

# Racism, Xenophobia, and Misogynistic Prejudice in South Africa

A Case Study of Policy Interventions  
Since 1994



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## About the Grand Challenge

Inequality and exclusion are among the most pressing political issues of our age. They are on the rise and the anger felt by citizens towards elites perceived to be out-of-touch constitutes a potent political force. Policymakers and the public are clamouring for a set of policy options that can arrest and reverse this trend. The Grand Challenge on Inequality and Exclusion seeks to identify practical and politically viable solutions to meet the targets on equitable and inclusive societies in the Sustainable Development Goals. Our goal is for national governments, intergovernmental bodies, multilateral organizations, and civil society groups to increase commitments and adopt solutions for equality and inclusion.

The Grand Challenge is an initiative of the Pathfinders, a multi-stakeholder partnership that brings together 39 member states, international organizations, civil society, and the private sector to accelerate delivery of the SDG targets for peace, justice and inclusion. Pathfinders is hosted at New York University's Center on International Cooperation.

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Pathfinders for Peaceful, Just and Inclusive Societies, Racism, Xenophobia, and Misogynistic Prejudice in South Africa. (New York: Center on International Cooperation, 2022), available at [www.sdg16.plus](http://www.sdg16.plus)

Day of Reconciliation Celebrations at the Bergville Sports Complex, 2019. Photo Credit: GCIS, Flickr User GovernmentZA. Retrieved from <https://www.flickr.com/photos/governmentza/49232165547/in/album-72157712239101727/>, (CC BY-ND 2.0).

# Executive Summary

As one of the world's most unequal countries built on a legacy of racial segregation, South Africa's ability to navigate the transition to democracy without descending into civil war has long been celebrated. In the early days following the first democratic election with universal adult suffrage, the State worked closely with civil society actors to craft policies that emphasized diversity and inclusion—with a commitment to addressing the historical legacies of apartheid.

Following its volunteer signing of international human rights agreements, including the International Covenant on Civil and Political Rights, the State introduced a new Constitution which included progressive commitments to socioeconomic rights, the right to dignity and equality before the law, and the establishment of bodies tasked with protecting the country's constitutional democracy. Parallel to the establishment of a progressive legislative framework, the State also implemented a transitional justice process—the Truth and Reconciliation Commission—tasked with unearthing the truths of gross human rights violations that occurred during apartheid and offering amnesty in exchange for truth (and not remorse). Given the ways in which apartheid policy contributed to endemic levels of racialized poverty, the democratic State further made a commitment to addressing socioeconomic inequality through progressive economic policy. These early policies contributed to recognition of the structural and physical harm of the apartheid era and legitimized citizens' consequent claims for redress.

Taken together, these policies laid the groundwork for the establishment of South Africa's identity as the "Rainbow Nation," a country committed to recognizing unity in diversity as per its Coat of Arms. Studies indicated positive shifts around racial prejudice and racism in the early days following the first democratic election. However, these shifts included a change from traditional and overt forms of racism to more subtle forms of racism, given the decline in societal acceptance of the former. In order to address these more indirect forms of prejudice, it is necessary to ensure equitable redistribution. Gibson and Classen (2010) found that while contact had strong effects for improving racial prejudice among different race groups in South Africa, this was not the case for Black South Africans' because of continued geospatial segregation and

class inequalities<sup>2</sup> that were still racialized. Thus, argue the authors, contact can foster reconciliation—but only among equals.

The National Development Plan clearly lays out its commitment to ensuring that by 2030, “South Africans will be more conscious of the things they have in common than their differences. Their lived experiences will progressively undermine and cut across the divisions of race, gender, space and class. The nation will be more accepting of peoples’ multiple identities.”<sup>3</sup> The challenge, as South Africa’s democracy has matured, has been ensuring genuine shifts in prejudice—not merely for the sake of social cohesion, but more so because of the direct effects this has had on the resilience of South Africa’s fracturing social contract. The country’s class identities (and consequently socioeconomic inequalities) continue to be racialized and gendered, with the added complexities of xenophobia and gender-based violence and femicide.

As demonstrated in this paper, the impacts of such socioeconomic inequalities on social cohesion are tangible: social cohesion is best facilitated among equals. The lack of quality contact among South Africans continues to feed into social discord. While the State has developed progressive policies such as the National Action Plan and Strategy to Combat Racism, it has failed to deliver implementation plans and allocate resources to ensure these plans materialize. Combined with high levels of corruption, poor service delivery, and inequitable economic performance, the fault lines of racism, misogyny, and xenophobia continue to destabilize the hard-won gains of the transition to democracy. These same factors also delegitimize constitutional commitments to socioeconomic rights and dignity intended to pave the way toward enhancing social cohesion in the country.

As the State struggles with its crises of legitimacy, civil society and citizen action have served to monitor its commitments, implementation, and obligations to ending prejudice and fostering equality. Citizen action has also galvanized mass responses to prejudice on social media, often placing pressure on both the public and private sector to act in accordance with the law. The legal framework and policy commitments made by the State have contributed to an enabling environment where civil society can pursue litigation, social movements, and mass campaigns related to ending prejudice and promoting equitable and just policy implementation, underscoring the importance of protecting civic freedoms.

Informed by this case study, the following recommendations are made to policymakers seeking to address prejudice:

- 1 Corroborate alignment between the Constitution, legislation, and national development plans, ensuring they build on constitutional obligations and promote the language of equality and dignity before the law regardless of race, sex, class, ability, religion or ethnic identity, providing consistent recognition.
- 2 Where transitional justice processes are implemented, consideration should be given to prioritizing victim-centred proceedings alongside truth-seeking and reconciliation. While conceptually challenging, establishing clear links to intersectional experiences and structural consequences of conflict may heighten the experience of recognition among disenfranchised groups. When paired with equitable, just, and dignified redistribution policies, transitional justice can contribute to reconciliation.
- 3 Policy must progressively recognize intersecting grievances among populations and be mindful that one form of prejudice may be exacerbated dependent on a person's class, migration status, gender, sexual orientation, ability, and ethnic identity. Failure to apply intersectional analysis—especially as it relates to assessing power relations and their effect on society—may inadvertently contribute to elevating in-group grievances and undoing the work of broader cross-group social cohesion.
- 4 Civil society often plays a critical role in monitoring implementation in service of the most vulnerable populations. It is critical that protecting civic freedoms (e.g., the right to freedom of assembly, association, and expression) is maintained and upheld for the purposes of accountability and transparency.
- 5 When developing national plans and bills to combat racism, sexism, and xenophobia, civil society engagement is critical in both the consultation phase of policy development and in the planning of implementation and budget allocation. Creating meaningful dialogue that supports collaboration with civil society and protects its watchdog role can ensure democratic collaboration on multiple levels.
- 6 International treaties play a critical role in creating space for multiple actors to lobby policymakers and politicians for appropriate ratification and domestication in legal frameworks. States must be encouraged to sign and ratify international treaties not only as an indication of their commitment to human rights, but also as a channel for deepening trust in the State's commitment to implementation. Paired with the aforementioned recommendations, this step may enhance the social contract.

