



The University of the Western Cape

**Affirmative action policy in Higher Education: impact and perceptions of
the use of race as part of the criteria for admission at the University of
Cape Town**



**Submitted in partial fulfilment of the requirements of the degree
MA in Development Studies in the Faculty of Arts**

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ABSTRACT

After the first democratic election in South Africa in 1994, the new democratic government harnessed all its resources towards establishing a non-racial society based on a constitution that embodies equal rights. One of the enduring legacies of apartheid is the extreme socio-economic disparities that emerged in the South African society. Higher education in the context of South Africa is also a means of bridging the inequality gap created during the colonial and apartheid periods (Reddy, 2004). Moreover, apartheid education, as with other sectors of society was racialised in favour of whites creating a drought in skills within the other race groups. The need to establish an equitable and efficient higher education thus became one of government's pivotal priorities. The adoption of affirmative action policies that have prioritised university access by underprivileged black students has been pointed to as one of the means to address racial inequalities in education. The thesis postulates that the use of race in implementing affirmative action policy is neither a sufficient means to, nor an end of, redressing the ills of apartheid. Through qualitative and quantitative methods, the present study analyses the impact of affirmative action policies at the University of Cape Town (UCT) and gauges the level of transformation as a result of the use of race as a proxy for admission into UCT. The study examines the equality of access and enrolment of first time entering undergraduate students into UCT through race based admission. Despite government and institutional (for example UCT) efforts to pursue a transformatory agenda, affirmative action policies continue to cause ruptures both within university communities and beyond. This research is going to use both quantitative and qualitative designs. The quantitative approach will be used where necessary – such as in reviewing racial split of enrolment over time – to glean on the figures. Such figures will however not be generated by the study itself but from officials from UCT. On the other hand, the qualitative approach will be used through the analyses of debates occurring in the UCT community in order to gauge perceptions on the policy.

KEYWORDS

Affirmative action

University of Cape Town

University admission policy

Race/racism

Inequality/equality

Diversity

Redress

Transformation

Racial parity

Government policy



DECLARATION

I declare that *Affirmative Action in Higher Education: impact and perceptions of the use of race as part of the criteria for admission at the University of Cape Town*, is my own work and that all the sources I have consulted and referred to have been indicated and acknowledged through complete referencing as shown in the text. I declare that this mini-thesis has not been submitted at any other university, college or institution of higher education for any degree or academic qualification.

Momasoh Cletus Muluh

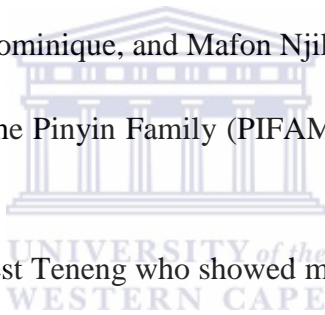
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ACRONYMS

ADP	Academic Development Programme
AL	Academic Literacy
ANC	African National Congress
APS	Admission Probable Score
ASPECT	Academic Development Programme
BBBEE	Broad Base Black Economic Empowerment
BEE	Black Economic Empowerment
DASO	Democratic Alliance Organisation
EBE	Engineering and Built Environment
EE	Employment Equity
FIFA	The International Federation of Football Association
HBU	Historical Black Universities
HWU	Historical White Universities
LLB	Bachelor of Laws
MBChB	Bachelor of Medicine and Bachelor of Surgery
NBT	National Benchmark Test
NCHE	National Commission on Higher Education
NEP	New Economic Policy
NPHESA	National Plan on Higher Education South Africa
NSC	National Senior Certificate
PRAESA	Project of the Study of Alternative Education South Africa
QL	Quantitative Literacy
RSA	Republic of South Africa
SADC	Southern African Development Community
SASCO	South African Student Congress
SCS	Student Climate Survey

UCT

University of Cape Town

USA

United States of America



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Chapter 1

INTRODUCTION AND BACKGROUND

1.1 INTRODUCTION

Higher education is one of the most important sectors of modern societies. It equips people not only with the necessary knowledge and skills for the world of work but also inculcates key values necessary for good citizenship and societal growth. In higher education, academics, administrators and students are constantly negotiating power, new identities through a process of open debate and critical inquiry. In the context of South Africa, higher education is a space for bridging the inequality gap created during the apartheid period and for the development of critical skills required in the new South Africa (Reddy, 2004). Higher education in South Africa therefore plays a critical role in eradicating apartheid laws that paved the way for racial discrimination in virtually every aspect of the socio-economic, political and cultural life of its people. The laws categorised South Africans into four main racial groups: African, coloured, Indian and white. Today, many South African tertiary institutions such as the University of Cape Town now use these categories as a model to transform their staff and student bodies.

This is in response to a differentiated education system which provided whites South Africans with world class facilities, while other races – Africans and coloureds in particular were subjected to an inferior system of education. This inferior system was meant to stifle the intellectual and occupational development of non-whites. For instance, in 2010, 9.1% of Africans and 9.3% of Coloureds between the ages 25 and 34 had acquired tertiary education, as opposed to 36.4% Indians and 39.1% whites (Statistics South Africa, 2011). This idea of black underrepresentation in universities has been foregrounded by Breier and Le Roux (2012) in an extensive study on black access to university education. This study revealed that while the number of black students in universities from 1996 to 2012 was growing by 4.5% a year, the number of white student was declining by 1.7% each academic year. However, in terms of participation rates, their findings indicated that by 2009 the African participation rate was 12.1%, Coloured 14.3%, Indian 51.2%, and White 58.5% (Breier and Le Roux, 2012). The study further highlighted that the number of white enrolment has reduced because the population of whites in the relevant participation age group has also reduced (Breier and Le

Roux, 2012). These statistics show a relatively lower level of educational attainment for Africans and coloureds compared to the Indian and white population. These racial disparities therefore engendered the formulation and implementation of policies such as affirmative action by the new government.

At present there is no specific national policy that directs the implementation of affirmative action at institutions of higher learning thus creating space for universities to formulate their own policies in this regard. In the case of the University of Cape Town, a historically white university (HWU), for example, the admission policy states that the university “must provide appropriate measures for the redress of past inequalities and may not unfairly discriminate in any way” (UCT, 2012a). These measures are clearly in line with the government strategies to dismantle the differentiated education system and seek to promote easy access to university education for all South Africans.

According to Killenbeck (1999), the traditional belief was that university’s greatness is premised on its ability to pursue and espouse excellence in the hiring, admission and retention of the very best of workers and students. However, the desire for diversity in higher learning has given prominence to consideration of group characteristics such as race, ethnicity, and gender when making decisions about the character of the university environment.

Given its use in entrenching apartheid policies, race has paradoxically become the central means to redress problems created within the race based apartheid educational system. Goldberg (2009) argues that the race card is a perpetual evil within society as it breeds racism, social tension and inferiority and superiority complexities. Yet Section 9(2) of the Constitution (RSA, 1996) states that in order “[to] promote the achievement of equality, *legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken*”. Although permissible in the Constitution, affirmative action was only enacted as formal government policy in 1998 when the Employment Equity (EE) Act No 55 of 1998 (RSA, 1998) was enacted. Subsequently in 2003 the Black Economic Empowerment (BEE) Act No 53 of 2003 (RSA, 2003) was enacted. All these Acts were aimed at setting guidelines for the implementation of the policy (affirmative action).

The preamble of the Employment Equity Act No 55 of 1998 (RSA, 1998) states that:

Recognising that as a result of apartheid and other discriminatory laws and practices, there are disparities in employment, occupation and income within the national labour market; and that those disparities create such pronounced disadvantages for certain categories of people that they cannot be redressed simply by repealing discriminatory laws. Therefore, in order to promote the Constitutional right of equality and the exercise of true democracy, eliminate unfair discrimination in employment; achieve a diverse workforce broadly representative of our people, promote economic development and efficiency in the workforce, and effect to the obligations of the Republic as a member of the International Labour Organisation.

From the preamble, the EE Act stipulates clearly that a simple repeal of discriminatory practices will not redress the disparities in employment, occupation and income within the national labour market. This means that a government policy such as affirmative action is indeed one of the most viable strategies to redress the ills of the past.

1.2 PROBLEM STATEMENT

The implementation of affirmative action as part of UCT admissions policies has become one of the topical issues in higher education in South Africa. Amid strong criticisms, UCT has decided to use race as a proxy for admission in its affirmative action policies. Moreover, although the effect of apartheid policies is largely uncontested, and the Constitution endorses affirmative action under certain circumstances in order to promote equality, the Constitution however, prohibits any form of discrimination (RSA, 1996). According to Fiss (1997) though affirmative action is seen as a form of compensatory justice, the use of race as a measure of disadvantage is seen in some quarters as reverse discrimination (Laura, 2003). For example Kemp (1992) contends that while affirmative action is believed to accelerate the change process through the eradication of the discriminatory practices and promoting the skills and abilities of those who have suffered as a result of discriminatory practices, it has also been seen in some quarters as a vengeful turning of the tables of oppression. In this light, the implementation of affirmative action as part of UCT admissions policies has become one of the topical issues in higher education in South Africa. And in the absence of an explicit government policy for universities, the UCT initiative requires careful examination because it could become the benchmark for a future nationwide policy for universities in South Africa,

especially if it succeeds in fostering representation, diversity, and academic excellence in higher education.

The introduction of racially differentiated admissions at UCT as a response to the dominant position of white students in the tertiary education sector and at UCT in particular provides a useful case study to illustrate the influence of affirmative action in the context of higher education in South Africa. However, even supporters of affirmative action policies acknowledge that the use of race as a proxy for admission may entrench racial thinking and cause racial tension within society (Price, 2012a). This research therefore seeks to investigate the impact of affirmative action policy on the composition of the student body at UCT and examine the debates about the policy in the different university publics. While it is desirable to address apartheid induced inequalities any policy designed to address these should do so without creating its own race based problems in the future.

1.3 AIMS

The study aims to:

- Review literature on affirmative action in South Africa and selected countries and discuss the policy framework for affirmative action in South Africa.
- Illustrate the influence of affirmative action policy admissions in changing the racial diversity of students at UCT between 2006 and 2011.
- Critically examine debates about Affirmative Action in the University of Cape Town.

1.4 RESEARCH DESIGN AND METHODOLOGY

According to Mouton (2001:72) and Hussey & Hussey (1997: 115), designing a social research study requires a researcher to plan approaches they will use as guiding tools for enabling him or her to get the most effective results for the problem under inquiry. Similarly, Babbie & Mouton (2001:74), point out that, a research design is a “sketch showing how a researcher intends conducting the research”. The research approach is therefore seen as a pointer, which enables the researcher to visualize the various means they will use in obtaining valid data which will help answer the key questions raised within the problem statement. For Babbie & Mouton (2001), any research could use different research approaches such as quantitative, qualitative or mixed methods. This research is going to use the mixed method that involves both quantitative and qualitative research designs.

1.4.1 Quantitative Research Approach

Quantitative research focuses on gathering numerical data and generalising it across groups of people. According to Babbie & Mouton (2001:49) “the quantitative researcher believes that the best and only, way of measuring the properties of phenomena is through the quantitative measurement that is, assigning numbers to the perceived qualities of things”.

The quantitative research approach is based on the analysis of secondary data obtained from the University of Cape Town. Upon request from the university authorities data pertaining to selected programmes in the three faculties of Health Sciences, Engineering and Built Environment, and Law was availed to the researcher. Principally the data related to race disaggregated data on the following attributes:

- undergraduate application from 2008 to 2011
- undergraduate enrolment from 2006 to 2011
- undergraduate first time enrolment from 2006 to 2011

The data was processed into suitable format in Microsoft Excel to generate graphs from which the trends can be discerned. According to Mouton (2001), secondary data has the potential of saving time and cost since it deals with already existing data with the intension of reanalysing previous findings. Moreover, UCT student enrolment data is generated and kept by the university in its official records. The quantitative approach was used to review the racial split of applicants and enrolled students over time.

1.4.2 Qualitative Research Approach

Creswell (1994:2), defines qualitative research design as “an inquiry process of understanding a social or human problem, based on building a multifarious holistic picture, formed with words, reporting detailed views of informants, and conducted in a natural setting”. Qualitative research operates under the assumption that reality is “socially constructed, complex, and ever-changing (Creswell, 1994:2). According to Babbie & Mouton (2001:53), a qualitative design studies human action from the insider perspective. The goal of research here is to understand the issue rather than predict human behaviour (Babbie & Mouton, 2001: 53).

According to Mouton (2001), a qualitative research approach provides an easier platform for the researcher to understand human interactions within natural settings through the actor’s own eyes. It provides detailed description of phenomenon and understanding of human

behaviour. The qualitative data for this study was obtained from recorded debates one of which was conducted at UCT on the 2nd of September 2010 under the theme “Is race a good proxy for admissions at UCT?,”; from newspaper clippings in which individuals expressed personal opinions on the issue of race as a proxy for admissions at UCT; and also from featured articles and letters to the editors of Cape Argus, The Times, and Mail & Guardian. Given its topicality, the numerous letters, articles to the editor and debate represented a wide cross section of groups.

The panel of the debaters included Dr Max Price the current Vice Chancellor of the University of Cape Town, Sizwe Mpofu-Walsh the President of the student representative council 2010, and the chair of the university council in 2010, Reverend Njongonkulu Ndungane, who supported the motion of a race based policy in the admission process. For them, it was the most feasible means of redressing past racial inequality. Those who argued against the motion of race based policy in the admission process include Prof. Neville Alexander the Director of the Project of the study of Alternative Education in South Africa (PRAESA), and David Benatar, Professor of Philosophy and Head of the Department of Philosophy at UCT. Broadly, they based their argument on the fact that it entrenches racial thinking within society which is bedrock for future tension.

The letters to the editors were written by the university community including parents, alumni, and staff members of the university as well as other interested and affected parties. Featured articles were mostly written by the officials of the university, distinguished scholars and other policy makers. Amongst others, the featured article writers included; Max Price, Jonathan Jansen, David Benatar, Gerder Kruger, Breier and Le Roux, and Alexander Neville. Letters to the editors used here amongst others came from Arthur J Wienburg, Mike Longden, Thurgood Milnerton, and A Ismail. Students and alumni letters were written by Thomas Johnson, John Buchanan, and Basson Gardens as well as by Sello Nkatho, and Amanda Ngwenya.

This research also relied on other internet sources such as desk top searching for the analysis of key organisational and policy context documents such as policies, reports, projections, institutional surveys, and briefing pertaining to specific areas of interest in the study. These documents were read and analysed within the context of the study.

1.5 SCOPE AND LIMITATION OF STUDY

This study will be limited to 5 degrees/programmes which are; MBChB, LLB, BSc in Mechatronics, Electrical Engineering, and Civil Engineering. These programmes are offered within 3 faculties namely Health Sciences, Law, and Engineering and Built Environment. These are some of the scarce and critical skills areas that are experiencing shortage in South Africa (Sector Skills Plan, 2007/2008 report). While the data is based on 4 racial grouping: Africans, coloureds, Indians, and whites, the study focused keenly on Africans and whites because these two groups together constitute 90% of the student population at UCT. In this case programme specific data may differ from the overall statistics, which calls for caution in generalising from the micro to macro level data. However, the research will serve as a pace setter for further investigation on a large scale.

