

ADDRESS BY HERMAN MASHABA TO:

Solidarity's Shadow Report to the United Nations'
Committee on the Elimination of All Forms of Racial
Discrimination

13 May 2015

Distinguished guests

Ladies and gentlemen

Thank you for the invitation and the privilege to address
this important conference that can help shape the future of
our country.

This Solidarity's Shadow Report to the United Nations'
Committee on the Elimination of All Forms of Racial
Discrimination is more than a vital initiative. Racial
discrimination has affected, over the last 300 years of our

recorded history, the lives of every person living in South Africa, and unfortunately continues to do so today.

It is impossible to be born black in South Africa and not to have experienced incidents of racism. I was born in 1959 under the leadership of Prime Minister H F Verwoerd, known as the architect of apartheid, and by extension the unashamed advocate of institutionalised racism.

I grew up in the black homeland of Bophuthatswana and experienced first-hand the results of racial segregation.

Due to the apartheid policies, my parents had to travel to Johannesburg to find work, resulting in me living with my sisters in isolated rural Hammanskraal. Blacks were paid paltry wages and my widowed mother was unable to maintain a family with her R29 a month salary. My mother stole supplies from her employer, and my sisters and I stole firewood and water from neighbouring white farmers, and we experienced being chased off these farms by gun-

wielding farmers. These demeaning acts were prompted by nothing other than pure poverty, which was itself occasioned by Apartheid's racially divisive policies.

A typical day in my life might have been being told how a farmer had taught his son to shoot by using the labourers in the field to practice on, an incident in which my great-grandfather was shot. Or waiting for my mother to come home in the middle of the night and return to work before dawn, so that her employer would not know she had left her backyard room during the night to take food to her children. Experiences such as these engendered a deep suspicion and hatred of white people.

This hatred was inflamed by my interaction with lecturers and administrative staff during my studies at the University of the North. After witnessing racial manipulation and brutality, I took a conscious decision to abandon my studies, and tried to illegally leave the country to join

liberation freedom fighters in other parts of our continent. Regrettably, I did not have the connections to facilitate my desire to undergo military training and become a freedom fighter.

I have to admit that at that stage in my life, I was depressed and a very angry black youth. What depressed me the most was the thought of having to work for whites, something I detested as I was growing up. During my teens I opted to gamble and play a game of dice games in the township rather than work as a weekend gardener for a white man. But eventually reality sunk in, and I was forced to overcome my disdain for whites to the extent to which I knew I would have to work for them.

I did work for whites, and Indians, and I did experience racism. But, these interactions taught me a valuable lesson. I could let that racism define the trajectory of my life, or I could avoid racial confrontation and give of my

best. It was a successful strategy and I eventually saved enough money to buy myself a car so that I could become an independent operator.

Although I had realised that racism exists at all levels, I also met people who weren't racist, who judged me on my character instead of the colour of my skin. It was a philosophy that appealed to me. However, I never wanted to be employed at a level that an employer decided for me, and job reservation meant that certain jobs were reserved for whites only. I was determined to be my own boss so that I could be in control of my dignity and my destination.

In 1982, the Apartheid legislation determined that I should not be in business as a black South African. The inferior education I had received from the Bantu Education Department barely equipped me to be a clerk, never mind a businessman. Living in an economically depressed and

isolated homeland could hardly be considered a nurturing environment for black entrepreneurship because there was little to no access to resources. Race-based labour controls, the limitation of movement and employment of blacks, and colour barriers in companies added to the list of how Apartheid intended to disempower black people.

However, I refused to be derailed from my dream of economic freedom, and at the age of 24 I started my own cosmetics company, branding my products Black Like Me, and also inviting a fellow white South African to join the business as an equal partner. We both had skills that the business needed; this was a vital partnership.

The miracle of the 1994 election and Nelson Mandela's leadership of the country had all South Africans ready to embrace the concept of a Rainbow Nation, and our apparent harmony won the approval and admiration of the international community. Our constitution was hailed as among the most progressive in the world and our current

Deputy President, Cyril Ramaphosa, travelled across the globe, sharing our country's miracle. They were indeed times to be proud and to bask in the glow of that Rainbow Nation.

Sadly, 21 years down the line, we should be a mature democracy. Instead, the glow of the rainbow is beginning to diminish and Nelson Mandela's great legacy is being dismantled by his own political party, the ANC. Our current government is intensifying its racial policies that are going to drag us back into the dark days of polarisation and disrepute.

Undoubtedly, at the dawn of our democracy, the ANC government was compelled, or more accurately, electorally compelled to redress injustices of the past. And the government at that time took its role very seriously, taking considerable time and employing wise minds to

implement policies that would create an equal society and improve the lives of the previously disadvantaged.

Subsequent to 1994, employment legislation was developed to outlaw unfair racial discrimination and to redress past imbalances. Employment policies undoubtedly had to be revised, and the first step was the repealing of the Labour Relations Act of 1956 and replacing it with the Labour Relations Act of 1995, which eliminated job reservation. But the policies that I would like to unpack here, are those that resonate with me as a capitalist entrepreneur, and those that are essentially race-based.

Two of the most common terms in South African labour law are undoubtedly BEE and BBBEE, and most people think they are interchangeable. They are not.