- 7 To address prejudice meaningfully and facilitate contact, socioeconomic redistribution is critical—especially as it pertains to spatial equality. Providing populations with access to equitable, just, and dignified services across geospatial locations, and facilitating intersectional mobility and integration across these locations, is critical to ensuring that the quality of contact remains among equals.
- 8 Lastly, meaningful attention to prejudice requires recognition and redistribution. While the legal and political framework contribute to legitimate recognition, redistribution (especially as it pertains to socioeconomic redistribution) is critical for ending prejudice. States must work to ensure that their economic policies contribute to dignified, just, and equal livelihood strategies to avoid the deepening of fault-lines. This includes ending the scourge of corruption.



Day of Reconciliation Celebrations at the Bergville Sports Complex, 2019. Photo Credit: GCIS, Flickr User GovernmentZA. Retrieved from, <https://www.flickr.com/photos/governmentza/49231477598/in/album-72157712239101727/>, (CC BY-ND 2.0).

# 1 Introduction

Regardless of the impetus for the creation of an apartheid state in South Africa built on racial segregation, racial prejudice and racism have, since the arrival of the first settlers, been infused with power, violence, and economic discrimination. Through an expansive public policy of racial segregation, interpersonal relationships that perpetuated racist violence in apartheid South Africa were legitimized by the regime in policy, public discourse, and action.

As South Africa transitioned into its first democracy with universal suffrage in 1994, many watched with bated breath, expecting that the racial violence that characterized the late 1980s and early 1990s would result in large-scale violence and even civil war.<sup>4</sup> Instead, the first Black-led government in the form of the African National Congress (ANC) was able to usher in a negotiated settlement while popularizing that South Africans would, from 1994, be “united in diversity.”<sup>5</sup> According to Duckitt and Mphuthing (1998), the shift in racial prejudice immediately before and following the 1994 election showed that Black<sup>6</sup> South Africans experienced lower levels of racial prejudice from the general white South African population compared to the early 1990s.<sup>7</sup>

On the other hand, Duckitt found that for white South Africans, there was a shift from traditional forms of racism (which are inherently violent and derogatory) to more subversive forms of racism (hereafter referred to as “subtle racism,” which implies bias), given the shift in societal acceptance of racism in public life.<sup>8</sup>

These two pieces of research capture general trends in race-attitudes. However, issues of racial prejudice in South Africa are of course complex: the country is still plagued by race-based politics that foster a continuation of the legacy of apartheid, imbued with the challenges of integrating multiple race-identities while addressing xenophobia<sup>9</sup> and gender-based violence. Indeed, race and gender continue to be critical indicators correlated with socioeconomic status, including income and wealth inequality. For example, research has indicated that Black women continue to be most likely to be either unemployed or employed in the informal economy, while, poverty and inequality levels are skewed in favour of the white minority.<sup>10</sup> Furthermore, since 1994, anti-African xenophobia (or afrophobia) has emerged as an ongoing crisis, with mass violence and prejudice against African migrants through looting, intimidation,

and extrajudicial killings. Class differentials are also a growing concern: according to Kotze et al, if Black people in South Africa were a country, they would have the highest levels of inequality in the world.<sup>11</sup>

The policies implemented by the ANC-led government have sought to address the complexities of South Africa's racist past while elevating the contemporary ills of violent xenophobia, misogyny, ableism, and homophobia. These types of prejudice are not new phenomena unique to the post-Apartheid era; however, as they have mostly been criminalized in legal frameworks, space has opened for individuals to seek remedies against hate speech, racism, and discrimination.

## Overview

Through desktop research, this brief case study seeks to analyse the ways in which race relations in South Africa have been impacted by state-led interventions and nonstate actors. It explores the challenges of implementation and sustaining equitable diversity that is not only united with but also contributes to the forging of a resilient social contract among races and intersecting group identities (e.g., migration status, sexual orientation, and gender). The case study also briefly addresses the current race and class dynamics in South Africa and the role played by racism and elitism within race and class dynamics, unpacking whether the shape of inequality is defined more by race or class—and whether the policy response adequately captures these trends.

Beginning with an overview of early policy interventions and constitutional clauses meant to address racism and prejudice in the country, the case study then moves to contemporary state-led interventions and the role of litigation in responding to racism. It then briefly examines the role of nonstate actors in addressing racism and racial prejudice in the country, before concluding with key lessons and recommendations for fostering racially just and inclusive societies.

## 2 Early Policy Interventions

In the early days of democracy, the ANC was faced with the immense challenges of addressing socioeconomic inequalities and race relations in a country that was politically and economically divided by systematized segregation. The apartheid government, which governed from 1948 to 1994, institutionalized a racially segregated society. The regime policed and regulated political, economic, social, and interpersonal relationships through a set of policies that were often sustained with violent discrimination. Louw (2004) distinguishes between petty and grand apartheid, where the former enforced segregation of public and private spaces, while the latter stripped people of color (predominantly Black African people) of their political and land rights, creating labor reserves and homelands and controlling their movements.<sup>12</sup>

Often, the violence of apartheid is associated with its racist policies. However, it is important to foreground that apartheid policy was also innately misogynist and xenophobic. Through the migrant labor system, the family unit of Black communities was fractured as men travelled across southern Africa to provide underpaid labor in the mines. African migrants to South Africa were therefore racialized during apartheid:<sup>13</sup> in the racial hierarchy of the apartheid government, white people were above all other races, but especially Black people. Black men lauded over Black women and children, and also African migrants—who would subsequently become scapegoats for the failures of the democratic dispensation. Black African women, on the other hand, were often conscripted into providing domestic care for white families. Both men and women were subject to violence, but for women, this included sexual harassment and rape as political activists, but also as members of a broader community at war with itself.<sup>14</sup> The delegitimization of social reproduction and the role it played in sustaining apartheid further entrenched the race and gender inequalities still present in South Africa today, while at the same time making endemic the scourge of violence against women and children, which continues to disproportionately affect Black women.