Also, the researcher could not access all the relevant data for the study. For example the university could not provide data related to cohort progression and this made it very difficult to conduct a proper cohort analysis to indicate the progress of students in terms of when they register for a particular programme and when they actually complete the programme.

Finally, another major challenge encountered in the process of conducting this research was the sensitive nature of the topic. For some people, discussion about race evokes strong emotions and memories of the past. However, caution was taken on the interpretation of the data.

1.6 DEFINING KEY CONCEPTS

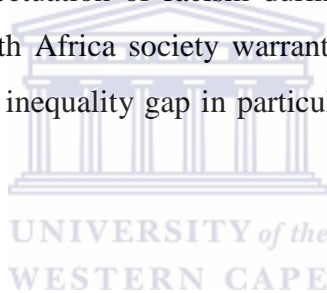
Apart from affirmative action which is explained in chapter 2, three key concepts that underpin this study are inequality, race and empowerment. Indeed, society can never be equal in the strict sense of the word, but gross inequality levels warrants attention. The gross level of inequality that has characterised many societies has led government in these countries to develop certain policies to redress the malice of which affirmative action is one of them.

1.6.1 Inequality and Race

The theory of inequality revolves around how society is stratified. According to Blaut (1992), Karl Marx maintained that inequality revolves around class inequality. The capitalist class owns the means of production while the proletariat class sell their labour to the capitalist class to earn an income. In South Africa, the colonial, segregationist, and apartheid policies

were responsible for the transfer of land and other assets from the black communities to the white communities.

The Marxist theory of racism and racial inequality postulate that racial inequality prevails because of the divide and rule tactics of those who own the means of production through wage variation based on race. According to Blaut (1992), there are three forms of racism: firstly biological racism, which is the belief in the biological superiority of people of one race over the other, secondly religious racism, which is the belief of the supremacy of the belief systems of one race over the other, and thirdly cultural racism, which regards one culture as superior as compared to the other. The Marxist tradition maintains that racism exists as a result of working class exploitation, discrimination and structural inequality of wages, working class exploitation and national oppression, as well as xenophobic attitudes that are not strictly reducible to class exploitation (Blaut, 1992). This entails that racism breeds exploitative tendencies. The perpetuation of racism during the apartheid era has therefore exacerbated to inequality in South Africa society warranting government to come up with policies that will help reduce the inequality gap in particular through policies of affirmative action and employment equity.



1.6.2 Empowerment

Empowerment generally entails self-strength, control, self-power, self-reliance, own choice, life of dignity in according with one's values, capacity to fight one's rights, independence, own decision making, being free, awakening and capability which are embedded in local value and belief systems (Narayan, 2002:13-14). According to Mayo and Craig (1995:5-6), empowerment will enhance the ability of the powerless within a community to share in the fruits of development alongside those who have achieved power. The formerly powerless become agents of their own development thus gaining the tools of self-reliance with the gift of knowledge gained during the process of empowerment. Other writers view empowerment as justice. Levy (1988) defined justice as: "... efforts to ensure equal opportunities to all who have been unjustly treated." The overriding element that underpins the whole notion of empowerment is that it is a people driven process that reveals, the growing shift of emphasis towards disadvantage groups.

1.7 RACIAL CLASSIFICATION

The Population Registration Act No 30 of 1950 (RSA, 1950) required that each South African be classified and registered in accordance with their racial characteristics. In fact the whole battery of socio-economic rights, civic and political rights were based on this classification system and with it came economic advantage or disadvantage such as the type of educational opportunities an individual obtained. The Population Registration Act No 30 of 1950 (RSA, 1950) classified South Africans as white, black, coloured and Indian.

According to Christopher (2009), modern states in an attempt to better understand and manage the complexities of their societies resort to the classification of their people into separate categories. Despite the fact that the Constitution of South Africa (1996) strives to create a non racial and non sexist society, racial classification is still highly entrenched in the socio-economic and political life of the country. Moreover, racial classification has become the vehicle upon which redress is effected and a number of legislative initiatives have been introduced to effect this redress which use the classifications in the discredited Population Registration Act No 30 of 1950 (RSA, 1950). Some of the legislation includes the Employment Equity Act No 55 of 1998, (RSA, 1998), the Higher Education Act No 101 of 1997 (RSA, 1997a), the Broad Based Black Economic Empowerment (BBBEE) Act No 53 of 2003 (RSA, 2003), and the Higher Education White Paper 1997 (RSA, 1997). The aforementioned Acts allowed for people to or be classified as African, coloured, Indian, Chinese and white. The categorisation used in this study by no means supports their continued use, nor validity of those classifications. According to Mare (2001) cited in Ruggunan (2010:12), race categorisation is used to “judge the effectiveness of measures of redress”. The following racial categorisations are used which will denote;

- black – denotes African, coloured, and Indian
- African – denotes indigenous black Africans
- white – denotes white people of European descent
- coloured – a mix of indigenous black African and whites from Europe as well as Indian
- Indian – denotes people of South Asian descent mostly of Indian and Pakistan descent.

1.8 BRIEF HISTORICAL BACKGROUND OF UNIVERSITY OF CAPE TOWN

The University of Cape Town (UCT) was founded in 1829 as the South African College, a boys' high school which later on developed into a full fledged university between 1880 and 1900 and to become the first university in South Africa. Its first female population was enrolled on a trial basis in 1886 under the influence of the Head of the Department of Chemistry Professor, Paul Daniel Halm. In the years 1902-1918, a Medical School was established, engineering courses introduced and the Department of Education created (UCT, 2012b). However, it was only in 1918 that UCT was formally enacted as a university (UCT, 2012b).

The University of Cape Town admitted its first group of black students (Africans, coloureds, and Indian) in 1920. When the apartheid regime lost its grip of the country in the early 1980s, transformation started taking place within UCT with more black students admitted into the university. By 1990 the number of black students had risen to 35% of the student population and by 2004 more than half of the 20000 students were black (UCT, 2012b).

According to a Student Climate Survey (SCS) 2004, it was reported that between 1994 and 2004, the overall proportion of white students at UCT dropped from 60% to 49% while the overall proportion of African students increased from 21% to 29%. The SCS also reported that African undergraduates increased from 24% in 1994 to 30% in 2004 whilst the proportion of white undergraduate in most faculties dropped distinctly between 1994 and 2004. At the same time, the proportion of black post graduates increased by 18% to 46% between 1994 and 2004 while the proportion of white postgraduate students were more than 50% in all faculties except in the Faculties of Law and Engineering and Built Environment which were both 46%. These statistics supports the fact that affirmative action policy has increased the numbers of black students at UCT.

The university has distinguished itself as one of the leading research and teaching institution in the world. It conducted the first heart transplant in 1967 which made the institution even more renowned and has been ranked by the 2012 world university web ranking as the number one university in Africa.

Because of the racist apartheid policies, black students were restricted from gaining access into UCT. Under the African National Congress, transformation of the academic sector has

been one of the key policy initiatives of the government. In order to realise this policy intent by the government, UCT is affirming the historical disadvantaged students using affirmative action in admissions.

1.8 SUMMARY OF CHAPTERS

Chapter 2 “Affirmative Action in Higher Education” discusses affirmative action within the global and South African contexts. This chapter also examines the higher education institutional framework policies such as the Higher Education Act of 1997, the Higher Education White Paper 1997, and the National Plan on Higher Education South Africa (NPHESA) as well as the Employment Equity Act 1998. These policies provide a contextual framework for this study. The chapter also analyses existing literature on affirmative action especially from countries that have successfully implemented the policy.

Chapter 3 describes the general and specific requirements of the selected programmes in the following faculties: Health Sciences, Engineering and Built Environment and Law. The chapter examines the affirmative action processes involved in the admission process at UCT. Finally, it presents statistical data analysis of undergraduate applications, first time undergraduate enrolments, and general undergraduate enrolments trends according to population group: (African, coloured, Indian and white).

Chapter 4 critically examines debates on affirmative action at UCT. It concentrates on qualitative analysis of perceptions of staff, students, and the general public on the use of race as a proxy for admissions at UCT. These perceptions were published in news paper clipping, articles and letters to different newspaper editors. This chapter also analyses relevant data from other sources.

Chapter 5 provides a comprehensive conclusion for the thesis. It summaries key issues that have emerged out of the research.

Chapter 2

AFFIRMATIVE ACTION IN HIGHER EDUCATION

2.1 INTRODUCTION

This chapter presents an analysis of the concept of affirmative action as a policy of social redress both outside and inside the context of education as well as inside and outside of South Africa. Both the pre and post 1994 South African educational systems are discussed. In the pre 1994 era the chapter describes the apartheid racial based academic policy and, in the post 1994 era, it focuses on the attempt to transform the higher educational system in South Africa through affirmative action. The rest of this chapter is divided as follows: section 2.2 provides a definition of the concept of affirmative action and a short background history while section 2.3 looks at affirmative action in South Africa generally. Section 2.4 examines the pre- 1994 higher education system and section 2.5 focuses on the legal framework that underpins affirmative action in higher education in South Africa. Section 2.6 looks at affirmative action as a higher education policy as practiced in the USA, Malaysia, and Brazil and section 2.7 provides a summary that captures the major issues raised within this chapter.

2.2 DEFINITION AND OVERVIEW OF AFFIRMATIVE ACTION

The idea behind the concept of affirmative action is to address inequality between individuals, or groups within a defined society, usually a country. Affirmative action can thus be seen as a compensatory and corrective measure to right the wrongs of the past. Affirmative action was first proposed by President JF Kennedy in the USA and implemented during the presidency of Johnson in the mid-1960s with the aim of levelling the field between the whites and the racial minorities in USA. According to Human (1996) cited in Coetzee (2005) affirmative action in part is concerned with creating employment equity. This is not limited to the process of recruiting greater number of historically disadvantaged employees but also as part of a holistic system of human resource management and development.

Bendix (2001) cited in Coetzee (2005:5) defines affirmative action as “purposeful and planned placement of development of competent or potentially competent people in or to position of which they were debarred in the past, in an attempt to redress past disadvantages and to render the workforce more representative of the population”. The above definitions indicate that in as much as affirmative action strives to attain representation in the workforce,

it does not entail placing incompetent people into position because there were disadvantaged in the past.

In South Africa, the White Paper on Affirmative Action in the Public Service defines affirmative action as "... the additional corrective steps which must be taken in order that those who have been historically disadvantaged by unfair discrimination are able to derive full benefit from an equitable employment environment" (RSA, 1998:4b). The main beneficiaries of affirmative action are defined as "black people, women and people with disabilities". Affirmative action in this regard is seen as a compensation given to historically disadvantaged category given above by creating an enabling environment where equal opportunities are given to these previously disadvantaged groups to excel in life. Affirmative action thus, should be used to rectify systematic discrimination and should not be viewed as a way of parcelling of opportunities to unqualified people on grounds that they were previously disadvantaged.

Hall (2004) argues that societal inequalities in most societies have often made governments to resort to varying degrees of affirmative action to help reduce the inequalities, which are often visible across race, sex, and religion among others. Gross societal inequalities exist in both developed and developing countries for example in the United States of America, Australia, and Canada as well as Malaysia, Brazil and South Africa all which have implemented affirmative action. According to the United Nations (2006), the United Nations Commission on the Protection and Promotion of Human Rights endorses the practice of affirmative action in Article 2.2 of the Convention on the Elimination of all forms of Racial Discrimination. While the article affirms affirmative action as a means of rectifying systematic discrimination, it also warns against it being continued once its purpose has been achieved.

2.3 AFFIRMATIVE ACTION IN SOUTH AFRICA

2.3.1 Background to Affirmative Action

According to Terreblanche (2002), the history of South Africa is characterised by systemic exploitation and exclusion of blacks during the colonial and apartheid eras. Apartheid in particular created social indignities and inequalities in all spheres of human life within the country. According to Giliomee (2003), as cited in Moolman (2010), affirmative action in South Africa was first implemented by the apartheid regime as a means to create a large

Afrikaner middle class. With the dismantling of apartheid and the aftermath of the democratic elections, the transformation of society to create equal opportunities for all citizens was imperative.

The Constitution of South Africa (RSA, 1996) amongst other things strives towards rectifying injustice of the past and establishing a society based on democratic values, social justice and fundamental human rights. Affirmative action in South Africa is provided in section 9(2) of the Constitution which states that in order “to promote the achievement of equality, legislative and other measures designed to protect or advance persons or categories of persons, disadvantaged by unfair discrimination may be taken.” Paradoxically, while the Constitution condones affirmative action, it also guards against discrimination by stating in section 9(3) that;

...the state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

This implies that, in pursuance of affirmative action policy programmes, government needs to establish a fine line between acts of transformation and discrimination. According to the African National Congress (ANC) (2011), if affirmative action policy is well handled, it will help bind the nation together and produce benefits for all and if badly handled it will result in bitterness, damage the economy and destroy social peace and if not undertaken, the country will remain backward and divided.

2.3.2 The Employment Equity Act No. 55 of 1998

The Employment Equity Act No. 55 of 1998 (RSA, 1998) came into existence as a result of the recognition of the enduring legacy of apartheid. Wide disparities in employment, occupation, and income existed within the national labour market, of which Africans, Indian and coloured people are disadvantaged. It was recognised that the mere repeal of apartheid discriminatory policies had not, and would not redress the entrenched situation. Section 15 (2) of the Employment Equity Act states that, affirmative action measures implemented by designated employer must include:

- Measures to identify and eliminate employment barriers including unfair discrimination which adversely affect people from designated groups;
- Measures designed to further diversity in the workplace based on equal dignity and the respect of all people;
- Making reasonable accommodation for people from designated groups in order to ensure that they enjoy equal opportunities and are equitably represented in the workforce of designated employer;
- Measures will be taken to:
 - (a) Ensure the equitable representation of suitable qualified people from designated groups in all occupation categories in the workforce and
 - (b) Retain and develop people from designated groups and to implement appropriate, including measures in terms of an Act of Parliament providing for skill development.

The Employment Equity Act also requires companies or organisations employing more than 50 workers to design and implement plans to improve representation that will reflect the demographics of South Africa and report to the state (Department of Labour) on progress with respect to such Employment Equity plans. As a matter of fact numerical goals and targets are established by the state to such employers.

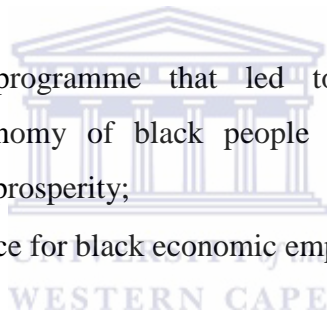
The application of affirmative action within the context of the employment equity targets implies that the use of preferential treatment system becomes necessary to achieve the numerical goals. However, the use of preferential treatment has been criticised in different quarters for lowering of standards within companies and organisations in an attempt to meet such established numerical targets. Given the profound impact of apartheid on the skilling of the targeted groups, many candidates from these groups are not fully equipped with skills to meet certain employment requirement in terms of qualification and experience.