The BEE or Black Economic Empowerment Act of 2003 (now referred to as the Narrow Based Black Economic Empowerment) refers specifically to the government policy whereby sections of the population who were not allowed to participate in the economy were given a chance to redress the economic imbalances of the past. BBBEE or Broad-Based Black Economic Empowerment Act of 2006 seeks to accelerate and increase the penetration of black participation in the economy at every level. BEE or BBBEE, essentially what it comes down to is affirmative action.

Essentially, affirmative action sought to “substantially and equitably transfer and confer the ownership, management and control of South Africa’s financial and economic resources to the majority of its citizens. It also sought to encourage and ensure broader and meaningful participation by black people to achieve sustainable development and prosperity”.

The notion of empowering previously disadvantaged blacks is a noble ideal, noble but racist. Let's look at why this is so.

To adhere to BEE principles, businesses are compelled to consider the race and social background of potential applicants instead of considering an applicant's skillset and qualifications. Race is thus a determining factor in securing employment in South Africa. It was unacceptable to have job reservation during apartheid and it is unacceptable now. Affirmative action is not empowering, it is limiting, degrading, and offensive to anyone who wants to participate in the economy but cannot simply because they are not black.

Affirmative action is discriminatory not only against a minority, it also excludes the vast majority of black South Africans from its purported benefits, since BEE has

succeeded in creating an economic network of privileged manipulators and cronies.

Additionally, affirmative action has created a skills shortage crisis as many qualified and economically active whites, and sometimes blacks, left the country because of being excluded. Affirmative action serves a few politically connected black elite; it has seen the rise of extensive corruption, but has still left millions of black people, in particular the youths, unemployed and in dire poverty.

Affirmative action creates an illusion job creation and racial integration that doesn't exist. Instead affirmative action has divided South African society in two, highlighting the divide between the white haves and the black have-nots.

Affirmative action has enhanced the racist perceptions of blacks and whites. Poor blacks are under the illusion that

the whites are still the only beneficiaries of business.

Whites feel that the tables have turned, and that they are excluded from economic activity based on race.

The cost of affirmative action to the poor has been substantial in that it has diverted money from education and infrastructure projects that would have been beneficial, and instead created bloated agencies and departments that don't contribute to the economy in any meaningful way.

Affirmative action supports the racism's bedfellow, namely tribalism, where favoured politically connected businessmen are able to benefit from government tenders and contracts. It promotes and create an impression that to succeed, you must be first politically connected.

Political patronage becomes a vehicle to get closer to state resources. Any policy that supports this racial divisiveness must be abandoned.

South Africa must be governed according to the constitution that states that citizens should not be unfairly discriminated against, either directly or indirectly, 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.

If South Africa's citizens are to flourish and the country is to develop into a stable, strong economic nation, then all forms of discrimination must be abandoned. Further tweaking the affirmative action policy will result in further divisiveness, it will obstruct the flow of skills and capital and diminish the growth, entrepreneurship, and investment necessary to elevate millions of South Africans into the middle class. Most importantly it will exacerbate racial disharmony. The government must remove all race-based legislation from labour and commerce.

Currently, employment in South Africa is now being shaped by the legislated exclusion of racial minorities. It is contradictory to claim that we are aiming for a non-racial society and then on the other hand implement discrimination. It is my opinion that any form of racism, including affirmative action, should be scrapped from the statute books to uphold our constitution of no discrimination. My solution is job creation through a booming capitalist economy where investors feel safe and employers and employees are able to contract without state intervention. Allow all South Africans to exploit their God-Given talents without these discriminatory practices.

The most effective tool the state can use to redress the ills of the past of inequality, unemployment and poverty, is to follow the spirit of our constitution, which is not to discriminate against other members of society. In a society like that, the economic potential of the country will

be unleashed. Economic growth would mean more taxes for the state. More taxes for the state, will mean more money and resources to address and provide good quality education, healthcare and overall infrastructure. In an environment of an accountable and effective government, black people of our nation are naturally going to be the biggest beneficiaries. The country will over time have an educated, sustainable and harmonious society. We need a government that does not look for shotgun solutions to this challenge, but long term nation building ones. It is possible and necessary for the country to adopt such policies.

Racial policies are the cancer that is directly responsible for this unacceptable levels of unemployment.

Unemployment is directly responsible for the breakdown of our family structures. We cannot build a nation without first building our families. Give our people the dignity and respect. Allow parents to support their families. Allow

children to grow up as children and see their parents waking up in the morning. Let us strive to teach the nation the value of hard work, as opposed to this dependency on governments.

The future of South African society will rest on fair representation of all South African across all sectors. The strength of a democratic South Africa relies on the wellbeing of its citizens and the benefits that are available for every citizen to enjoy. After 21 years of democracy, race-based legislation can no longer be a vehicle that drives out the effects of discrimination. Race-based legislation is actually the bus that drives discrimination and it must be rejected and terminated.

It is ironic that the compensatory mode and restorative justice of race-based legislation has become the leading instrument in racial disharmony. No balance can be struck between promoting such legislation and avoiding

discrimination. When minorities are alienated, no equality exists. South Africa cannot be a diverse populace without diverse representation.

Finally, if South Africa is to avoid the tribalism, dictatorship, genocide, poverty and demagoguery that plagues other African countries, we must eradicate every form of racism. And we must do it now.

Please allow me to wish you success with this important initiative to save our country.

And I thank you