In response to the crimes of apartheid, the ANC-led government took a four-pronged approach:

1. implementation of a Constitution that prioritized access to universal rights;

2. establishment of a Chapter 9 institution tasked with monitoring and responding to grievances;
3. implementation of a transitional justice process in the form of the Truth and Reconciliation Commission; and
4. implementation of a macroeconomic policy that emphasized redistribution and equal access to socioeconomic services.

## Cohesion between the Executive and the Legislature

The policies and strategies implemented by the ANC-led government have, for the most part, been supported by the multiparty legislature, which has passed complimentary bills to support the policy process. This is mostly due to the fact that, since the first democratic election in 1994, the ANC has enjoyed majority seats in Parliament, contributing to a cohesion of policy between the executive and legislative branches. Thus, despite the Constitution guaranteeing the independence of the Judiciary, the Legislature is not always exempt from political influence. Alignment of policies and laws with the National Development Plans is benefitted by the ANC's majority in Parliament, but this has not always been without conflict as partisan politics play out concerning policy developments: In July 2021, opposition parties rejected an amendment to the Land Expropriation Bill that would enable the State to expropriate land without compensation. As the ANC loses more seats in Parliament, South Africans could face more stalemates around policy development.

Each of these policies, discussed briefly below, were imbued with the language of “unity in diversity” as per the national Coat of Arms, and sought to elevate the necessity of fostering a cohesive society built on the principles of inclusion as the reform agenda was being implemented.

## 2.1 The Constitution

The South African Constitution has oftentimes been lauded as one of the most progressive such documents globally, for its focus on the principles of universal adult suffrage, human dignity, the promotion of equality, and the advancement of freedoms. As one of its first major

commitments following the 1994 election, political leadership in the country had already signed major United Nations human rights treaties, including the International Covenant on Civil and Political Rights (1994) and the International Covenant on Economic, Social and Cultural Rights (1994). As all eyes were on the country, incorporating components of these treaties into domestic national policies was essential. The Constitution comprehensively captures these protections. As the supreme law of the land, the Constitution also seeks to address historical injustices, foster a united democracy, and uphold the principles of nonracialism and nonsexism.<sup>15</sup> Importantly, Chapter 2 of the Constitution contains the Bill of Rights, which guarantees a comprehensive set of civil, political, economic, social, and cultural rights to every South African. As an ambitious guiding document, the Bill of Rights is still subject to private property rights and resources available to the state.<sup>16</sup> In the post-apartheid period, these rights have brought into light the significant challenges of resourcing socioeconomic redistribution: many activists are wary of the State's track record in progressively implementing the Bill of Rights in a manner that upholds human dignity and does not further contribute to disenfranchisement.

## 2.2 Chapter 9 Institutions

Chapter 9 Institutions, "State Institutions Supporting Constitutional Democracy," are those institutions established under Chapter 9 of the Constitution and tasked with safeguarding democracy. These include the South African Human Rights Commission (SAHRC), the Commission on Gender Equality (CGE), and the Office of the Public Protector, among others. These institutions have been created to be independent and free from political interference, in order that they may "exercise their powers and perform their functions without fear, favour or prejudice." Their activities are however subject to the law and the Constitution.

## 2.3 The Truth and Reconciliation Commission

The Truth and Reconciliation Commission (TRC) was established in 1996 as part of a transitional justice process to respond to the gross human rights violations that occurred during apartheid and offer restorative justice to its victims. Gross human rights violations were defined as "the killing, abduction, torture or severe ill-treatment of any person by someone acting with a political objective."<sup>17</sup> The TRC also included amnesty provisions for perpetrators of gross human rights violations regarding acts that had political objectives, under the

proviso that truthful presentations were made before the Commission. Victims were also entitled to redress subject to the findings of the Commission.

The Commission was lauded internationally for its victim-centered approach, including in cases of racially motivated violence, and for its ability to mediate the unearthing of politically motivated violence during the apartheid era. However, it has similarly been criticized for excluding sexual violence from the description of “gross human rights violations,” and for whitewashing the everyday racist and misogynist violence that occurred during apartheid—in essence, absconding from scrutiny of the structural nature of racist heteronormativity that stripped millions of South Africans of color, and especially women, of their dignity and access to socioeconomic rights with longlasting effects.

The TRC’s inability to respond to broader structures of subtle racism at the interpersonal and socioeconomic level was also a challenge. Rather than opting to include them in the transitional justice process, such cases of racism were relegated to development policy. This had the indirect consequence of depoliticizing the racial exclusion of the majority of South Africans, negating the mass experience of poverty as an outcome of racist policies, and instead making grievances by the Black poor a developmental concern. The everyday racism that characterized apartheid contributed to the racialization of class identities - with most of the unemployed, underemployed and working class constituting Black Africans. Furthermore, during apartheid, people of color were subject to the underprovision of basic services such as healthcare, quality education, and access to water and electricity. Combined, these dynamics contributed to a racially segregated society where socioeconomic inequality coincided with race relations, to the disadvantage of people of color.

Another challenge was that the TRC did not require perpetrators to show remorse or to apologize to victims. In the absence of retributive justice (which would have presented a prolonged and costly exercise given the extent of violations), the TRC opted for restorative justice with mixed results. Some studies point to the success of the Commission in bringing out the truth,<sup>18</sup> but the provision of amnesty in exchange for truth presented challenges for a victim-centered approach, with limited outcomes for reconciliation between offenders and victims<sup>19</sup>—and society more broadly (as per the point above). On the one hand, truth did not necessarily lead to reconciliation, although in some cases it did lead to forgiveness.<sup>20</sup> Furthermore, the geographical divides that racially separated communities (and continue to do so) meant that contact between different race groups of victims and perpetrators did not take place.<sup>21</sup>

Reflecting on this, a perpetrator-respondent in a paper by Abrahamsen and van der Merwe (2005) said:

*"We are in a society where in the recent past separate development had governed the lives of our people. The African people are living mostly in the rural areas and informal settlements and you don't find these white people there, so it means that somebody will have to move out of their area to go and reconcile with the others. If we were living together we could exercise reconciliation at our social level, now we have to brea these barriers that were created by apartheid."<sup>22</sup>*

Lastly, the TRC offered reparations for victims of gross human rights violations, including grants and symbolic reparations.<sup>23</sup> However, by 2017, reports indicated that thousands of victims had not received their financial reparations, despite the provisional allocation of roughly ZAR 1.27 billion in the form of the President's Fund for such purposes.<sup>24</sup>

## 2.4 Macroeconomic Policy that Prioritizes Redistribution and Development

To address the high levels of socioeconomic inequality, including access to social services, the democratic State undertook implementing the Reconstruction and Development Policy (RDP). Its intent was to open the economy to foreign investment, while deploying "trickle down" economics to facilitate access to improved livelihoods for the majority of South Africans.