2.3.3 Broad Based Black Economic Empowerment Act No. 53 of 2003

As a result of the narrow based economic empowerment of the apartheid regime and the shortcoming of the Black Economic Empowerment Act, the Broad Based Black Economic Empowerment (BBBEE) Act No. 53 of 2003 (RSA, 2003) was initiated with the sole aim of increasing the effective participation of the majority of South Africans in the economy. The

Act is geared towards the empowerment of black people including women, workers, youth, people with disabilities and people living in rural areas through diverse but integrated socio economic strategies. Section 2 of the BBBEE Act states that the objectives of the Act is to facilitate broad based black economic empowerment by –

- Promoting economic transformation in order to enable meaningful participation of black people in the economy;
- Achieving a substantial change in the racial composition of ownership and management structures and in the skilled occupations of existing and new enterprises;
- Increasing the extent to which communities, workers, cooperatives and other collective enterprise own and manage existing and new enterprises and increasing their access to economic activities, infrastructure and skills training ;
- Increasing the extent to which black women own and manage existing and new enterprises and increasing their access to economic activities, infrastructure and skills training ;
- Promoting investment programme that led to broad-based and meaningful participation in the economy of black people in order to achieve sustainable development and general prosperity;
- Promoting access to finance for black economic empowerment.



2.4 PRE - 1994 HIGHER EDUCATION

With the enactment of apartheid laws in 1948, racial discrimination was institutionalised in the country. These apartheid laws touched every aspect of socio-economic, political and cultural life of South Africans. The Bantu Education Act No. 29 of 1953 (RSA, 1953) divided education along racial lines and also provided that Africans be educated for inferior opportunities in the labour force which were designated for them. The Act also provided that administration and funding of Native Education be transferred from the mission schools to the state because the missions were fostering ideas of equality. Universities were created or classified on racial lines and by 1985, 19 higher education institutions had been designated for whites exclusively, 2 for coloureds, 2 for Indians and 6 for Africans (NCHE, 1996). A student from one racial grouping was not allowed to study at the university of another grouping unless what the student wanted to study is not offered in their own race university. The applicant in this case needed authorisation from the national department of education. By 1993 just one year before apartheid was finally dismantled, wide discrepancies in the gross

higher education participation rate existed as captured in the following statistics, 69.7% for whites, 40.4% for Indians, 13% for coloured and 12.1% for Africans (NCHE, 1996).

With the dismantling of the apartheid regime in South Africa in 1994 alongside its racial laws, education was open to every qualified candidate. Given the historical participation rates stated above, whites continued to dominate the higher education sector. Transformation was therefore inevitable. President Nelson Mandela described transformation as a process which will preserve what is valuable and to address what is defective (Cloete, 2002).

The major weakness of the apartheid education system identified in the NCHE (1996) related to its inability to meet the moral, political, social, and economic demands of the new South Africa characterised by the following deficiencies;

- An inequitable distribution of access and opportunity for students and staff along racial lines, gender, class, and geography
- The educational system practiced teaching and research policies with academic insularity and closed-system disciplinary programme,
- The system was marred by fragmentation, inefficiency, and ineffectiveness, with too little co-ordination, few common goals and negligible systematic planning. It is in line with this shortcoming that certain reforms were imperative to address this loophole within the higher education sector in South Africa.

2.5 POST 1994 HIGHER EDUCATION REFORMS

In this section, a number of policy changes that were implemented in the post 1994 period are discussed. The policies discussed here are (a) Higher Education Act No. 101 of 1997, (b) Higher Education White Paper of 1997, and (c) the National Plan on Higher Education South Africa (NPHESA) of 2001. The dawn of the new political dispensation from 1994 came with a lot of promises and hope for an equitable educational system. According to Hugo (1998) African students interpreted the outcome of the 1994 elections as a reward in the form of improved access into universities and enhanced life opportunities. These expectations were cemented by the governments' promise on the use of affirmative action within higher education. For many African students the previously white universities offered relative serenity and prestige uncommon in black universities.

2.5.1 Higher Education White Paper 1997

The Higher Education White Paper is a policy framework document which identified some major concerns within the higher educational system such as inequitable distribution of access and opportunity for students and staff along lines of race, gender, class and geography and provides recommendations on how such issues could be handled and dealt with. It proposes redress of past inequalities and the transformation of the higher education system are needed so as to make it able to serve a new social order, meet pressing national needs, and to respond to new realities and opportunities. The Higher Education White Paper 1997, (RSA, 1997a), sets to achieve the following objectives;

- To meet the learning needs and aspirations of individuals through the development of their intellectual abilities and aptitudes throughout their lives.
- To address the development needs of society and provide the labour market, with high-level competencies and expertise necessary for the growth and prosperity of a modern economy.
- To contribute to the socialisation of enlightened, responsible and constructively critical citizens.
- To contribute to the creation, sharing and evaluation of knowledge.

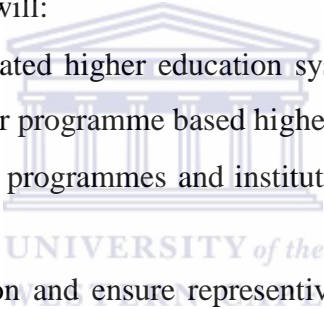
According to Cloete (2002), to achieve the aforementioned objectives, the White Paper proposes three broad categories of educational reforms to help revive the higher educational sector within the country:

- Broadened participation in higher education which must increase access to blacks, women, disabled and mature students and to generate new curricula and flexible models of learning and teaching to accommodate a larger and more diverse student body.
- The enhancement of technologically inclined disciplines to provide highly trained personnel and the knowledge to address national needs and to participate within the global economy.
- The department also tabled reforms that will reconceptualise with the state, civil society, and stakeholders, and among institution that will create an institutional environment and culture that will affirm diversity and respect for human rights and dignity in higher education.

Despite all the shortcomings of the apartheid educational system, the White Paper also made mention that some higher education institutions developed international competitive research and teaching capacities and that their academic proficiency and infrastructure are national assets. The White Paper states that it would be injurious to the national interest and the future provision of quality higher education if the valuable features and achievements of the existing system were not identified, preserved and used in the restructuring process. The Higher Education White Paper (1997) was viewed as a vehicle which the aims of the Higher Education Act were to be achieved with special attention among other things on how staff and student representation and equal access will be achieved.

2.5.2 Higher Education Act No. 101 of 1997

The Higher Education Act No 101 of 1997 (RSA, 1997b) is an Act of parliament aimed at transforming the higher education sector in South Africa. The preamble of the Higher Education Act states that the Act will:

- 
- Establish a single coordinated higher education system which promote co-operative governance and provide for programme based higher education;
 - Restructure and transform programmes and institutions to respond better to needs of the Republic;
 - Redress past discrimination and ensure representivity and equal access by amongst others determine entrance requirements, and provide financial assistance to the previously disadvantaged groups ;
 - Promote the values which underlie an open and democratic society based on human dignity, equality and freedom;
 - Pursue excellence, promote the full realisation of the potential of every student and employee, and the appreciation of diversity;
 - Respect freedom of religion, belief and opinion;
 - Contribute to the advancement of all forms of knowledge and scholarship, in keeping with international standards of academic quality.

The Higher Education Act also speaks of the independence of higher institutions within the context of public accountability and the national need for advanced skills and scientific knowledge which is in sharp contrast to apartheid higher educational system where higher education was strictly censored by the state. It establishes the Council of Higher Education

that will amongst other things advise the Minister of Higher Education on issues related to higher education, ensure quality promotion and quality assurance and provides admission policies. The Higher Education Act was aimed at ensuring representation and equal access into universities and also to ensure that higher institutions enjoy academic autonomy unlike in the past where their activities were highly censored by the government.

2.5.3 The National Plan on Higher Education South Africa (NPHESA) 2001

The National Plan on Higher Education (RSA, 2001), outlines the mechanisms for implementing and realising the policy goals of the White Paper. Its vision is to transform the higher education system as a whole while recognising its strengths and weaknesses. The transformation of the higher education system is built on the premises that the institutional landscape of higher education is a product of the geo-political imagination of the apartheid planners. The plan sets to achieve amongst others; equity and diversity in the South Africa Higher Education system.

The plan earmarks the support and enhancement of certain key programmes amongst which are: (a) the promotion and revitalisation of academic development programmes in higher institutions, (b) redress in the admission and retention policies of higher institution to ensure that the student and staff profiles progressively reflect the demographic realities of South Africa, and (c) to encourage and promote research, and to provide funding to underprivileged students.

While the plan also recognises the growing of participation of black students in HWUs and technikons, it however, laments at the slow pace at which staff are being recruited into higher institutions as well as low retention rates. It points out at some of the reasons behind the low retention rates which include the following: (a) limited pool for potential recruitment; (b) inadequate funding for postgraduate students and (c) the lack of competitive salaries offered by higher educational institutions compared to those offered by the private sector. To deal with such limitations, the plan advocated: (a) institutional employment equity planning, (b) a changed institutional culture, (c) the recruitment of academics from the continent as a role model for black students and also in order to help to transform institutional culture, and (d) institutional strategies for recruiting and retaining staff (NPHESA, 2001:39).

2.6 EXPERIENCE OF AFFIRMATIVE ACTION IN THE USA, MALAYSIA, AND BRAZIL

This section is aimed at discussing the experiences of other countries with regards to the implementation of affirmative action policies in higher education and will examine the experiences of three countries; Malaysia, Brazil, and United States of America.

2.6.1 United States of America (USA)

In the USA, affirmative action came into existence to remedy the inequality in the country in terms of race, specifically to create equal opportunities for African-Americans, native Americans, Asian Americans and Hispanics. These groups had been victims of generations of racial discrimination before 1964 when all explicit segregation laws were declared unconstitutional (Kennedy, 1993:66-73). Kennedy (1993) also states that affirmative action would also act as a catalyst for whites to see other races as capable of handling opportunities, dispensing knowledge, and applying valued skills. Finally he argues that affirmative action acts as a policy option to counteract the under enforcement of anti-discriminatory laws which the legal system cannot detect or deter.

Prominent forms of affirmative action in the USA centre on university admission. Apart from race other factors which include ethnicity, native language, social class, geographical origin, parental attendance of universities and gender are taken into account when assessing the meaning of an applicant and test score for admission. The courts in the USA also see affirmative action as a means of transforming society. For example the Regent of the University of California v. Bakke case in the Supreme Court of the United States of America, the judges had to rule on the role of affirmative action in the university's admission criteria.

Bakke, a white 37 years old engineer wanted to enrol in the Davis Medical School through the regular admission process was rejected twice in 1973 and 1974 though he was more qualified than several students admitted through the affirmative action special admission programme. Bakke sued the medical school on the grounds that he was refused admission because of his race thus violating his right under the title VI of the Civil Rights Act of 1964 that prohibit discrimination based on race, colour, or national origin in programmes that receive national funding. His defence team further argued that Bakke rights were further violated under the Fourteen Amendment guaranteeing "equal protection of the law".

Although the trial court agreed with Bakke and declared the decision of the Davis Medical School unconstitutional, the decision was only enforced by the Supreme Court on the 5-4 majority opinion delivered by Justice Powell. This divide portrayed the divide in the country on the issue of affirmative action. The decision of the Supreme Court can be summarised as follows:

- The special admissions program with a fixed quota or number of places available only to minorities violated Title VI of the Civil Rights Act of 1964. Those places were denied to white applicants based only on their race. The university's policy was struck down and the university was ordered to admit Bakke.
- Admissions programmes do not violate the Equal Protection Clause of the Fourteenth Amendment if they consider race as one of several factors used to decide admission. Therefore, race may be considered but it should not be the only factor considered.

The significance of the case may be summarised as follows:

- Affirmative action was accepted as a means of redress.
- Reverse discrimination was justifiable under certain circumstances.
- Race could only be used as a factor amongst other factors for admission.
- Quotas in admission were found to be unconstitutional.
- Diversity was seen as a proper goal for affirmative action in higher institution.

The Regent v. Bakke case has important implications for the process of admission at UCT and South African universities in general. There are common grounds on certain key issues like affirmative action being a desirable policy. The unacceptability of the use of quotas also has important implications for South African universities which desire to mirror in their student body the entire South African societal make up.

2.6.2 Malaysia

Introduced after independence, affirmative action in Malaysia was geared at achieving equity within the society through promoting the participation of ethnic Malays in the affairs of the country. Prior to independence, major facets of the society were dominated by Chinese and Indians. This goal of restructuring the society was enshrined in the New Economic Policy (NEP) which had two strategies pronged;

The first prong is to reduce and eventually eradicate poverty, by raising income levels and increasing employment opportunities for all irrespective of race. The second prong aims at accelerating the process of restructuring Malaysian society to correct economic imbalance, so as to reduce and eventually eliminate the identification of race with economic function (Andaya and Andaya, 1982, Samarasinghe, 1993, and Snodgrass, 1980).

It is the second prong that paved the way for affirmative action policies in higher education to correct the past ethnic imbalances. For example according to Abdullah (1977) up to 1970, Malays accounted for less than a quarter of the student body in all faculties except in the Faculty of Arts where they accounted for 61%. The Chinese meanwhile made up to 80-90% of the student body in medicine, science and engineering and Indians accounting for another 14%. For every one Malay graduate in engineering between 1965-1970 there were one hundred Chinese graduates. In the science disciplines for every one Malay graduate there were twenty Chinese and in medicine the ratio was one Malay for every nine Chinese.

The policy envisaged that the enrolment in each subject should correspond to the communal composition of the population as a whole. Through this policy the numbers of Malays increased in higher institution and many of them graduated in areas of study such as medicine and engineering which were disciplines they previously had limited access to. After the implementation of NEP, according to Abdullah (1977), the number of *Bumiputera* (Native Malay) architects has increased from 12 (4.3%) of the total architects in the country in 1970 to 192 (21.62%) in 1988; *Bumiputera* accountants increased from 40(6.8%) in 1970 to 514 (12.09%) in 1988; *Bumiputera* engineers increased from 66 (7.3%) in 1970 to 4,895 (29.44%) in 1988; *Bumiputera* dentists, from 20 (3.1%) in 1970 to 307 (24.12%) in 1988; *Bumiputera* doctors from 79 (3.7%) in 1970 to 1,653 (25.86%) 1988; *Bumiputera* veterinarians, from 8 (40.0%) in 1970 to 206 (33.77%) in 1988; *Bumiputera* surveyors, from 108 (29.9%) in 1980 to 300 (34.72%) in 1988, *Bumiputera* lawyers, from 131(12.8%) in 1975 to 504 (19.67%) in 1988. The total number of *Bumiputera* professionals in various fields was increased from a mere 225 (4.9%) in 1970 to 8,571(25.1%) in 1988 (Abdullah, 1977). The government also granted scholarships and bursaries to Malays students to study abroad particularly in the field of natural sciences. It is important to point out here that unlike the US system where quota representation in education was found unconstitutional, the Malaysia system advocated for the quota system of representation.

