, over and above the existing R25-billion, would be necessary”³². The analysis suggested that, with sufficient prioritising, that R71-billion could be raised;

- The one percentage point employers already pay to the Sector Education and Training Authority (SETA) together with cutting off all subsidies to parastatals and other entities could deliver an estimated R45-billion per annum.
- Cutting the State’s wage bill by 5% would deliver another R22-billion.
- A 25% cut in defence and military spending would add R10-billion for a total of R77-billion.

In order to compare South Africa’s performance in funding higher education, it is critical to look at a country with similar economic and class disparities and seeing how it has shifted the sector to becoming more inclusive, focusing on redress, equity and equality.

Brazil as a Comparison

In a case study of Brazil’s federal funding of its public universities, Equal Education’s analysis shows the benefits, as well as the unintended consequences of their fee-free university programme.

With a history of racial and income inequality comparable to that of South Africa, Brazil has seen a decreasing Gini coefficient in the last two decades, while South Africa’s is on the rise:

- the Brazilian Gini coefficient fell from 0.604 in 1993 to 0.55 in 2008
- South Africa’s income inequality increased from 0.66 in 1993 to 0.7 in 2008³³

³⁰ Cloete N, “The Poor and Middle Class Subsidising the Rich”, *The Ideology Of Free Higher In South Africa*, Centre for Higher Education Trust. October 2015.

³¹ www.dailymaverick.co.za/article/---universities-in-south-africa Accessed: 17 June 2016.

³² Ibid.

³³ <http://www.dailymaverick.co.za/article/2012-08-15-brazil-and-south-africa-united-in-inequality/#.V16lNjN97Vo> Accessed; 12 June, 2016

The Institute for Applied Economic Research (IPEA) noted that in Brazil: “In conjunction with other demographic trends, such as a decline in family size and improvements in family dependency ratios, access to education helped to reduce inequality.”³⁴ Data shows that there is a direct correlation between funding education and decreasing inequality in Brazil, as well as economic growth. With more university graduates, there is a growing middle class and as people make more money, the economy has grown to be the 7th largest in the world.

Brazil’s higher education system functions as a two-tier scheme, consisting of both federally funded, fee-free public institutions, as well as for-profit private institutions. This system has seen intense reform following the end of military regime in the 1980’s, based on the “Citizen’s Constitution”—which grants Brazilians the right to an education and for public funds to be allocated as such.³⁵ Beginning in 2004 with PROUNI (“University for All”), Brazil has implemented a major expansion of higher education in both the private and public sector. PROUNI, or *Programa Universidade para Todos*, offers full or partial private university scholarships (25%, 50%, or 100%) to students from public schools that have a family income below three minimum salaries (880 Brazilian real per month in 2016). Further education reform was implemented in 2007, with the inception of FIES, or *Fundo de Financiamento ao Estudante do Ensino Superior*, which allows students with family income of up to ten minimum salaries to receive low-interest loans to cover private university fees. These federal funding programmes have led to, “an increase in the number of places in public and private education, including both face-to-face and distance education. These data indicate that public funding and policies regulated by the government have contributed significantly to the expansion of higher education in Brazil.”³⁶

Brazil’s tuition-free public universities, referred to as federal universities, are funded by the federal government and tend to be more prestigious than for-profit universities. Due to the immense increase in university-seeking learners over the last decade, spots in these free universities have become increasingly competitive. As a result of limited places in these universities, access is often skewed toward predominantly white, wealthier school leavers who pursue private secondary education—which gives them an advantage on entrance exams. This leaves those who cannot afford tuition to pursue limited alternative options, which includes finding financing to attend for-profit university. The inequity in Brazilian higher education is rooted in the failures of the basic education system, similar to South Africa. Wealthy parents send their children to elite, notably superior private primary and secondary institutions, where

³⁴ <http://www.dailymaverick.co.za/article/2012-08-15-brazil-and-south-africa-united-in-inequality/#.V16INJNg7Vo> Accessed; 12 June, 2016

³⁵ Ranieri, N. B. 2010. States and the Right to Education in the 1988 Constitution: Comments on Federal Supreme Court Jurisprudence. *Projeto Direito Educação Inglês*, 37-56. Accessed 17 June, 2016.

³⁶ <http://www.universityworldnews.com/article.php?story=20140710115554910>

learners prepare for college entry exams and university-level work. Low-income learners remain at the mercy of a subordinate education system, which then manifests itself in higher education enrolment trends. The Brazilian government has made recent strides to reduce this institutional inequality in federal university enrolment. The government has recently directed its federal universities to set aside at least half of their seats for learners coming from public high schools—a complicated form of affirmative action that utilises race and class as proxies for inclusion. This initiative was passed into law in 2012 and had a deadline for implementation in 2015.³⁷ Although Brazil’s system has experienced certain downfalls, overall the government’s investment into higher education has produced a positive outcome of declining inequality and a bolstered economy.