At a time when the loan conditionality pushed by Bretton Wood institutions was coming under scrutiny, the South African government adopted similar programmes and policies that had contributed to increasing levels of poverty across sub-Saharan Africa<sup>25</sup> during the implementation of Structural Adjustment Programs.<sup>26</sup> Under the RDP and the economic policies since adopted, South Africa has implemented trade liberalization, removed exchange rate controls, and facilitated the free movement of capital, while facilitating increased privatization of critical social services such as access to health and education. At the same time, the government has sought to develop the economy and

roll out an extensive social protection program that includes social grants (e.g., for children, those living with disability, the unemployed, and the elderly), and efforts to develop public infrastructure to facilitate equitable access to services such as education, healthcare, water, and sanitation. Access to housing has also been rolled out; however, this has imitated spatial planning constraints, with subsidized housing placed on the periphery of urban centers, constituted of predominantly Black Africans, and in areas with limited public services.

Inadvertently, this has limited the opportunities for the kind of intergroup contact that facilitates more positive racial attitudes. Instead, contact has occurred in the work setting, where racial hierarchies continue to self-perpetuate given racial and gender discrepancies in income levels (see below). Therefore, Holtman et al find that intergroup contact that results in improved racial attitudes is a middle- and upper-class phenomenon.<sup>27</sup> This may be because people of color have been able to integrate into the former Model-C schooling system—historically white institutions of higher learning—and thus gain access to improved employment and income outcomes by virtue of class assimilation, which in South Africa has historically meant *racial* assimilation. While Holtman et al find that “... class is starting to become a more powerful and dominant force in identity formation in post-apartheid South Africa,” this analysis of class dynamics cannot be separated from South Africa’s history, wherein the upper and middle classes have predominantly been spaces of hegemonic whiteness. The political elite have been able to craft an independent African identity that can exist in its own right largely due to their relative economic independence outside of corporate South Africa, which continues to perpetuate whiteness and cisgender masculinity as normative.<sup>28</sup>

There have been positive impacts, however, as South Africa’s poverty levels and scope of access to services has expanded. According to the National Planning Commission, access to water, lights, and housing has been prioritised for millions, and three million more people are working now than in 1994. Levels of poverty have declined and average incomes have “grown steadily in real terms”.<sup>29</sup> However, levels of both intragroup and intergroup inequalities have worsened, in the midst of growing economic volatility and indebtedness.<sup>30</sup> The government has struggled to deliver on equitable and even quality access to social services. It has also failed to transform the economy to address the historical legacies of apartheid that have since been amplified by corruption, an economic recession, and waning trust in the State. Thus, patterns of quality service delivery and access to quality education continue to be racialized where the majority of people living in poverty and reliant on state services are Black.

## 2.5 The Impact of Early Policy Interventions on Racial Prejudice

The aforementioned policies can be divided into those that either directly or indirectly impacted on racial prejudice. Direct policy interventions (i.e., the Constitution, Chapter 9 institutions, and the Truth and Reconciliation Commission) explicitly lay out in their framework a commitment to nonracialism and even go one step further toward recognizing intersectional exclusion and addressing sexism. By explicitly reforming state institutions responsible for enforcing racial prejudice, and similarly enacting policy language celebrating racial diversity, the government laid the foundation for more targeted policies to address prejudice (including through the Equality Act and

### The Role of Civil Society in the Early Days of Democracy

The united struggle to end apartheid was led not only by the liberation movement and political parties, but also by vibrant civil society actors including unions, churches, and nonprofit organizations. This broad-based collaboration fostered a mass multisector movement called the United Democratic Front, which worked to end apartheid outside of the armed struggle. After the end of apartheid, these civil society actors were assimilated into critical political positions. Many joined the ANC in the negotiations during the Government of National Unity, and then in the process of policy development following the 1994 elections. Civil society actors worked closely alongside newly elected government officials to draft the Constitution and associated legislation for transformation—including that which established the TRC. In many ways, it is this active engagement by civil society that created such a progressive framework prioritizing the protection of socioeconomic, civil, political, and cultural rights in South Africa. Over time, however, in the face of poor policy implementation and high levels of corruption, civil society has become critical in holding government accountable. At the height of the HIV/AIDS crisis, the Treatment Action Campaign (founded in 1998) instigated massive action, including successfully suing the government, to ensure the equitable rollout of antiretroviral drugs in the face of government denialism. The combination of the independence of the judiciary, the protection of freedom of association and assembly, and the mass mobilization of South Africans has contributed to a vibrant civil society culture that pushes the State forward in realizing its policy commitments.

the Hate Crimes Bill). This process also contributed to enhanced recognition for racism-related grievances from the majority of South Africans.

There are, however, limits to what can be achieved for realizing racial equality and cohesion amid high levels of socioeconomic inequality. Indeed, many middle-class Black South Africans continue to experience subtle forms of racism combined with lack of sufficient access to socioeconomic support to sustain their own class position, while also supporting extended family living in economic precarity, such as through the “Black tax” or remittances.<sup>31</sup> While the policies described above have protected and implemented universal access to civil and political rights, these have proven to be insufficient to address the socioeconomic fractures that have racialized and gendered class in South Africa. For example, Statistics South Africa found that income inequality continued to be “racialised and gender biased”, while “female workers earn approximately 30% less, on average, than male workers.”<sup>32</sup> Statistics South Africa also found that “mean real earnings between 2011 and 2015 amongst employed Black Africans was R6 899 (real earnings) per month. For Coloureds<sup>33</sup> and Indians/Asians, the corresponding figures are R9 339 and R14 235 per month, respectively. Amongst whites, it was R24 646 per month, or more than three times as high as it was amongst Black Africans.”<sup>34</sup>