2.6.3 Brazil

Brazil is one of the countries that was a destination of slaves during the slave trade and was the last country in the Americas to abolish slavery. The vestiges of slavery still breed inequality in the Brazil society today. Unlike the USA and Malaysia, racism in Brazil was characterised by a strong cordial component in which individual relations often overshadowed strong structural patterns of discrimination as described by Oliven (2009) as “together but unequal”. The class difference in Brazil orchestrated inequality in the country. Affirmative action policies were therefore implemented in both the public and private universities of the country. Students coming from public schools and a proportion of blacks were given preference treatment in admission into public universities. Within the private sector, as from 2005, the Programa Universidade para Todos (University for all programme) aimed at granting scholarships to low income students for financing tuition in private higher education institutions (Oliven, 2009).

2.7 ADVANTAGES AND DISADVANTAGES OF AFFIRMATIVE ACTION

The policy of affirmative action has both been praised and heavily criticised. Those who are in favour of affirmative action argue that it is positive discrimination while those against it called it preferential treatment or reverse discrimination (Hall, 2004). Affirmative action in South Africa has also come under fierce criticism. In this section some of the advantages and disadvantages of the policy that have been articulated in the literature are presented.

2.7.1 Advantages of Affirmative Action Policy

According to Charlton and Van Niekerk (1994) in Coetzee (2005) affirmative action is an important policy for redressing the ills of the past in the social, economic, political, cultural and religious milieu. Within the context of South Africa, centuries of systematic exploitation from colonialism, segregation and apartheid, have benefited the whites at the expense of the other race groups. According to Terreblanche (2005), the colonial and apartheid political and economic power structures placed whites in a privileged and entrenched position, while it deprived indigenous people of land, water, property and reducing indigenous people to different forms of unfree and exploitable labour. Affirmative action becomes a policy that will help transform society and reduce the imbalances caused by past policies (colonialism, segregation, and apartheid).

Another benefit of affirmative action as viewed and supported widely by scholars is that it can be used as a means to address the issue of scarcity of skill labour within the economy. Within the context of South Africa, skills shortages are identified as one of the country's major challenges. And the country has to rely on skills imported from outside the country. Through affirmative action, those who were previously discriminated upon will be supported and encouraged through academic support programmes to gain scarce skills and by so doing, they will use the potentials of the whole nation.

2.7.2 Disadvantages of Affirmative Action Policy

Despite the plausible intent behind the creation of the policy of affirmative action, the policy has come under serious criticism. Some quarters view affirmative action as a retributive policy aimed at revenging historical malpractices of segregation and discrimination. Those against the policy are putting on a fierce battle against its continual implementation. Affirmative action in South Africa has been criticised for focussing on race rather than on poverty. According to the report compiled by the Solidarity Research Institute (2008), the South African definition of the policy which is based on racial lines and not on poverty makes the whole policy become a form of reverse discrimination.

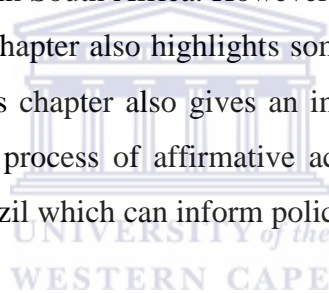
It has been argued that affirmative action is condescending to beneficiaries to say they need affirmative action to succeed as it demeans true beneficiaries' achievement; that is success is labelled as result of affirmative action rather than hard work and ability.

Furthermore, according to Alexander (2007:95), affirmative action policies are designed to cater for the interest of the small middle class elites as they stand a better chance to benefit as the policy is "...designed to ensure that suitably qualified people from designated group who have equal employment opportunities are equitably represented in all occupational categories and levels in the workforce of a designated employer." Terreblanche (2002) also states that "...although these laws have undoubtedly helped to address the legacy of apartheid and racism in the workplace, they have benefited only the aspirant African petit bourgeois, who have jobs and are members of trade unions. Unfortunately these laws have also increased the cost of employing labour and negatively affected the growth potential of the economy." South Africa should therefore adopt a pro poor policy approach that will design policies that will address the issues of the poor of the poorest of the community.

Those who argue against the implementation of affirmative action policies within the academic milieu postulate that students admitted on this basis are often ill-equipped to handle the courses to which they've been admitted. These students faced with tough competition end up producing poor academic results, thereby contributing to the very low throughput of most Higher Education Institutions in the country.

2.7 SUMMARY

The purpose of this chapter has been to contextualize the meaning of affirmative action as a corrective measure to redress and transform the higher education sector which was marred with racism during the apartheid era. The chapter also gives a brief summary of some of the racial policies put in place within higher education in South Africa before 1994. This chapter also shows how various higher education affirmative action policy imperatives since the advent of the new South Africa have attempted to deconstruct and remove racial inequalities from higher education landscape in South Africa. However, despite the plausible intent of the policy (affirmative Action) this chapter also highlights some of the flaws that might exist in its implementation process. This chapter also gives an insight on the experiences of other countries in the implementation process of affirmative action policies in higher education precisely USA, Malaysia and Brazil which can inform policy makers in South Africa.



Chapter 3

AFFIRMATIVE ACTION IN ACADEMIC PROGRAMMES AT UCT

3.1 INTRODUCTION

This chapter will present an analysis of the implementation of affirmative action in three faculties at UCT; Health Sciences, Engineering and Built Environment, and Law. In the Faculty of Health Sciences it will focus on the medical degree programme (MBChB) and in the Faculty of Engineering and Built Environment it focuses on the BSc in Civil Engineering, the BSc in Electrical Engineering, and the BSc in Mechatronics. In the Faculty of Law it focuses on the LLB degree programme. In all cases, the period of review is from 2006 to 2011 for enrolments and 2008 to 2011 for applications. For each of these programmes the aim is to describe in detail the admission requirements and to assess the composition of the pool of applicants and enrolments in the aforementioned programmes from 2008 to 2011 and from 2006 to 2011 respectively as a means to ascertain the impact of affirmative action policies. In addition, this chapter will also look at the Academic Support Programme (ASPECT) put in place to assist students who are admitted through affirmative action policy as well as the 5 year LLB programme. This chapter focuses on the analysis of statistics on African and white students, since Africans are by far the majority in the population while the whites constitute the majority of students at UCT. CAPE

The rest of this chapter is divided as follows: section 3.2 will focus on the medical degree (MBChB). Section 3.3 will focus on the three programmes in the Faculty of Engineering and Built Environment while section 3.4 focuses on the LLB programme. While the focus in sections 3.2, 3.3, and 3.4 is on individual programmes, section 3.5 will look at specifically the faculty wide enrolments in each of the faculties of Health Sciences, Engineering and Built Environment, and Law to gauge the level of transformation at the faculty level. Section 3.6 will give a summary that captures the major issues and their intricacies discussed within the chapter.

3.2 THE MBChB PROGRAMME

3.2.1 Introduction

The MBChB programme is a six year academic programme offered by the Faculty of Health Sciences which qualifies the holder to undertake an additional two years internship and a

year's community service before they can be registered by the Health Professions Council of South Africa to practice as medical doctor. The Faculty of Health Sciences is located in the main teaching hospitals - Groote Schuur and Red Cross Children's Hospitals, to a range of secondary hospitals and primary healthcare clinics located throughout the Cape Peninsula and beyond. The Faculty focuses on research in medicine and other healthcare related disciplines, as well as teaching undergraduate and postgraduate students. The faculty and the School of Medicine in particular enjoy wide acclaim. Since its inception as the Faculty of Medicine in 1912, the faculty has become famous for pioneering advances in healthcare including the world's first successful heart transplant in 1967, as well as the research that led to the development of the CAT scanner (Hassoulas, 2011).

3.2.2 Admission Requirements into the MBChB Programme

Applicants who wish to study for the MBChB degree at UCT need to meet certain minimum requirements which include, being South Africans or South African permanent residents. Citizens and permanent residents of any of the Southern African Development Community (SADC) are also considered. Applicants with disabilities that would prevent someone from practising the profession successfully (for example, someone who is deaf would not be able to hear a heartbeat through a stethoscope) and those who wish to transfer from other institutions of higher learning to UCT are not considered (UCT, 2012d).

According to the 2012 Undergraduate Prospectus, admission into the MBChB programme with a National Senior Certificate requires the applicant to pass English (at home language or first additional language level), Mathematics, and Physical Science with at least 50% with a minimum Admission Probable Score (APS) of 420. In addition, all applicants are required to write the National Benchmark Test (NBT) consisting of Academic Literacy (AL) and Quantitative Literacy (QL). As already indicated, UCT uses a racially demarcated admissions system which applicants compete in selection categories as follows: South African school leavers (Africans, coloured, Indian, Chinese and open/other), and SADC applicants with tertiary results from other institutions or from other faculties at UCT (UCT, 2012d).

Table 3.1 below presents the Admission Probable Score (APS) and the National Benchmark Test (NBT) marks required for each of the racial grouping for admissions into an MBChB programme at UCT. Table 3.1 indicates that Africans are required to score the lowest marks

in the APS and NBT tests to secure a place in the medical programme followed by coloured and the Chinese while Indians and those in the open category (whites and those who do not categorised themselves) need to score the highest.

Table 3.1 MBChB REQUIREMENT

Race	Minimum Requirement to be considered			Admission Probable		
	NSC score (out of 600)	NBT Score	Subject Requirements	APS (out of 600)	NBT (out of 300)	Total Score (out of 900)
Africans	420	AL:42	50% for: Mathematics plus Physical Sciences plus a pass in the next 3 best subjects excluding Life Orientation	420	114	534
Chinese		QL:38		480	180	660
Coloured		Maths:		450	128	578
Indian		34		500	200	700
Open				500	200	700

Source: UCT, Undergraduate Prospectus, 2012d

The Dean is allocated 15 discretionary places on merit, to applicants who may be slightly less competitive (disabled and repeat applicants), the immediate family members of permanently appointed staff members who are not South Africans or permanent South African residence but whose permanent residency has not yet been approved at the time of registration.

The 2012 Undergraduate Prospectus also indicates that the institution recognises the risk associated with racial classification, but still invites applicants to identify themselves as Africans, Indian, coloured, Chinese or white. Govender (2010) states that most other medical faculties use race targets, but none stipulates openly that pupils of one race must score higher matric marks than those of another.

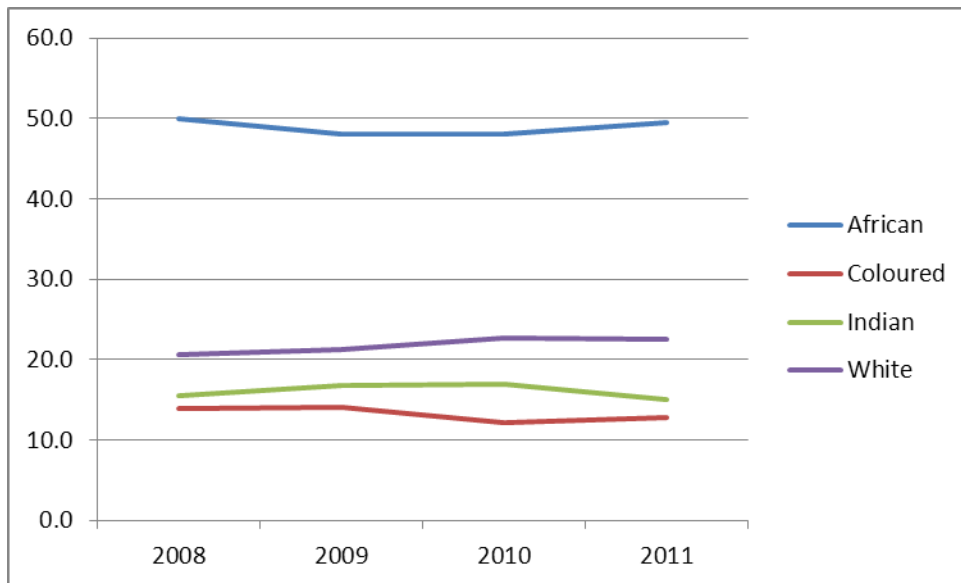
It is also important to point out here that towards the end of the 1980s, a number of Historically White Universities (HWU) had instituted programmes to address the needs of disadvantaged students. According to Herman (1995), as universities were liberalising their admissions policies to include more black students, English medium, HWUs introduced Academic Development Programmes for low achievers and second language English speakers. The medical Academic Development Programme (ADP) which was later changed into problem base learning programme in 2002 extended the MBChB programme from six to seven years (Schmidt, Seggie, Yeld, Sikakana, and Burch, 2007).

3.2.3 Applications into Health Sciences

This section will detail the overall pool of applications into the Faculty of Health Sciences. This was necessitated by the unavailability of data with regards to first time applications into MBChB programme. The faculty wide data allow for broader analysis that goes beyond the programme level. In addition to the MBChB programme, the data includes application for the following programmes BSc in Speech Language Pathology, BSc in Audiology, BSc in Occupational Therapy, and BSc in Physiotherapy. Admissions into the aforementioned programmes are as follows; the MBChB: 53.3%, the BSc in Physiotherapy: 16%, the BSc in Occupational Therapy: 14.6%, the BSc in Audiology: 6.6%, and the BSc in Speech Language Pathology: 9.3% (UCT, 2012d).

Fig 3.1 below presents the application data into the Faculty of Health Sciences at UCT from 2008 to 2011. Fig 3.1 shows that Africans have consistently made approximately 50% of applicant pool in the period 2008 to 2011. This is still below the proportional figure in terms of the national population where Africans make up 79% of the population. Whites who make up 9% of the population had an application rate of 20% which is double their relative size.

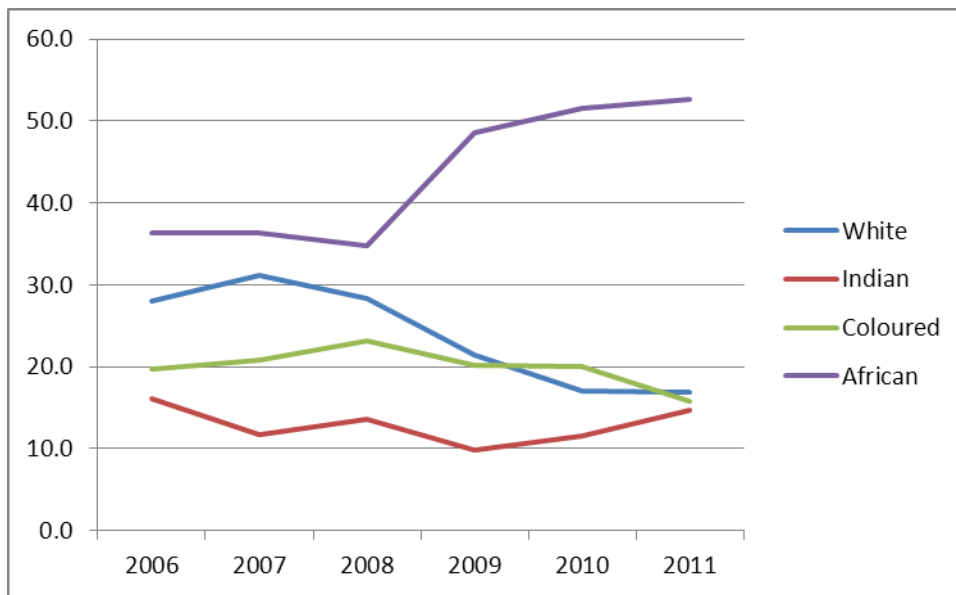
Fig 3.1 Undergraduate Health Sciences Applications



3.2.4 First Time Undergraduate Enrolment into MBChB

Fig 3.2 below presents the first time undergraduate enrolments into the MBChB programme at UCT from 2006 to 2011. The proportion of Africans given places to read medicine rose from 36.3% in 2006 to 52.7% in 2011. The enrolment of African students experienced a sharp increase in 2009 while white students experienced a sharp decrease. As can be seen in the student enrolments, inverse proportionality is shown between enrolments of African and white students with an increasing trend for African students and declining trend for white students.