South Africa’s funding mechanism for higher education, (NSFAS), functions as a financier to students seeking education loans. The amount of the loan depends on a student’s family income, and may cover up to all of a student’s expenses. By the end of a student’s university career, up to 40% of the loan may be transformed into bursary based on academic achievement, with a 100% conversion in the final year of study provided that graduation requirements are met.³⁸ However, this system is favourable to only a certain pool of students. Due to the failures within South Africa’s basic education system, learners from low-income areas leave school underprepared for the rigours of a university education. Therefore, even public school learners who overcome the obstacles to be accepted into university end up performing poorly or not finishing their degree. In 2010, “some 72% of NSFAS-funded students drop out, indicating that access is not being translated into (academic) success”³⁹. A plan must be implemented to provide financial and educational stability without selectively aiding only the students who were bred to succeed. The financial strain of university expenses, as well as the lack of return on investment due to future loan repayment demotivates students who are already struggling in their courses. Funds need to be injected into NSFAS, or a new institution similar to PROUNI should be created to provide bursary for low-income students, not based solely on meritocracy. More funds must also be allocated to development programmes that provide the proper tools and resources for students who are struggling.

³⁷ <http://www.theatlantic.com/education/archive/2015/04/brazil-where-free-universities-largely-serve-the-wealthy/389997/> Accessed; 11 June, 2016

³⁸ <http://www.nsfas.org.za/content/studentssupport.html> Accessed: 28 June, 2016

³⁹ <http://www.dhet.gov.za/SiteAssets/Fees%20Must%20Fall/287700266-Final-Draft-Report-of-the-Working-Group-on-Fee-Free.pdf> Accessed: 28 June, 2016

Part 6: Equal Education's argument⁴⁰

1. Equal Education believes that there is much more to be done in addressing past inequalities that are still prevalent in today's society. It is imperative that the government looks at means to fully address access and the high level of student debt. The 'progressive realisation' mandate on free universities should be instituted around a timeframe and not remain as open-ended as it is now. This should be a priority for all stakeholders involved, where more university going students have equal access to the sector without acquiring more debt.
2. There needs to be a focus in transforming the higher education sector, making it more inclusive and equal. We have highlighted above that the previously Black universities are still marred with apartheid 'branding' and are not competing in the system as best as they can. The fact that poor Black students are the majority that access these institutions is also a point of concern. The R410 million per annum recently assigned to Historically Disadvantaged Institutions will see a slight injection into these universities, but it is not enough. From the above table it is clear that schools like UCT and Wits are in a different league to universities such as Fort Hare and WSU. There must be a rethinking of how to better fund these universities and how to start building the gap between these two distinct 'groups' of higher education institutions.
3. It is generally agreed that the higher education system in South Africa is chronically underfunded. The Minister of Higher Education himself has accepted the need to access additional resources for higher education. Therefore, there should be focused interventions on this. There seems to be a general acceptance of the fact South Africa simply cannot afford fee-free universities; this is simply unacceptable as a response. The DHET and other experts have said this over and over, but have not provided the required evidence as to why this is the case. There needs to be factual analysis that indicates why the South African government believes that the country cannot afford to offer fee-free university study to its youth.
4. There is also a general need to look into the holistic education system; as highlighted earlier, for as long as the ECD sector is not prioritised, the secondary education sector and subsequently the higher education sector will need more financing in order for students to play 'catch up'. Poor, under-resourced schools produce weak learners who

⁴⁰ We would like to thank Professor Salim Vally of the University of Johannesburg for his assistance in refining some of these. To also add that some of his ideas that we as Equal Education agree with have been included under this section.

become struggling university students. As long as there are children in the basic education sector who are not taught well, who learn in unsafe schools without electricity, water, furniture, toilets, libraries and sports fields, and who walk long distances to school, often going hungry in the process, we will be left with millions of potential students not accessing the higher education sector, or accessing it briefly and abortively: struggling to cope academically and financially, and ultimately being forced to drop out. Higher education is not isolated; success there requires success from pre-Grade R level. South Africa needs to invest in all stages of education.

5. The number of bailouts ESKOM, SAA and other state owned enterprises have received in past years has averaged billions, funds that could have been used in other sectors to better equip the public and enhance our health and education sectors. PRASA alone continued with a tender process for new trains at a cost of over R3.5 billion, trains that do not adhere to the height regulations in South Africa. There needs to be a serious look at the level of corruption, overspending and wasteful expenditure in the public sector. In past audits (2013/14 and 2014/15) the Audit General⁴¹ indicated that South Africa has lost over R60 billion to government departments irregular expenditure. There must be greater accountability introduced to the public sector to ensure that every cent is used, is accounted for and all corrupt officials are held to account. There also needs to be greater accountability in the private sector; such as avoiding illegal outflows and profit shifting. Doing this would grow the tax base and allow the government to spend more

6. Universities must simultaneously provide an enabling environment for students to benefit from and fully participate in the sector through the necessary financial, infrastructural and intellectual resources necessary to discharge their mandates of teaching, research and community engagement. Few students who don't come from private or well-resourced urban schools make the grade for admission into university courses and even fewer for particularly highly prized courses. It is ultimately a proportionately small percentage of 'poor' students who gain entry to study at universities. Given the high correlation between push-out rates and costs, meaningful funding has to be provided to enable students to continue their studies. Such funding should cover not only tuition fees but the full cost of study necessary for success at university, including: registration and tuition fees; meals and accommodation; books and travel.