These challenges of exclusion have impacts on racial attitudes in South Africa. In the early days of democracy, contact was facilitated through school integration and sporting events. Symbolically, in 1995 Nelson Mandela supported the first integrated rugby team, which went on to win the World Cup that year and become symbolic for the “Rainbow Nation”—as popularly depicted in the movie *Invictus*. The democratic government also did away with the policies of petty apartheid that segregated public spaces like public transport, parks, and beaches. Gibson and Classen (2010) found that while contact had strong effects for improving racial prejudice among different race groups in South Africa, this was not the case for Black South Africans because of continued geospatial segregation and class inequalities<sup>35</sup> that were still racialized. The authors argued that contact can foster reconciliation, but only among equals.<sup>36</sup>

## 2.6 What is the Problem of Racism and Racial Prejudice in South Africa?

Herein lies the importance of a comprehensive set of policies to address inequality and prejudice. The initial set of policies focused on the need for recognition in the transition to democracy, but critical aspects of redistribution were insufficiently implemented given economic constraints and corruption. As the visibility of corruption escalated in the post-apartheid era, particularly in lieu of endemic levels of poverty and inequality, the social contract in South Africa fractured. Corruption has challenged faith in the democratic state in the face of racialized patterns of poverty and inequality. These patterns remain a thorn in the side of Black South Africans who voted for the ANC and its commitment to the 1955 Freedom Charter that stated that “national wealth ... shall be restored to the people”, and that South Africa “will never be prosperous or free until all our people live in brotherhood, enjoying equal rights and opportunities.”<sup>37</sup> It comes as no surprise that for some, the commitment to the rainbow nation embodied by Nelson Mandela has waned.<sup>38</sup>

The early days of democracy were successful in consolidating a democratic dispensation—indeed, the anticipated racial violence did not materialise. However, xenophobic violence and violence against women and children (especially of color) has escalated.<sup>39</sup> Race relations have also shifted, with “traditional” forms of racism frowned upon and, as will be demonstrated below, criminalized under contemporary policy frameworks and legislation. This policy framework has boded well for the legitimacy of the claims to recognition for previously disenfranchised groups. It has also paved the way for a collective consciousness of anti-Black racism among young Black African people and people of color. This group of young, mobilized, conscious citizens has made use of social media to call for action against racist, sexist, and xenophobic action—often in instances where the response from politicians is lacking. In this regard, the language of an inclusive social contract built on nonracialism continues to be consolidated in contemporary South Africa and has since expanded to include stronger language of *anti*-racism, decoloniality, and intersectional feminism.

The challenges of addressing subtle racism and prejudice require more than recognition, however. Puttick found that “racialized patterns which characterised apartheid still impact on black and white youth identity in contemporary South Africa.”<sup>40</sup> Specifically, white youth demonstrated feelings of “supreme whiteness” but also of disadvantage in lieu of the State’s focus on affirmative action and redistribution.<sup>41</sup> Blackness was still shaped largely by pre-1994 narratives, experienced as inherently “other” against the normativity of whiteness.<sup>42</sup> Despite these feelings of otherness, there was an experience of “cultural capital” that shaped the intolerance toward traditional racism.<sup>43</sup>

The prevalence of gender-based and xenophobic violence, combined with deepening class inequalities, has added to the already complex dynamics of a racially segregated society. In many instances, politicians have also politicized African foreign nationals and used them as scapegoats for their own failures to deliver on redistribution—often with violent and deadly outcomes.<sup>44</sup> And the challenges of achieving dignified, equitable livelihoods for women and children (especially of color) remain pronounced in the absence of an adequate social security program and equitable service delivery.

# 3 Contemporary State-Led Policy Interventions and Their Outcomes

To fully consolidate the social contract, more must be done to address the dire need for redistribution. Much like the policy frameworks of the early days of democracy, contemporary policies have gone beyond a singular focus on racial prejudice, shifting to address other forms of prejudice including those related to migration status, gender, and sexual orientation. In many instances civil society has put these intersectional identities onto the agenda through mass mobilization, along with the need to address gender-based violence, xenophobia, and femicide (including violent targeting of members of the LGBTQIA+ community). Recognizing the necessity of achieving redistribution, contemporary policies have added nuance to their targets and definition of unity and diversity through an added focus on land policy, health care, and the necessary tenants of a resilient social contract.

This multifaceted approach is supported by evidence. An analysis of 1,119 learners by Holtman et al (2005) found that intergroup contact was the “single most important predictor of [racial] attitudes,” with schools and sports considered to be equalized settings for contact. However, as previously mentioned, given the extent of historical and contemporary segregated spatial planning, most learners are receiving quality contact where spatial planning is relatively integrated. This phenomenon is tied to the upper and middle class, of which people of color are a minority.<sup>45</sup>

Indeed, middle class identity of Black Africans continues to be precarious, and is not a reliable indicator of economic stability. Only 25 percent of South Africans could be classified as part of the “stable middle class,” with the remaining ranging from vulnerable middle (14 percent) to chronically poor (48 percent).<sup>46</sup> Race continues to be an important predictor for class status. Meaningful Figure

redistribution facilitates upward mobility, access to just and equitable livelihood strategies, and geospatial integration across class barriers. Addressing redistribution is therefore a critical factor in improving race relations.

### 3.1 The National Development Plan

Since 2011, the State has guided its policy direction under the National Development Plan 2030 (NDP), which aims to reduce poverty and inequality by that target year.<sup>47</sup> The NDP, recognizing the initial gains in addressing poverty in South Africa, also emphasizes the need for equitable transformation of society in order to achieve social cohesion. The emphasis here provides a slight shift in policy direction from early policies in that it views social relationships as an outcome of economic transformation, rather than as a conduit for economic transformation (see Figure 1).<sup>48</sup> Fostering unity and inclusion (recognition) therefore becomes a critical policy intervention that cannot take place without equitable socioeconomic interventions (or redistribution) in access to land, healthcare, employment opportunities, and education, to name a few.