Fig 3.2 First Time Undergraduate Enrolments into MBChB (Medicine)



3.3 ENGINEERING PROGRAMMES

3.3.1 Introduction

The Faculty of Engineering was founded in 1903 at the South African College, which later on became known as the University of Cape Town in 1918. In its current form, the Faculty of Engineering and Built Environment in UCT came into existence upon the amalgamation of the Faculty of Engineering and the Faculty of Architecture, Planning and Geomatics in 2002 (UCT, 2011).

The demand for Engineers and Built Environment professionals has been on the rise across the world and South Africa in particular. Apart from the success registered by the country when it hosted the 2010 FIFA World Cup through the provision of first class stadiums, the country is continuously engaged in multiple high level infrastructure projects as a means to develop the economy. These projects include the upgrading of power stations, building roads, airports, harbors, improving other services at municipal level.

The Faculty of Engineering and Built in Environment comprises six departments, namely Architecture, Planning and Geomatics, Construction Economics and Management, Chemical, Electrical, Mechanical and Civil Engineering. Each department offers a variety of internationally recognised Bachelor's degree programmes (UCT, 2012). This study will focus

on the BSc in Mechatronics, the BSc in Civil Engineering, and the BSc in Electrical Engineering from 2006 to 2011.

3.3.2 Admission Requirements into the Faculty of Engineering and Built Environment

A student vying for a place in the Faculty of Engineering and Built Environment (EBE) programme must pass the National Senior Certificate (NSC) examinations endorsed for degree studies. Table 3.4 below presents the requirements for those willing to pursue an engineering degree under the main stream programme. Applicants with a NSC will have an EBE APS of 65 with a minimum of 75% in Mathematics and 65% in Physical Science. Those under the redress categories will have to obtain a 70 EBE APS points, scoring $\geq 80\%$ in Mathematics and (less than) $\geq 70\%$ in Physical Science while those in the open category will have to obtain 80 EBE APS points and $\geq 80\%$ in Mathematics and $\geq 70\%$ in Physical Science (UCT, 2012). Students must also write the National Benchmark Test (NBT) scoring at least 55% in Academic Literacy, 60% in Qualitative Literacy and 50% in Mathematics. Both the NSC and NBT are used in calculating the Engineering and Built Environment (EBE) Admission Points Score (APS) (UCT, 2012d). The national Benchmark Test Score constitute part of the admission point score and mathematics paper 3 contributes to the admission point of the student as a bonus or a supplement. The National Senior Certificate total score out of 600 is reduced to 50, and the NBT total score out of 300 is reduced to 50, providing for an APS out of 100 (UCT, 2012d).

Table 3.2 Engineering Requirement

Standard Programmes	Minimum requirements to be eligible for admission	Probable/likely offer (this will be determine by the size and strength of the applicant pool)
Engineering (all programmes)	NSC EBE APS o of 65 Mathematics:75% Physical Science:65%	Redress categories 70 EBE APS points Mathematics \geq 80% Physical Science \geq 70%
	NBT score of intermediate for AL, QL and Mathematics	Open category and international applicants 80 EBE APS points Mathematics \geq 80% Physical Science \geq 70%

Source: UCT, Undergraduate Prospectus, 2012d

3.3.3 Aspect Programme in Engineering and Built Environment

The ASPECT programme, founded in 1988 to cater for students who matriculated from school systems that did not adequately prepare them for tertiary study aimed at providing additional academic and general support to year one students to better equip them for the degree programme (Undergraduate Prospectus, 2012d).

The ASPECT programme is in line with the university policy of redress as it strives to assist students from disadvantage backgrounds who have potential to succeed in any of the engineering undergraduate programmes by granting them admission when their school leaving certificate results are not good enough for direct entry. These are students who come from schools which have not prepared them fully for university studies. Instead of the normal four years, the program takes five years for the student to obtain a first degree in engineering while in the first year, students register for 3 core engineering courses; mathematics 1, physics 1 or chemistry 1 and engineering 1 (UCT, 2012d). During the first year, students receive academic and tutorial support from ASPECT staff while in the second year, students complete the rest of their first year courses and take one major second year course which is mathematic course for engineer and during this year the students receive tutorials and non-

academic support (UCT, 2012d). The same procedure continues for the third, fourth and fifth year, whereby students complete their previous course and take up a major course for that year and up to the fifth year were students complete their fourth year courses. During these years students receive non academic support and counseling from the ASPECT staff.

Table 3.3 below presents the requirement for those aspiring to pursue an Engineering course under the ASPECT programme. The table below indicates that students who enroll under the ASPECT programme in Engineering and Built Environment at UCT are admitted with lower grades as they are required to score less than 75% and 60% in Mathematics and Physical Science respectively while students who do not fall under such programmes are expected to score 75% and 65% or more in Mathematics and Physical Science respectively.

Table 3.3 ASPECT BSc. Engineering Requirement

Standard Programmes	Minimum requirements to be eligible for admission	Probable/likely offer (this will be determine by the size and strength of the applicant pool)
ASPECT Engineering	NSC EBE APS of 55% Mathematics $\geq 75\%$ Physical Science $\geq 60\%$ NBT scores of intermediate for AL, QL and mathematics	Redress categories 65 EBE APS points Mathematics $\geq 75\%$ Physical Science $\geq 60\%$

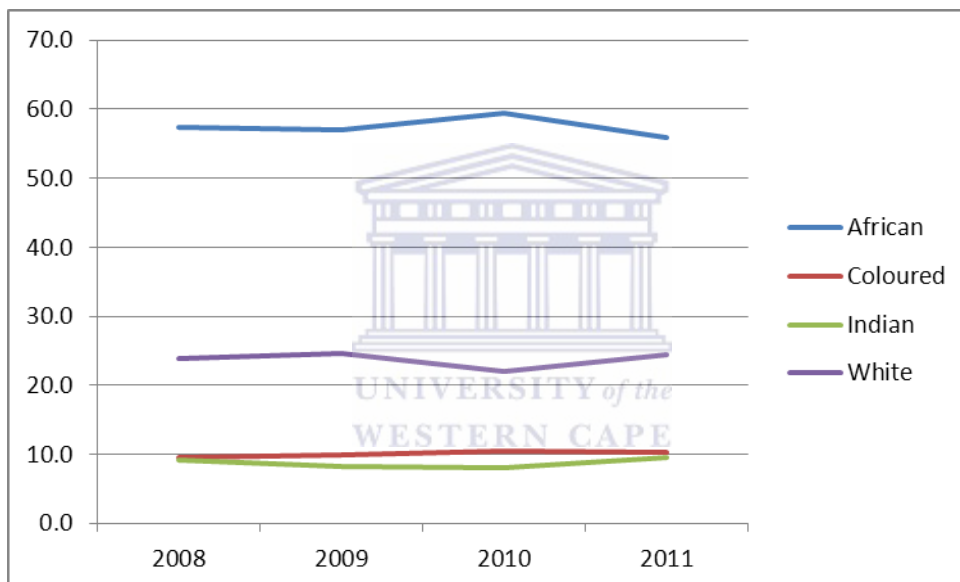
Source: UCT, Undergraduate Prospectus, 2012

3.3.4 Undergraduate Applications and Enrolments in the Faculty of Engineering and Built Environment

This section will look at the general undergraduate pool of applications and enrollments received by UCT in the Faculty of Engineering and Built Environment, and proceeds to look at the enrolments of the specific programmes which this research seeks to address which are Civil Engineering, Electrical Engineering, and Mechatronics.

Fig 3.3 below presents the overall undergraduate applications into the Faculty of Engineering and Built Environment from 2008 to 2011. From the figure below it can be deduced that the majority (57%-59%) of the applications received came from African students. The white student pool of applications which was the second highest in figure hovers between 22% and 25% from 2008 to 2011. Though African students have the highest rate of applications (57%-59%) they are below their relative population size (79%) while white students with a relative population size of 9% has 22% - 25% which is more than double their relative population size.

Fig 3.3 Undergraduate Engineering and Built Environment Applications



3.3.5 First Time Undergraduate Enrolments into Mechatronics, Electrical, and Civil Engineering

This section will present data on the first time enrolments within the Mechatronics, Electrical and Civil Engineering programmes to measure the level of transformation that has taken place within these programmes through the race based admission policies of the university. As mention above in section 3.2.4 this section will look precisely at those students who are enrolled for their very first time in the aforementioned programmes in the Faculty of Engineering and Built Environment.

Fig 3.4 below presents the first time undergraduate enrolments into BSc in Mechatronics at UCT from 2006 to 2011. The figure indicates that there has been no major difference for the

first time enrolments into the BSc in Mechatronics programme within the affirmed racial grouping in the period under review. The highest pool of enrolments amongst the other race groupings was attained in 2009 when the African student's pool of enrolments stood at 22% while those of Indian students stood at 21.8%. The minimum enrolments rate of white students was recorded in 2009 which stood at 50% of total enrolments. It is important to note that whites have experienced a sharp decline in enrolments from 2006 when their enrolments stood at 70% of total enrolments to 50% in 2009 and retain slightly above the 70% rating again in 2010, dropping to 58.8% admission rate in 2011.

Fig 3.4 First Time Undergraduate Enrolments in BSc Mechatronics

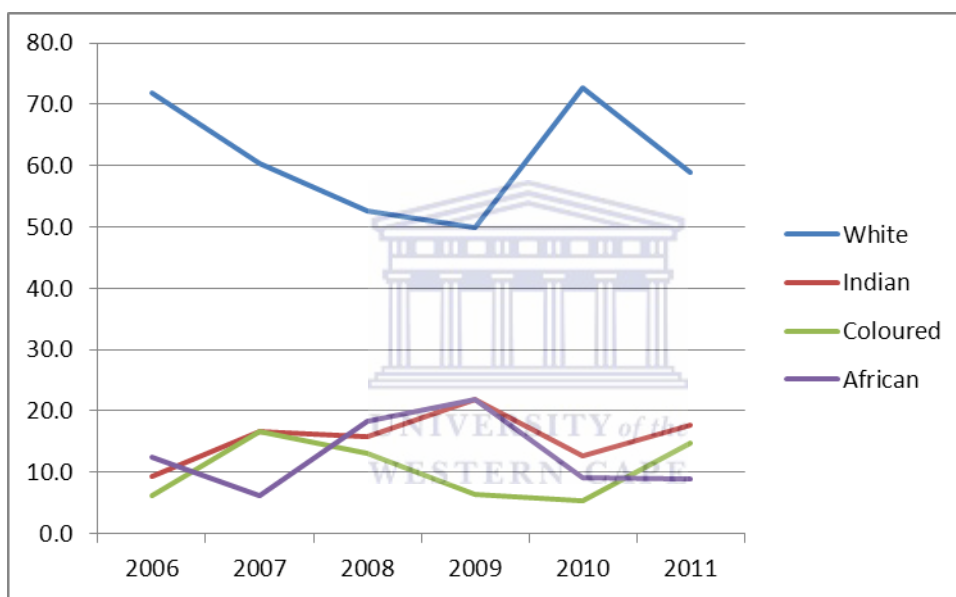


Fig 3.5 below presents the first time undergraduate enrolments into BSc in Electrical Engineering at UCT from 2006 to 2011. Fig 3.5 below indicates large fluctuations in enrolments by all race groups in the first time enrolments into the BSc in Electrical Engineering programme. Whites were in the majority between 2006 and 2009, but were overtaken by Africans in 2010. Also important is the fact that the enrolments of white students are a mirror image of the African students. When the one is increasing the other is reducing. The coloured students attained their highest enrolment rate in 2006 with a 33.3% of total enrolments.

Fig 3.5 First Time Undergraduate Enrolments in BSc Electrical Engineering

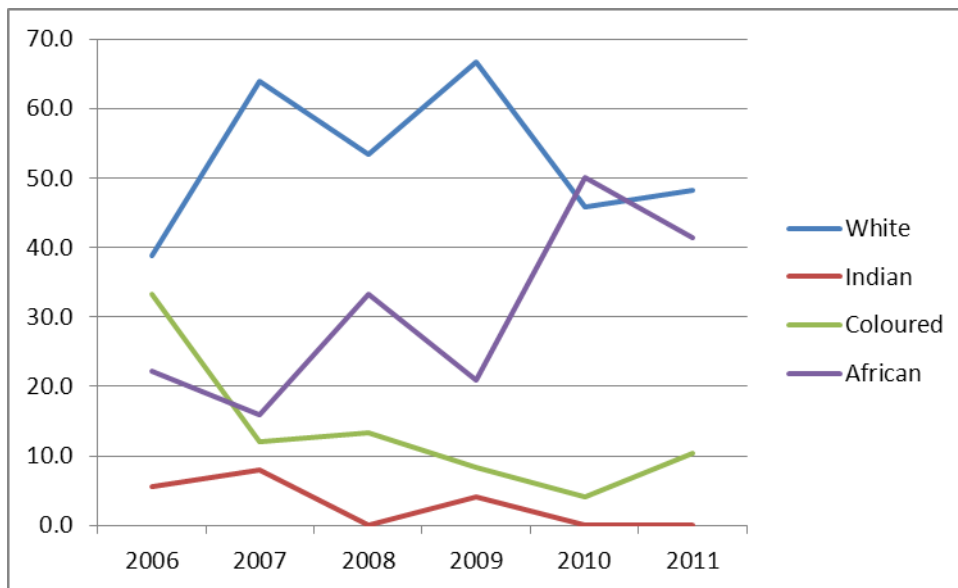
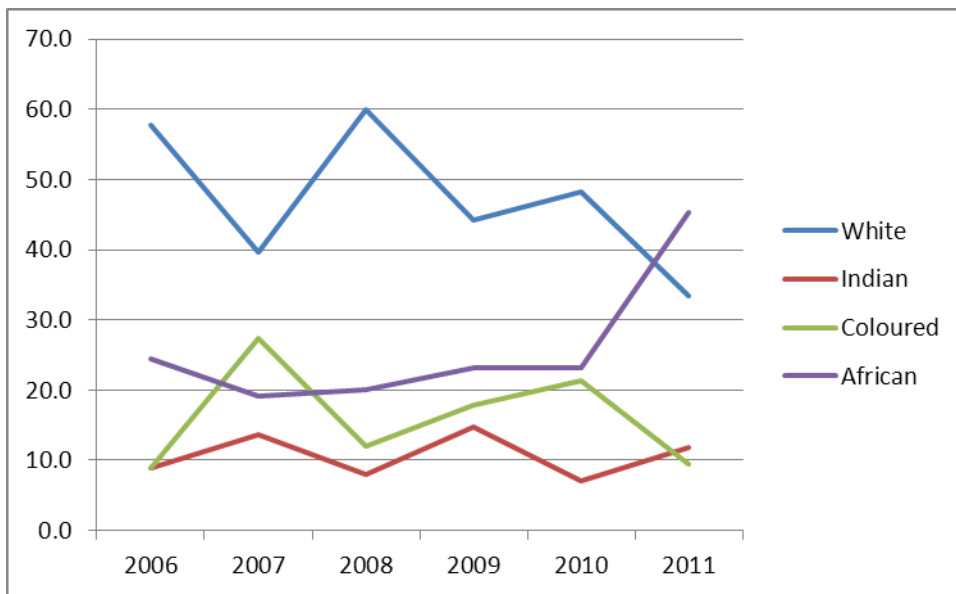


Fig 3.6 below presents the first time undergraduate enrolments into the BSc in Civil Engineering at UCT from 2006 to 2011. Fig 3.6 below indicates that white student admission into a BSc programme in Civil Engineering have been experiencing a downward trend from 60% in 2008 to 33.3% in 2011. At this same time African students have experienced an increase from 23.2% in 2006 to 45.2% in 2011. The other two race groupings (Coloured and Indian) have made no significant changes from 2006 to 2009. The general trend of enrolments except for 2011 indicates that from 2006 to 2010 more whites students were granted admission to study for a BSc in Civil Engineering than any other race grouping. It was only in 2011 that African students became the most admitted group (50%).