⁴¹ www.mg.co.za/article/2015-11-25-auditor-general-flags-r257bn-in-irregular-govt-spending Accessed: June 20, 2016.

7. The challenges faced by universities are fundamental to the reconstruction of post-apartheid society. For that reason, universities should be funded as comprehensively as possible to discharge their important socio-economic, political and cultural mandates to the best of their capabilities.

Part 7: Equal Education's Recommendations

The funding of education is not just an end in itself but is essential for the achievement of the socio-political, cultural and transformative goals against the background of a society characterised by the cleavages of racist oppression and exploitative social relations. Policies that are designed to provide for the full cost of study are essential to an overarching social objective in which the goals are to develop a democratic and socially just society.

1. The government needs to increase the funding by at least an aggregate amount equal to the ratio achieved in OECD countries to address the issue of the chronic underfunding of the higher education system. In 2011, South Africa's state budget for universities as a percentage of GDP was 0.75%, which is more or less in line with Africa as a whole (0.78%). When compared to OECD countries (1.21%) and the rest of the world (0.84%), South Africa lags behind in this regard⁴².
2. No student who meets the requirements for admission to a university course should be excluded for financial reasons. Students should be funded for the 'full cost of study' including registration and other fees, accommodation, costs of meals, accommodation, travel and books. In addition, universities should receive a subsidy per student from public funds which is sufficient for its recurrent operations – i.e. to ensure what has been called both 'financial and epistemic access to university education'.
3. Poor students need to be prioritised in the realization of free higher education in South Africa.
4. A determined State should examine the structure of personal taxation which could be levied for the top 10% of income earners in the country. This income bracket together with those High Net Worth Individuals (HNWI) who have thus far evaded taxation could generate a substantial increase in available public revenue to fund higher education⁴³.

⁴² Report of the Ministerial Committee for the Review of the Funding of Universities, October 2013, pages 7-8.

⁴³ We do not here set out the more detailed and compelling arguments around approaches to taxation but would refer in this regard to the ideas set out by Dick Forslund and Jeff Rudin in the following articles: (M&G, Nov 27th, 2015, 'No Fees: Breathe fire into Ubuntu') and <http://www.dailymaverick.co.za/opinionista/2015-11-04-the-political-budget-crisis-and-alternatives-to-austerity-part-one/#.VOLhkjV96M8> and <http://www.dailymaverick.co.za/opinionista/2015-11-05-the-political-budget-crisis-and-alternatives-to-austerity-part-two/#.VOLkWzV96M> in which they state:

This approach which concentrates on the structural aspects of inequality and uses tax revenues for the purpose is preferable to the idea of a differentiated approach to the 'rich' and 'poor' and supports the idea that those identified with the top 'net-worth' pay for their children's education through taxation, and the distribution of public funds, rather than through an individually-based 'wealthy user pays' model⁴⁴. This is a more democratic model of public interest and public funding than individual philanthropy or subsidy which is not sustainable.

5. Dedicated research must be undertaken about costs of quality public education and especially about opening up the fiscal debate to show what democratic choices could be made informing fiscal and other policy decisions about the provision of education and other public goods and the potential sources of such funding. In addition, a more detailed examination of the sources of income across the system and the major costs drivers of expenditure in the different types of institutions is also necessary as this together with some of the expenditure patterns also need to be part of the debate about the choices that need to be made. Very importantly, how institutional choices are made can also be the subject of research regarding such expenditure.

There needs to be more discussion around these topics of equity, equality, access and transformation. Whatever is decided based on the submissions received must be subject to clear implementation plans, timelines and a transparent process.

"To further increase revenue the Treasury could reintroduce the 45% tax bracket for incomes above R1 million. It would yield R5-6 billion (based on the 2014 Tax Statistics). An important point must however be made about our millionaires. In 2013, there were about 4,200 individuals registered for an income of R5 million or more. Their average income (3,337 tax forms assessed) was R9.5 million, and the tax they paid was R3.7 million per person. Cap Gemini's "New World Wealth" 2014 report estimates that there are about 48, 800 High Net Worth Individuals (HNWI) in South Africa. A HNWI has an income of more than R7 million, or R70 million in accumulated wealth. If only 10, 000 of these HNWIs paid income tax like the 3,337 income millionaires did in 2013, instead of hiding outside the tax system, this would yield additional R37 billion in tax revenue."

⁴⁴ Contrary to the dominant view, user-pays mechanisms are consistent with market-led approaches to the commodification of education. They do not equalise the costs of education between rich and poor and are in fact punitive for the poor. The view that the rich can afford to pay fees obfuscates the larger issue of transforming social relations.

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