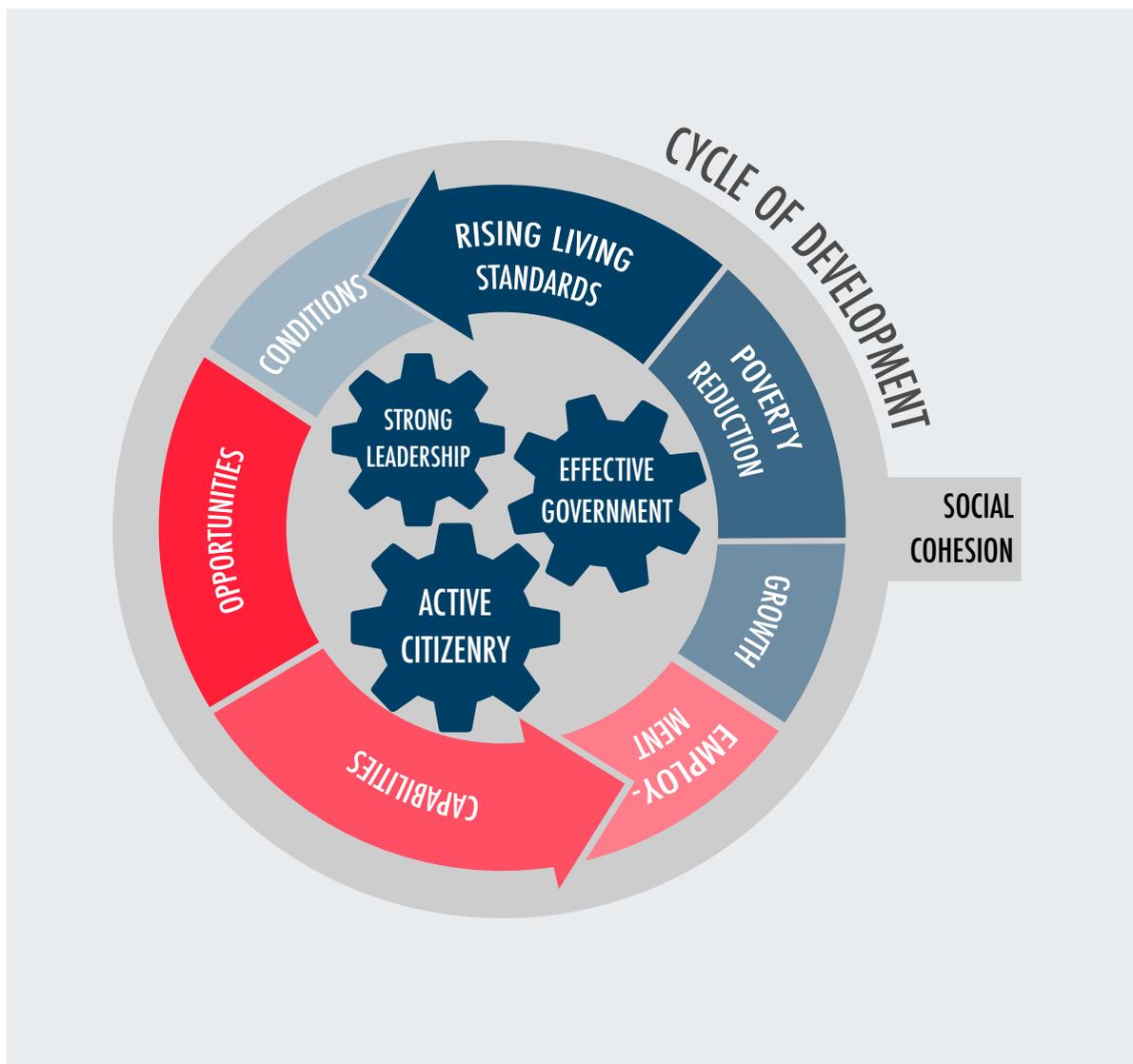
The NDP further recognizes that socioeconomic opportunities are shaped by identity and geopolitical location, a continued pattern of apartheid-era spatial segregation based on race. It envisions that unity would be fostered by facilitating interaction across the racial and class divide through improving public infrastructure where people can gather for social interactions despite class differences.<sup>49</sup> Other policy interventions highlighted by the plan include:

- promoting constitutional values and education on the Bill of Rights;<sup>50</sup>
- enhancing the schooling system and opportunities for equitable contact, for example through sports;<sup>51</sup>
- promoting land reform to address geospatial inequalities;<sup>52</sup>
- enhancing access to quality services;<sup>53</sup>
- transformation of the economy through Broad Based Economic Empowerment, an affirmative action policy, that seeks to increase ownership of economic resources by Black people;<sup>54</sup>
- addressing xenophobia, race relations, and extreme nationalism through public education programmes,<sup>55</sup> learning others' languages,<sup>56</sup> transforming the schooling curriculum,<sup>57</sup> and working in partnership with arts

practitioners, civil society, and communities to address prejudice and foster shared values;<sup>58</sup> and

- promoting and implementing equality before the law to facilitate the institutionalization of access to justice.<sup>59</sup>

Figure 1: National Development Plan: An Approach to Change



Source: National Planning Commission, National Development Plan (Government of South Africa, 2011), 6.

Furthermore, questions of labor and class are central to fostering a social compact and a new social contract, whereby “all stakeholders buy into a clearly articulated vision; have a shared analysis of constraints and are committed to finding solutions; and parties understand the objective of the compact.”<sup>60</sup> For the social compact, brokering an agreement between labor and business is critical. This commitment to fostering a social compact indicates a recognition on the part of the government that class divisions continue to be a prevalent

source of discord within the social contract, and that they inadequately addressed within the current policy framework. While the Commission for Conciliation, Mediation and Arbitration (CCMA), comprehensive Labour Act, and worker protections exist, there continues to be discord between workers and business leadership, with the most problematic outcome being artificially low wages for the working class and exorbitant CEO salaries.

## 3.2 Review of the NDP

Taken together, these policy interventions proposed by the NDP are envisioned to contribute to a more equitable and cohesive society: “In 2030, South Africans will be more conscious of the things they have in common than their differences. Their lived experiences will progressively undermine and cut across the divisions of race, gender, space and class. The nation will be more accepting of peoples’ multiple identities.”<sup>62</sup> Indeed, the NDP provides comprehensive, value-based guidelines for policy development that addresses the core challenges of recognition and redistribution. Subsequent policies (since 2011) aimed at addressing prejudice have embodied similar language, making explicit commitments to addressing prejudice. They also provide the necessary focus on redistribution and addressing historical and contemporary grievances, including contemporary shifts in race, gender, class, and migration-related prejudices.