Fig 3.6 First Time Undergraduate Enrolments in BSc Civil Engineering



This section just like the aforementioned section (MBChB) and the subsequent section (Law) presents a general overview of the Faculty of Engineering and Built Environment stating the entering requirement into this faculty and the ASPECT programme. The section proceeds looking at the general application and enrolment trend from 2006 to 2011 into the faculty as a whole and zooming in the undergraduate first time enrolment into the earmarked programmes which this research seeks to address which are Civil Engineering, Electrical Engineering, and Mechatronics from 2006-2011.

3.4 THE LLB PROGRAMME

3.4.1 Introduction

The teaching of Law started at the South African College in 1859 with the introduction of Cape Act 12 of 1858 which authorised the examination of the Certificate of the Higher Class in Law and Jurisprudence. With the incorporation of the South African College into the University of Cape Town, a decision was taken to appoint full time professors of Law (UCT, 2011b).

The Faculty of Law provides opportunity for students who wish to become advocates or attorneys to study for the Bachelor of Laws (LLB) degree programme. The LLB degree students are taught the fundamentals of South African law and the South African legal system, and at the same time they are equipped with the skills which are useful in the legal

context, university teaching and research, commerce, government and public benefit organization, nationally and internationally. There are three routes available to obtain an LLB at UCT which include;

- The four year undergraduate LLB route,
- The combined Humanities and LLB (BA LLB) or Commerce and LLB (BCom- LLB) route,
- The Extended five year academic development programme.

This study will focus on the four year LLB route while providing insights into the five year extended academic development programme.

3.4.2 Admission Requirements into the Four-Year LLB

In pursuance of the university policy of redress, the Faculty of Law categorises students according to race. When necessary, the faculty can adjust its admission criteria to take care of disadvantaged students and thus meeting the minimum requirement is not a guarantee for admission. Offers are made to applicants in their respective population groups and citizenship categories starting with the top applicant in each group. Unlike the medical school where admissions are reserved for South Africans citizens, permanent resident and students from the SADC region, the Faculty of Law admits up to ten international students into the LLB programme each year.

To gain admission into the Faculty of Law, students must formally pass the National Senior Certificate or Senior Certificate. Applicants' school-leaving results are translated into an admission points score (APS) and applicants must achieve a prescribed minimum in English and Mathematics/Mathematical Literacy. Just like the school of medicine, all first time applicants normally resident in South Africa are required to write the National Benchmark Tests (NBTs) prior to admission. The advantage attached to writing this test is that if an applicant does not meet the faculty's admission criteria, the faculty may nevertheless admit such applicant if the results of the applicant's NBTs indicate that he or she has the potential to succeed in law studies. In general, the faculty will only consider exercising its discretion to admit an applicant who does not meet the admission criteria if the applicant scores a 'proficient' result in both the Academic and Quantitative Literacy components of the NBT.

Table 3.5 below present the admission criteria for applicants holding the National Senior Certificate in the main stream, redress category, and academic development programme. According to the UCT admission criteria into the Faculty of Law, 2012, admission in the open category is probable if applicants achieve an average of 80%+, in the redress categories if applicants achieve an average of 75%+, and in the international category if applicants achieve an average of 85%+. An applicant admitted on this basis may be offered a place on the extended Academic Development Programme, in which case the four-year undergraduate LLB will be extended to five years (UCT, 2011).

Table 3.5 LLB Requirement

Programme	Minimum Requirements for Eligibility	Probable/Likely offer Level (this will be determined by the size and the strength of the applicant pool)
LLB	APS of 420 (70%) NBT AL (65%) QL (intermediate)	Redress category APS of 450 (75%) Open category APS of 480 (80%) International applicants APS of 510 (85%)
LLB (academic development programme)	APS of 420(70%) NBT AL (65%) QL (intermediate)	APS OF 420 (70%) NBT AL (70-74%) QL (intermediate)

Source: UCT, 2012c.

Table 3.5 above shows that Africans, coloured, Indian and Chinese candidates who fall under the redress category will require an APS of 450 (75%) and those in the open category that is white or people who are categorized as others will need an APS of 480 (80%) while international applicants will need an APS of 510 (85%) to study for an LLB in Law. Applicants granted a place in the academic development programme will require an APS of 70% for an extended five year LLB programme.

The five-year ADP stream differs from the four-year main stream only in that the first year of the ‘main stream’ programme is taught over two years rather than one year, and additional support is provided to students during the first two years of study. The rationale behind this is to provide students who have the potential to succeed in their university studies, but whose schooling has not fully prepared them for the switch from secondary school to university studies, with the best possible chance to succeed in their LLB studies (UCT, 2012c). This programme can accommodate approximately twenty students each year, and admission to the programme is competitive.

3.4.3 Undergraduate Applications and Enrolments into the Faculty of Law

This section provides analysis on the general undergraduate applications and enrolments into the Faculty of Law from 2008 to 2011 and from 2006 to 2011 respectively to gauge the level of transformation that has taken place within this faculty as a result of the affirmative action policy. Fig 3.7 below presents the general pool of undergraduate applications received by UCT from 2008 to 2011. Fig 3.7 indicates that the highest number of applications received came from the African students who comprise between 63% - 70% of the applicants, while all the other groups each comprise less than 20% of the applicants.

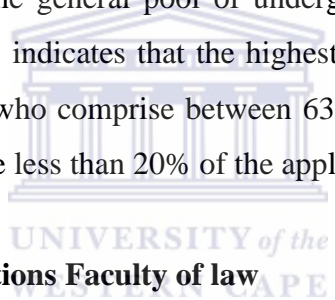
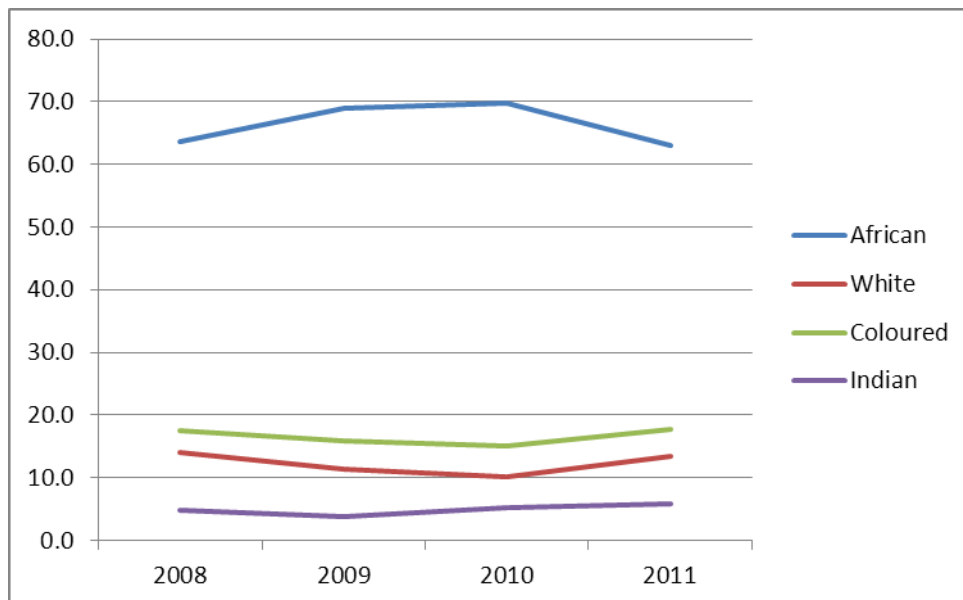


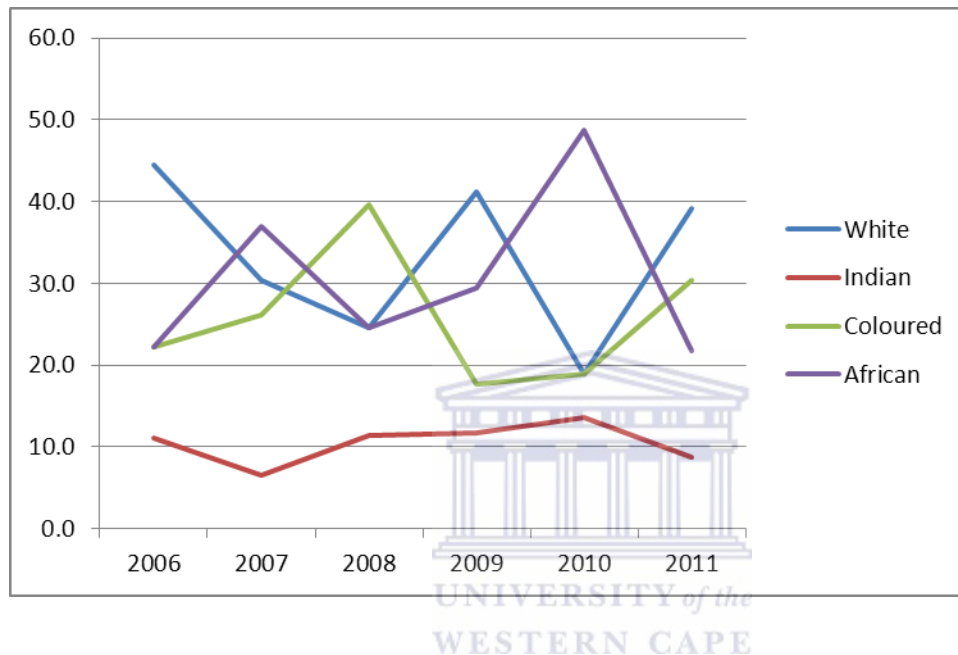
Fig 3.7 Undergraduate Applications Faculty of law



3.4.4 First Time Undergraduate Enrolments into LLB

Figure 3.8 presents the first time undergraduate enrolment into the Faculty of Law from 2006 to 2011. With the exception of the Indian students, whose proportion has remained fairly consistent; the other race groupings have largely oscillated between 20% and 40% in the period from 2009-2010.

Fig 3.8 First time Undergraduate Enrolments in LLB (Law)



3.5 FACULTY LEVEL UNDERGRADUATE ENROLMENTS

This section will focus on the overall enrolments into the Faculties of Health Sciences, Engineering and Built Environment, and Law to assess the level of transformation at the faculty level. The statistic below is both first time students and retaining students in the three aforementioned faculties.

Fig 3.9 below presents the overall undergraduate Health Science enrolment at UCT from 2006 to 2011. At the faculty level, more whites have gained admission into the faculty than any of the other race grouping from 2006 to 2009 although the proportion of whites have steadily declined from 40% in 2006 to 30.7% in 2011. In 2010 almost equivalent numbers of Africans and whites were enrolled and Africans became the majority for the first time in 2011 (35.6%). The African student enrolment has been steadily increasing from 23% in 2006 to 35.6% in 2011. There were no major changes for coloured and Indian with regards to their enrolment rate into the Faculty of Health Sciences at UCT.

Fig 3.9 Undergraduate Health Science Enrolments

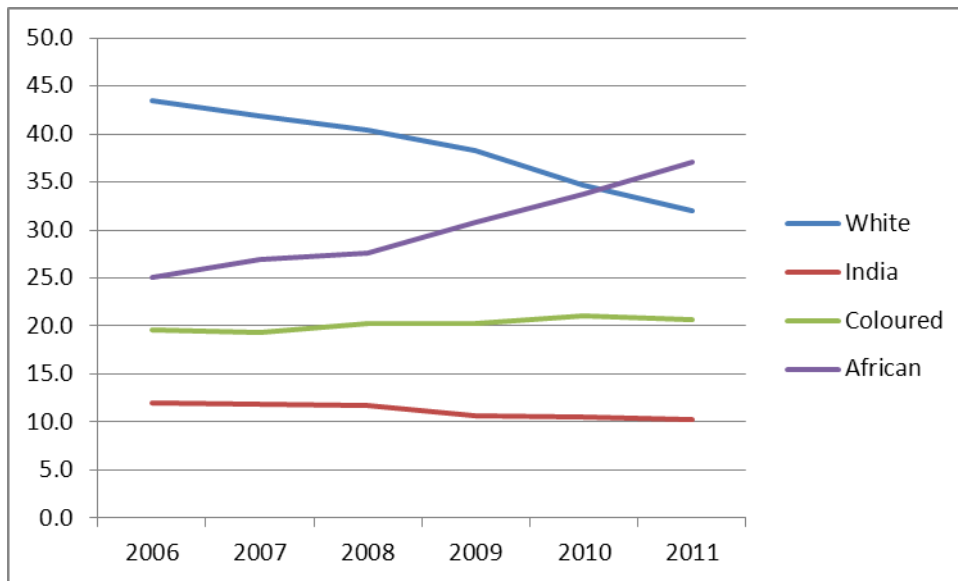
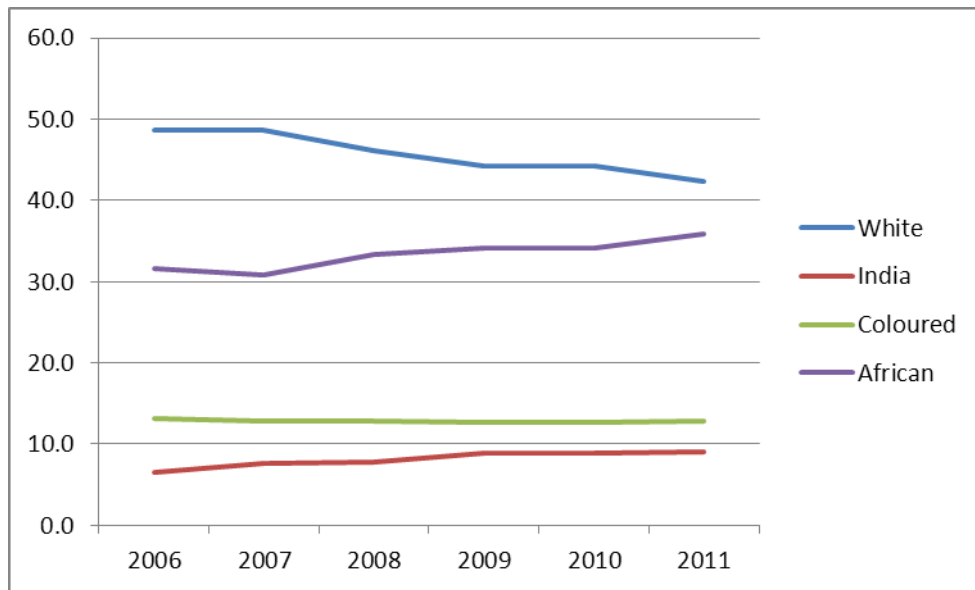


Fig 3.10 below presents the overall undergraduate enrolment data into the Faculty of Engineering and Built Environment from 2006 to 2011. Interestingly, Fig 3.10 below indicates that the bulk of the student who were actually enrolled to study in this faculty were white students from 2006 to 2011. The proportion of white students has been decreasing over the years while that of African students have been increasing. From 2006 to 2011 the proportion of white enrolment fell from 38.0% to 33.0% while those of African students rose from 24.0% to 28.0%. This figure indicates that though the process of affirming African students have been slow it has been making some progress in this faculty.