There have, however, been challenges in implementing the National Development Plan. In its own review of the work, the National Planning Commission (NPC) found that despite broad support for the NDP, there was a lack of implementation planning; allocation of resources; and monitoring, learning, and reflection.<sup>63</sup> Reports by the NPC identified several limitations, including lack of resources (due to corruption and a poor economic climate) and the blurring of administrative and political functions which led to “deepening mismanagement ... and institutional challenges which were not addressed.”<sup>64</sup>

Similarly, the lack of political will to follow through on the NDP aligns with the second hypothesis detailed in the Common Frame for Deliverables: “constraints to progress are as much political as they are technical.” Within two years since the NDP’s inception, reports of corruption and collusion (termed “Guptagate”) emerged,<sup>65</sup> and the massacre of thirty-four Black miners at Marikana delegitimized the State’s calls for social cohesion, calling into question its commitment to the social compact, recognition, and redistribution. These two incidents were not one-offs, and fed into a trend of mistrust between government, business, and workers that would continue to characterize the social compact.<sup>66</sup>

Civil society, including non-governmental organizations (NGOs), social movements, and community-based organizations, have also faced an increasingly hostile environment when navigating monitoring the NDP, its implementation, and resourcing. During the drafting of the NDP, multisector consultations facilitated by the NPC enabled active engagement from a broad base of civil society. The direct consequence of this engagement was the inclusion of the aforementioned progressive commitments to addressing inequality, racism, xenophobia, and gender-based violence. However, in holding the State accountable to its commitments, civil society has faced a more hostile environment: in 2008, the National Development Agency indicated that “government supports civil society, particularly those involved in service delivery; and at the same time becomes increasingly wary of civil society, particularly of social movement type organisations that critique the government.”<sup>67</sup>

Civil society is often included in the consultation phase of policy and planning, but at the implementation and monitoring stage, the social contract breaks down. For this reason, social movements have erupted to force the active engagement of the state, often times through protest.<sup>68</sup> Formal NGOs have often had to pursue lengthy campaigns and sometimes costly litigation to ensure that government implements policies in line with the Constitution: in mid-2020, civil society organizations won a court case to ensure that special permit holders and asylum seekers would be entitled to receive the COVID-19 Social Relief of Distress grant,<sup>69</sup> and that workers whose employers had not registered them for the Unemployment Insurance Fund (UIF) would be eligible to receive the UIF’s COVID-19 Temporary Employer Employee Relief Scheme.<sup>70</sup> That the primary beneficiaries of such successful litigation were migrants, workers in the informal economy, and domestic workers (who are predominantly Black women) indicates the necessity for ongoing civil society advocacy to ensure that the South African government considers its most vulnerable populations in the social contract.

The weakening of the social compact, combined with poor economic outcomes, ultimately contributed to the further entrenchment of poverty and inequality, corruption and failures in infrastructure development, and uneven service delivery—all undermining social cohesion.<sup>71</sup> And while the South African welfare system continues to be the most extensive on the continent and a pillar of hope, it has proven insufficient to mediate the socioeconomic divide required to facilitate the equitable contact necessary to address racism, xenophobia, and violent misogyny. According to the NPC, Statistics South Africa’s 2018/19 Victims of Crime Survey reported an increase in incidences of crime in the country. It further published a report focusing on crime against women in South Africa, and the report revealed alarming high levels of gender-based violence and sexual offences and assaults. Critically, corruption has destroyed the trust on which social cohesion and national involvement are built. Without social cohesion and trust the NDP cannot be implemented; and no nation-building can take place.<sup>72</sup>

Despite the challenges of materializing, resourcing, and implementing the robust recommendations in the NDP, the process has enabled the policy prioritization of addressing prejudice, fostering social cohesion, and targeting xenophobia, racism, and all forms of discrimination—and linking the ending of these social ills to adequate socioeconomic redistribution. As illustrated in a brief summary of two flagship policies below, the challenges of implementation do not detract from the policy opportunity presented to address prejudice—an opportunity that has shifted public discourse and laid the groundwork for judicial action against such attitudes.

### 3.3 The National Action Plan and Strategy to Combat Racism

The development of the National Action Plan and Strategy to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance (hereafter the NAP) was informed by the commitment of governments made through the Declaration and Programme of Action adopted by the United Nations (UN) World Conference against Racism of 2001. The role of international commitments and multilateral bodies in facilitating such a targeted policy elevates the third hypothesis of the Common Framework for Deliverables: “international and national commitments, and government, multilateral and civil society action on inequality, can all reinforce each other.”

To this end, the NAP, launched in March 2019, was informed by a multisectoral consultation with government agencies, civil society, and Chapter Nine

institutions. It is also built on similar principles laid out in the Constitution and NDP including universality, interdependence and indivisibility, participation and inclusion, progressive realisation, accountability, equality and nondiscrimination, and intersectionality.<sup>73</sup> The NAP also goes a step further, recognizing indirect discrimination that is enabled by socioeconomic inequality, the need for a decolonized mindset in the country, and the reversal of the psychological effects and impact of apartheid<sup>74</sup>—although indirect discrimination is not clearly defined in the plan.<sup>75</sup>

Much like the NDP, the National Action Plan (NAP) seeks to engage with labor and business, the media, and academia to facilitate awareness raising and public education campaigns. It further proposes the following set of actions to meet its mandate:

- the development of a baseline study to identify patterns of racism, current laws, programs, and policies, and access to justice for victims;<sup>76</sup>
- the development of an early warning system by the Department of Justice and Constitutional Development, which would then be linked to a Rapid Response System—particularly for cases concerning xenophobic violence;
- the development and implementation of antiracist and antidiscrimination educational programs in schools and the promotion of training programs more broadly across society;
- the linking of implementation of interventions through the Medium-Term Strategic Framework and the NDP, which are to include activities targeting land discrimination, poverty alleviation, decolonization of the mind, and social cohesion;
- Chapter 9 institutions are to offer victim support, reporting on cases, and best practice recommendations, while at the same time facilitate the promotion, monitoring, and evaluation of the NAP; and finally,
- civil society organizations are expected to conduct research, legal aid, and capacity building for state and nonstate actors.