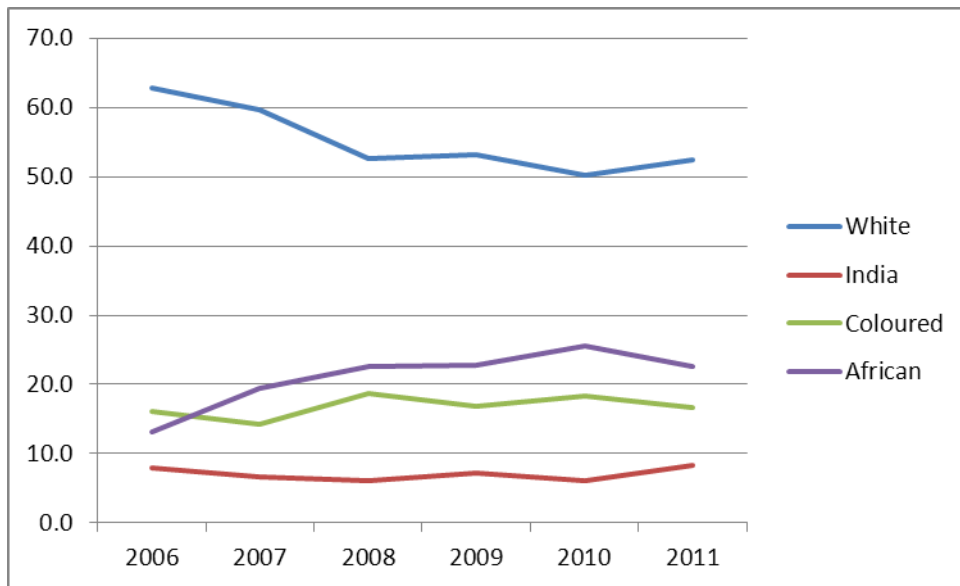
Fig 3.10 Undergraduate Enrolment Faculty of Engineering and Built in Environment



3.4.4 Undergraduate Enrolments in the Faculty of Law

This section will focus on the general enrolment in the Faculty of law from 2006 to 2011 to evaluate the level of transformation that has taken place within this faculty. Fig 3.11 below indicates that white students had the highest enrolment from 2006 to 2011 though more African and coloured students applied as seen in Fig 3.7. Though white are the highest in enrolment they have been experiencing a decline from 2006 to 2011 from about 64% to 52%. The African student enrolment on the other hand has been experiencing an increase from 19.4% to 22.6% from 2006 to 2011.

Fig 3.11 Undergraduate Enrolments Faculty of Law



From the above discussion one can conclude with regards to the overall enrolments in the Faculties of Health Sciences, Engineering and Built Environment, and Law as indicated in Figures 3.9, 3.10, and 3.11 by saying that, though the race based admission affirmative action policy has increased the numbers of previously disadvantaged race groupings into UCT, it still falls short of achieving demographic representation. Whites who are just 9% of the total population are still the most enrolled while Africans who constitute 79% of the total population are the least enrolled in the aforementioned three Faculties.

3.5 SUMMARY

This chapter presented data on applications and enrolments in an attempt to gauge the impact of affirmative action policy at UCT in the selected earmarked programmes in the three faculties, which are the MBChB, three engineering programmes and the LLB programme. The chapter has presented the admission requirements into the various programmes and analysed the application and enrolment figures in order to evaluate the impact of the affirmative action policy from 2006 to 2011. The data indicates that there have been minor changes between Indian and coloured students but there have more significant shifts in the enrolments of African and white students. While the African student population has been increasing the white population has been reducing. This trend is less visible at the programme levels than at the faculty level. In the MBChB programme, the data indicates that there is an inverse relationship between white and African Students at the programme level as well as while there is an increase in the number of African students granted admissions into the

faculty, there has been a decrease in the number of white students. Despite the fact that white students are the most enrolled in the earmarked engineering programmes the trend of enrolment is still the same; the Africans and white enrolments being the mirror object of the other. In the Faculty of Law, the data indicates that African students were the highest to apply; the white students were the highest enrolled in the Faculty indicating a slow pace in the policy in achieving its aim of creating a student body that will be a reflection of the demographic composition of the country. However when it came to first time enrolment into the LLB programme, white, African, and coloured students had no major difference. These attempts however, to increase the enrolments and academic development of disadvantaged students are indeed commendable efforts to address historical imbalances and inequality created by the apartheid system.



Chapter 4

DEBATES ON AFFIRMATIVE ACTION AT UCT

4.1 INTRODUCTION

This chapter discusses the key points in the arguments for and against the use of affirmative action policy at UCT articulated by various constituents. The University of Cape Town's affirmative action policy debate is very topical and has been subjected to widespread debate. It has featured prominently in newspaper articles, in particular local Cape Town papers, the Cape Argus and the Cape Times. The debate has also featured prominently in the nationally distributed Mail and Guardian in 2011 and 2012. The chapter draws from section 2.7 which addresses the advantages and disadvantages of affirmative action from literature. Principally the advantages relate to affirmative action as a redress measure which empowers the affirmed groups resulting from improved education and the employment opportunities as well as the restoration of human dignity. The major disadvantages of affirmative action are: (a) it often benefits the middle class of the target groups rather than the disadvantaged, (b) it entrenches racial thinking in the minds of people, (c) it is a demotivating factor to the affirmed groups, (d) it is viewed as reverse discrimination and (e) it is difficult to determine its duration.

The rest of the chapter is divided into the following sections: Section 4.2 will look at the use of affirmative action as a redress policy at UCT; section 4.3 will interrogate race as a suitable proxy for economic disadvantage; section 4.4 will look at affirmative action as a demotivating factor for African students; and section 4.5 will look at the failing post-apartheid educational system while section 4.6 will look at other proxies as an indicator of economic disadvantage. The chapter will end with a summary in section 6.7 that recapitulates the major issues discussed within the chapter.

4.2 DEBATES ON BALANCING THE NEEDS FOR REDRESS AND MERIT

This section counterbalances arguments for the need for redress and merit based admission policy. The University of Cape Town therefore takes into cognisance the historical disadvantages and consequences, thereof resulting from the apartheid system on Africans, coloureds, Indians and the Chinese in South Africa. Accordingly, affirmative action policies are necessary as a means of creating greater opportunities to those who were historically disadvantaged to reach parity with the whites.

One of the key starting points for articulating the affirmative action debate is to answer the question of a whether or not there is inequality in society. In a debate conducted at UCT on September 2, 2010, all participants concurred with the Vice Chancellor, Dr Max Price, that:

There is inequality in society perpetuated by past racial policies and that certain people were born into circumstances which do not allow them to do as well at school as other people and therefore the need for a policy to help boost their morale and thus transform society at the long run.

This debate included some of the staunchest critics of the use of race as a proxy for admission, including: Prof. Neville Alexander, the Director of the Project of the Study of Alternative Education in South Africa (PRAESA) at UCT, and David Benatar Head of the Department of Philosophy at UCT who argued strongly against the use of race as a measure of disadvantage. They stated that race categorisation sows the seeds of discord between the various race groups. Those who supported the view of a race based policy included Dr Max Price, the Vice Chancellor of UCT, Sizwe Mpofu-Walsh, the President of the Student Representative Council (SRC) and Reverend Njongonkulu Ndungane the chair of the University Council, who argued that race based admission policy remains the most viable policy at the moment since other measures of disadvantage such as poverty are too complex to be managed by UCT. Despite the existence of consensus on the transformatory role of affirmative action, there is a split difference on how the policy should be administered to attain its desire goals of redress and transformation.

As detailed in section 2.7, the Solidarity Research Institute argues that affirmative action equates to reverse discrimination, and that it reduces efforts to attain higher levels of achievement for students or employees. Furthermore, the Institute argues that students admitted on this basis are often ill-equipped to handle the academic material and as a result produce poor academic results. The meritocratic selection system should be the only defining base for admission into UCT. In a press conference held at UCT on the 12th of March 2012, Amanda Ngwenya of the Democratic Alliance Student Organisation (DASA) argued that, candidates are being admitted who are not actually able to succeed at university at the expense of candidates who has the knowledge and skills to improve the country (Jones, 2012). The counter argument to the meritorious admissions systems propounded above was articulated by the President of South African Student Congress (SASCO) Sello Nkatho in the

same press conference who argued that “the apartheid system used education as a tool to suppress the views of the majority of the people, and the disparities within education are still apparent”.

4.3 IS RACE A SUITABLE INDICATOR FOR DISADVANTAGE?

Affirmative action policy by definition is geared towards affirming those considered disadvantaged. Various opinions have emerged from the public debate on what may constitute the best proxy for disadvantage that may replace race as the means for differentiating relative advantage and disadvantage.

According to Ismail (2012), the effects of apartheid in the country are still felt 18 years into the new dispensation as the majority of Africans and coloured learners are still taught at under-resourced schools by the same ill-prepared educators. Africans and coloured learners particularly have not benefited from the benefits of the internet and technology which are available to the majority of white learners in well-resourced schools. For him, 18 years is not enough to solve the entrenched disadvantage resulting from 46 years of apartheid.

In the live debate conducted at UCT on September 2, 2010 Dr Max Price held the view that race remains the best proxy to measure economic disadvantage since the apartheid system created racially based economic systems. These systems greatly disadvantaged the Africans and to a lesser extent the coloureds and Indians.

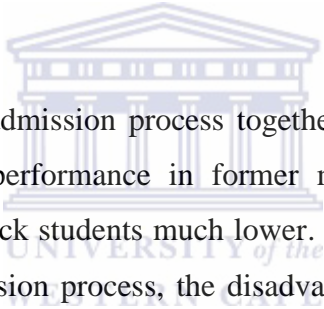
Price (2012) enumerates the key dimensions affecting student performances which can be attributed to the apartheid differential system:

- *The educational experience of the learners' parents:* parents with better educational attainment are generally better able to assess whether a child is underachieving, and are able to set clear targets for their children such as achieving a few distinctions and intervene when difficulties occur. Such parents are more likely to be in a better socio-economic situation and able to send their children to better schools. Those with worse educational and economic profile will not be able to motivate, inspire, and assist a child to achieve good grade at school.
- *The type of educational culture that children are brought up in:* the South African school system, like all educational systems, favours those who share the cultural

capital of that system. In the case of the South African school system, its values are underpinned by the Western culture. This culture is transmitted and taught early through books, stories, theatre, film, family activities, museums, international travel among others. African learners are restricted by the fewer opportunities to access and know of western values.

- *The persistence of racism and racial stereotype amongst school children:* where racial or gender stereotypes are perceived to be operative, their effect is to trigger underperformance. This therefore means that the old tendency of white superiority and black inferiority are transferred unto the school children.

The characteristics above show the connectedness between race and economic disadvantage and how it is linked to school children performance in that, most black parents were not exposed to education and western culture as the advantaged white parents. Dr Max Price further argues:



Race is essential in the admission process together with economic disadvantage in that the distribution of performance in former model “C” schools places white students at the top and black students much lower. Therefore, if disadvantage is used without race in the admission process, the disadvantage measure will draw in more black students from disadvantaged schools with disadvantage background and the rest will be almost all white students. This will create a stereotype and reproduce view of racism in society that white students are bright while black students are weak (UCT Admissions Debate, 2011).

In order to avert this, it is necessary to also admit black students with good marks who are not necessarily disadvantaged.

Johnson (2012), points that it is the schooling structure that makes students to underperform. He indicates that the core issue affecting black underperformance is the failing black educational system which is in continual crisis. To illustrate his point, he states that black schools have an average 3.5 teaching hours a day compared to 6.5 in in former model C schools. Johnson further postulates that, because the affirmative action policy makes no distinction between privileged black students and poor black students and the assumption that

all white students have had good schooling places privileged black students at an advantage over less well to do white students.

Mpofu-Walsh argues that the use of race is justified by the inherent sociological schisms in South Africa and highlights that other forms of disadvantage are too cumbersome for UCT to manage at the moment like conducting a check on parents education, availability of electricity at home, number of kilometres walk to school etc. (UCT Admissions Debate 2011).

Prof Alexander posits that , “ if the assumption is that 90% people labelled black are poor the university should use income or poverty not race, as the university has a mandate to challenge things that are scientifically wrong amongst which race categorisation is one of them”(UCT admission Debate, 2011). According to Alexander (2006), the history of Nazi Germany and Rwanda are indication of the fact that racial categorisations have “genocidal” potential and if practiced in South Africa the fate will be no different.

Given that 45% of the student body is white, Price (2012) argues that it cannot be argued that opportunities for white students have been substantially reduced as a result of affirmative action. It is indicated above that race is just one of the multi-facet factors that determine economic disadvantage. The analysis also shows the relationship between the use of race during the apartheid era as an indicator for the allocation of economic advantage and its damaging effect on the present state of affairs in the country in which the legacy of apartheid is omnipresent in almost every aspect of socio-economic wellbeing.

4.4 AFFIRMATIVE ACTION POLICY AS A DEMOTIVATING FACTOR

The admission of affirmed groups with lower grades as compared to their white colleagues has aroused the argument that these students will not be motivated to work hard in order to gain a place in UCT. According to Price, (2011), Buchanan argues that “Privileged black matrices from UCT's feeder schools perform at an average of seven percentage points lower than white matrices because of UCT's admission policy, not despite it.” For Buchanan, the lower entering point required of black students, gives them a false sense of security which they engaged in social activities rather than study. These claims are unfounded and cannot be proven in the opinion of Price (2011).

Weinburg (2012) argues that “a child who was born in 1990 will be badly treated if he or she is subjected to the damaging effects of apartheid because he or she was born in a free South Africa”. Weinburg (2012) states that if whites are denied admission because of their race in 2012, then this is “completely reprehensible and void of any morality” thus demotivating them. However, this argument has been challenged in section 6.3 by Ismail (2012) who indicates that, 18years is not enough to solve the damage caused by 46years of apartheid and that the legacy of apartheid still manifest itself as most black learners are still taught at under-resourced schools by the same ill-prepared educators. African and coloured learners particularly have not benefited from the benefits of the internet and technology which are available to the majority of white learners in well-resourced schools.

Some black students strongly feel that because of the policy, they are not considered as good enough to gain a place to study at UCT. According to Dugger (2010), black underprivileged students praise affirmative action in the admission process on the grounds that without it they will not have gain a place to study at the university, while middle class black students criticise the use of race based admission policy. For example according to Dugger (2010) a middle class black student; Sam Mgobozi, remarks “Are we here because we’re black or are we here because we’re intelligent?” Some black students thus feel that affirmative action puts to question their intelligence. For such students, they know that even without the policy they would have still gained admission into UCT. The policy has made them to be viewed (blacks) as substandard students which they are not.

The presentation above indicates that though race can be used from a positive point of view to empower and provide opportunities for the previously disadvantaged communities, it can as well have a negative effect on the target group based on how it is being interpreted by this group in question.

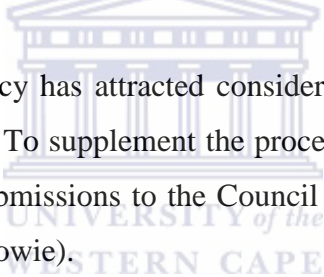
4.5 THE FAILING POST-APARTHEID EDUCATIONAL SYSTEM

As indicated in section 6.4 above, one of the central educational issues which demand much attention in present time is the failing nature of the current academic system. According to Duncan (2012), the underperformance of primary education is laid in the 2011 Annual National Assessment result in which grade 3 learners scored an average of 35% in literacy tests and 28% in numeracy tests, while grade 6 learners scored 28% and 60% respectively. Duncan (2012) further indicates that in secondary schools, while the matric results pass rates

are rising, many of those who pass are with marks lower than 50% and only 1 in every 10 learners earns university entering points. Mathematics and Science, Duncan continues, are the most failed and the least popular despite their importance in today's world. The main reason for the underperformance of students includes under resourced schools, underperforming teachers, and lack of parental support. This explains why despite the affirmative action race based admission policy, few Africans as a proportion of their population are being admitted at UCT.

4.6 TOWARDS AN ALTERNATIVE PROXY

Despite the fact that a vast majority of South Africans of all racial groupings agree on the need for affirmative action, there are diverging views on the desirability of race as an indicator for disadvantage. Hence there is a need for an alternative proxy to measure disadvantage. This explains why the university placed an advert in Cape Times on the 21st February 2012 requesting for alternative options in its admissions policy which states:



The UCT admissions policy has attracted considerable and diverse interest from all sectors of the community. To supplement the process, we now invite members of the public to make written submissions to the Council Commission (chaired by member of Council, Judge Craig Howie).

This advert indicates the university commitment in reviewing its admission policy. According to Prof. Neville Alexander and Prof. David Benatar, race is not a good proxy for admission because disadvantage is not exclusively associated with skin colour and that the use of race entrenches racist thinking within society. For them the university should look for other methods to address the issue of admission of disadvantaged students for example poverty. The Democratic Alliance Student Organisation (DASO) member Amanda Ngwenya states that “Universities cannot, however, be expected to compensate for 12 years of bad schooling. For Amanda, it is the responsibility of the primary and secondary school system to produce a fair distribution of academic ability” (Jones, 2012). According to Alexander, the whole notion of “racial categorisation in UCT’s admissions policy betrays the concept of non-racialism which so many people fought and died for during the long struggle against apartheid” (UCT, Admissions Debate, 2010). A replication of apartheid race categorisations simply reincarnates the norms of that era. Jansen (2010) indicates that “we cannot correct the wrongs of apartheid by invoking the very racial categorisation that offended and divided us”.

Prof David Benatar argues further that the use of race is “a steeped in the South African appalling past and that it reinforces racial thinking which is morally unacceptable and injurious” (UCT Admissions debate, 2010).

Benatar further states that Dr Max Price’s article published in the Mail and Guardian in 2012 (Price, 2012) is a headway towards finding an alternative to the use of race in the admission process at UCT. In it Price includes amongst others favouring those from disadvantaged schools, favouring those whose parents did not complete school or do not have a university degree, and favouring those who are not fluent in English (Benatar, Politicsweb, 2012). For Neville Alexander, racial categorisation is a “bad enterprise” which South African should not venture into and he alludes to the racial tension in Nazi Germany and the Tutsi v. Hutus rebellion in Rwanda (UCT, Admission Debate, 2011). Notably, David Benatar points out that there will be no single policy option that will not favour others and disfavour others but race should not be one of them.

According to Johnson (2012), the greatest mistake which the use of race as a proxy perpetuates is that it places privileged blacks from the private model “C” schools on the same footing with poor and struggling children from the townships. Although Dr Max Price concurs with the view that not all whites are economically advantaged over blacks and vice versa, his main argument is that majority of those who are economically disadvantaged are black. Goldberg (2009) is also of the opinion that the use of race within society is tantamount to creating cleavages and fractions within society which eventual outcome is tension and violence. For Goldberg, any racial profiling is exploitative and in no way moves society forward and while it might be persuasive in the beginning the end result is always fatal. From the debate above, there is a strong need for a change from racial categorisation as it is seen as a seed of discord planted in the minds of the youths.

4.7 SUMMARY

This chapter has detailed the qualitative analysis on the perceptions of staff, students, administrators, and the public on UCT’s affirmative action admission policy which is based on race detailing their arguments on the topic. On the qualitative analysis, though there is an agreement on the damaging effect of the apartheid educational system. However, individuals differ on the manner in which redress has to be made. Those who argued against the use of race as a proxy for admission hold the view that affirmative action per se is not totally a bad

policy if managed properly but that the use of race as a measure for disadvantaged is not only morally unacceptable but it is equally injurious. Therefore, it can possibly entrench racial thinking in the minds of students and set a bad precedence on creating a non-racial society. While those who argued for hold the view that race is the only best feasible measurement for disadvantage at the moment and unless a better proxy is established race will continuously be used as a proxy for admission into UCT.



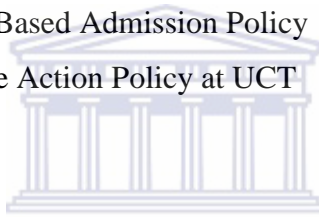
Chapter 5

CONCLUSION

5.1 INTRODUCTION

The main aim of this study is to examine how the implementation of affirmative action in the admission policy at UCT has impacted on the racial composition of enrolments and to critically examine the perceptions regarding this policy. The study focused on five programmes: MBChB, LLB, and BSc Engineering in three engineering specialities: Mechatronics, Electrical Engineering and Civil Engineering. The researcher analysed the perceptions of UCT staff, scholars, and the public on the enrolment policy and other relevant documents. In this chapter, the researcher summarises and discusses key aspects that have emerged from the study. The chapter is organized as follows:

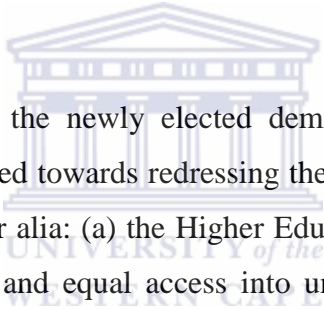
- 5.2 Summary of Literature Review and Policy Framework
- 5.3 The Impact of UCT Race Based Admission Policy
- 5.4 Perceptions on Affirmative Action Policy at UCT
- 5.5 Summary



5.2 SUMMARY OF LITERATURE REVIEW AND POLICY FRAMEWORK

The body of literature discussed in this study suggest that affirmative action in higher education is premised on the following issues (a) the recognition of the damaging effect of the apartheid educational system, (b) the need for government to implement policies that can help correct the wrongs of the past, and (c) the need to build a non-racial and non-sexist academic system. These issues are embedded in the broader discussion of the concept of affirmative action in chapter two. The chapter provides an analysis of the background to affirmative action in South Africa, and the policy framework for affirmative action and higher education. It highlights the experiences of other countries in their practice of affirmative action policies. The chapter also discusses the fact that with the dismantling of apartheid in the aftermath of the democratic elections, the transformation of South Africa into an equal opportunity society was imperative. Affirmative action was therefore introduced as one of the viable strategies to transform the country. The historical experience of other countries such as the USA, Brazil, and Malaysia as explained in section 2.6 supported the view that historical inequalities can be bridged using affirmative action policies. For example in the USA the affirmative action policy was introduced in the academic domain to attain

racial representation in universities through its admission processes. However unlike the UCT's admission process which uses race as the main proxy for admissions, universities in the USA use race and other proxies such as ethnicity, native language, social class, geographical origin, parental attendance of universities and gender. In the case of Malaysia, affirmative action policy was introduced through the New Economic Policy (NEP) which advocated that the enrolment in each subject should correspond to the communal composition of the population. Through this policy, the numbers of ethnic Malays in higher institution increased, with many of them graduating in previously exclusive areas of study such as medicine and engineering. In Brazil, because of the class difference that orchestrated inequality, affirmative action was implemented in both the public and private sector. In universities, preferential treatment was given to the pupils from public school and low income students were further granted scholarship to finance their tuition in private higher education. This move was aimed at providing more access to the disadvantaged within the society.



In the context of South Africa, the newly elected democratic government introduced a number of policies that were geared towards redressing the past, as explained in sections 2.3 and 2.5. The policies include inter alia: (a) the Higher Education Act No 101 of 1997 which sought to ensure representation and equal access into universities and also to ensure the independence of higher institution, (b) the Higher Education White Paper 1997 which provided processes and procedures for staff and student representation and equal access, (c) the National Plan on Higher Education South Africa 2001 which outlined the framework and mechanism for implementing and realising the policy goals of the White Paper, (d) the Employment Equity Act No 55 of 1998 which focused on employment representation at the workplace, and (e) the Broad Based Black Economic Empowerment Act No 53 of 2003 aimed at increasing the effective participation of the majority of South Africans (Africans including women, workers, youth, people with disabilities and people living in rural areas) in the economy. The aforementioned policies attempted among other objectives, to implement affirmative action policies in higher education.

As indicated in chapter 3, UCT, in alignment with government policies for redressing imbalances in higher education, is determined to ensure that its staff and student composition reflect the demographics of the country. The university has incessantly reiterated its willingness and commitment to use self-racial indication as a broad-brush measure of past

structural inequality in its admission process. For example “we will use your indication as a member of a previously disadvantaged category for effecting redress because it remains the best initial, broad-brush measure of past structural inequality” (UCT, 2011a).

5.3 THE IMPACT OF UCT RACE BASED ADMISSION POLICY

As detailed in Chapter 3 of this study, the general trend of student enrolments in the three faculties which this study seeks to investigate indicates that the proportion of African students enrolled on a general scale has been increasing while the proportion of white students enrolment has been declining. For example in the Faculty of Health Sciences, white student enrolments between 2006 and 2011 dropped from 40.0% to 30.7% while African student enrolments increased from 23.0% to 35.6%. In the Faculty of Engineering and Built Environment, white student enrolments dropped from 37.0% to 33.0% while African student enrolments increased from 24.0% to 28.0% during the same period. Whereas in the Faculty of Law, white student enrolments dropped from 64.0% to 52.0% while African student enrolments increased from 13.2% to 22.6% also between 2006 and 2011.

In the MBChB degree, it is indicated in section 3.2.4 that the proportion of African enrolments increased from 36.3% to 52.7% from 2006 to 2011 while the proportion of white student enrolments decreased from 28.0% to 16.8% from 2006 to 2011. As indicated in section 3.3.5 in the Mechatronics programme, the enrolments of white students oscillated between 50% and 70%. The affirmed racial grouping oscillates with the Africans attaining the highest proportion in 2009 (22%). In the Electrical Engineering programme, the enrolments of white students vary inversely with that of African students- with the one increasing and the other declining. Whites attained their highest enrolments rate in 2009 (66.7%) while the Africans attained their highest enrolments rate in 2010 (50%). Section 3.3.5 further indicates that in the Civil Engineering programme, the proportion of African student enrolled increased from 23.2% to 45.2% from 2006 to 2011 while the proportion of white student enrolment declined from 60% to 33.3% from 2006 to 2011 respectively. In the LLB degree, the four racial grouping were oscillating.

However, despite the achievements registered in terms of overall student enrolments at UCT, Dr Max Price warned that by January 2012, the highest student population group at UCT was whites, totalling 45% of total student enrolment. This is an indication that despite the increased of African student enrolled at UCT, whites are still the dominant overall population

group (Price, 2012). This entails that UCT race based admission policy can not be viewed as a panacea to attain racial representation at UCT.

5.4 PERCEPTION ON AFFIRMATIVE ACTION POLICY AT UCT

One of the key objectives of this study was to examine the slew of debates on the implementation of affirmative action policy in higher education. Despite the contesting views on the policy, there was a degree of consensus on the desirability of affirmative action as a means of redressing the ills of the past. Chapter 4 of this study contended that the use of race as an identifier of the beneficiaries of the policy was highly contested. The research identified the dichotomy within scholars about how the policy is implemented at UCT. These conflicting views point to the complexity of affirmative action as a policy for addressing racial imbalances in the South African higher education.

Interestingly, arguments in support of UCT's race based admission policy are premised on the assertion that the differential raced based socio- economic outcomes resulting from apartheid are still apparent within society and the educational system in particular. Thus the proponents of these arguments claim that the policy could help bridge the inequality gap within society and it could help level the playing ground between the various racial groupings in the future as well as help to create diversity within the student body. However, arguments against the policy postulated that race based admission policy could sow the seeds of discord and tension amongst the racial groupings within society and could ultimately lead to racial tension in the future. For them, the policy is a form of reverse discrimination as it advantaged those who were previously disadvantaged and vice versa. Additionally, they argued that the policy seems to benefit those who are not supposed to be included in the scheme, for examples the sons and daughters of CEO's and Ministers who are not disadvantaged. Ultimately, they opined that if poverty is the main indicator of disadvantage, UCT should therefore use poverty and not race in its affirmative action drive. Interestingly, supporters of the policy such as Dr Max Price agreed on the potential danger that could arise through the racial categorisation process to identify beneficiaries in the future.

5.5 SUMMARY

This chapter has presented a summary of the literature review, the impact of UCT's race based admission policy and the perceptions of UCT's race based admission policy in the university and its public. This study has established that through UCT's race based

affirmative action policy more Africans in general are being enrolled in the university though the progress has been relatively slow. Addressing institutionalised educational inequality remains a highly contested terrain across society as evidenced by the robust if sometimes emotive debates discussed in the thesis.



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