Unlike the NDP, the NAP included an implementation plan for application after the 2019 national government election. Budget allocations in the implementation plan were made available for consultations and research. However, little to no information is publicly available on the implementation of the NAP, or progress to date in meeting targets. The creation of such development plans contributes to heightened expectations around the State's responsibilities to its citizens. However, the failures to follow through, in lieu of

corruption, have been met with waning trust in government.<sup>77</sup> As xenophobic violence, racism, and sexism continue to run rampant in society, civil society actors have decried the lack of follow-through on the plan.<sup>78</sup> The Afrobarometer reported in 2020 that the number of South Africans who felt democracy was working had been on a steady decline from 60 percent in 2011 to 42 percent in 2018 among those who said they were “fairly” or “very” satisfied.<sup>79</sup>

### 3.4 Complementary Legislation to Respond to Prejudice

Despite the challenges of public policy implementation, parliamentary action has been decisive in passing legislation to deal with racism, xenophobia, and sexism in South Africa. In response to the need for guiding norms and procedures to deal with individual transgressions, a set of complementary bills and specialized courts have been passed. This includes:

- the Promotion of Equality and Prevention of Unfair Discrimination Act (or the Equality Act), passed in 2000, which is South Africa’s antidiscrimination law criminalizing unfair discrimination on the basis of race, gender, sex, pregnancy, family responsibility or status, marital status, ethnic or social origin, HIV/AIDS status, color, sexual orientation, age, disability, religion, conscience, belief, culture, language, and birth, by state and nonstate actors;
- the Equality Courts, established by the Equality Act, to hear matters related to Hate Speech, unfair discrimination, and harassment; and
- the Prevention and Combating of Hate Crimes And Hate Speech Bill, gazetted in 2018 to address cases of hate speech, which is defined by the bill as any offence that is directed at the characteristics of a person(s) similar to those listed in the Equality Act.

Taken together, this legislative framework has proven to be a powerful set of interventions in cases of racial prejudice in the South Africa. Over recent years, several cases have been brought before the courts under the impetus of this legislation. In 2018, Vicky Momberg was the first woman to be sentenced to three years in jail for repeatedly using a notorious derogatory racist slur in her interactions with a Black policeman. As per the Equality Act, Momberg was found guilty on four counts of *crimen injuria*, a crime under [South African common law](#). While she did not incite violence (a clear requirement of the Act), her sentencing was informed by her clear intention to be hurtful—

indicated by her use of the racist slur 48 times during the interaction with the police officer in 2016.<sup>80</sup>

Based on this landmark ruling, similar cases have been brought forward: In December 2020, Afriforum (an NGO focused on protecting the rights of minorities, specifically the Afrikaans population) took Julius Malema and the Economic Freedom Fighters (an opposition party) to court for their continued singing of the song “Dubul’ ibhunu,” which translates to “Kill the Boer” (or farmer, a term often ascribed to Afrikaners)<sup>81</sup>. The case is yet to be tried, but in 2010, the South African Human Rights Commission found Malema guilty of hate speech for his continuous use of the slogan. In the cases of *Edcon Limited v. Cantamessa* and *Onelogix (Pty) Ltd v. Meyer*, the Labour Court ruled in favour of the respective employers dismissing employees for sharing racist content or memes on social media—even outside of working hours.<sup>82</sup> In 2016, the Equality Court found Penny Sparrow guilty of hate speech when she likened Black beachgoers to monkeys in a social media post. Sparrow was consequently ordered to pay ZAR 150,000 to the Oliver and Adelaide Tambo Foundation.

These cases send a signal that racist behavior, at least in the form of traditional racism, will no longer be tolerated. The court continues to reflect on historical origins of such behavior, along with racially derogatory terms, to assess not only whether violence has been incited, but also whether there has been an intention to cause harm. Such litigation has begun the process of consolidating the values underpinned by the Constitution into legal practice. However, there is still much to be done by way of making the court and judicial system accessible to citizens, given the high costs associated with legal action. Moreover, considerable numbers of South Africans continue to have waning faith in the courts: between 2011-13, trust in the courts and judiciary declined from 63 percent to 49 percent, even lower than trust in national government that year (at 53 percent in 2013).<sup>83</sup> Often, it has been civil society organizations that have mediated community grievances and provided litigation and support for court proceedings against government and private actors.

Fueled by the rise of smartphone technology and social media activism and amplification, cases of racial prejudice have been elevated and supported with legal action, creating jurisprudence and an archive of legal responses. However, the limitations of such litigation are twofold: 1) victims are required to have access to resources to seek legal interventions, and 2) litigation can only deal with cases of “traditional racism” that incite violence or demonstrate an intent to cause harm. Witnesses to and evidence of such cases of violence are therefore necessary. Furthermore, there have been limitations in how grievances against hate speech lobbied by minority groups (including sexual minorities and victims of xenophobia) have been handled. The cases of *Qwelane v. South African Human Rights Commission*<sup>84</sup> and *Solidarity and*

Another v. Black First Land First<sup>85</sup> demonstrate how the law can be interpreted unfavorably toward minority groups—further contributing to a breakdown of trust in institutions tasked with interpreting the law without bias.

It is also telling that politicians' xenophobic statements that incite violence have not been tried.<sup>86</sup> Even when criminal elements are present, justice is not always served: after a Mozambican national, Ernesto Nhamuave, was set alight during xenophobic mob violence in 2008, no arrests were made and the case was closed<sup>87</sup> despite there being eyewitnesses to the murder.<sup>88</sup> Reflecting on the limitations of addressing xenophobia, Judge Phineas Mojapelo in 2015 indicated that there were no laws to address xenophobia, and it therefore "hid" behind other crimes such as murder.<sup>89</sup> For this reason, the case of Mido Macia, a Mozambican national who was handcuffed and dragged behind a police van before dying in custody, was tried as a murder—despite clear linkages to institutionalized xenophobia perpetuated by State apparatus.

It is apparent that while the signalling is clear for more aggressive forms of racism, the necessary shifts to address "sophisticated prejudice," prejudice related to xenophobia, minorities, sexual orientation, or "subtle racism" are far more nuanced—especially since the realization of socioeconomic equality is an arduous and lengthy process. As the State negotiates the implementation of redistribution, monitoring and responding to racial and gender prejudice has fallen to active citizens, civil society, and Chapter 9 institutions.

# Conclusion

Where matters have not been heard by the courts, civil society action, citizen movements, and online activism have played a critical role in applying public pressure to state and non-state institutions to reform. One example is the case of former Judge Mabel Jansen, who stepped down after her social media comments that rape was a part of Black culture. This resignation, pending an investigation by the Department of Justice, was an outcome of mounting pressure online from citizens and civil society.<sup>90</sup> There have been countless similar instances of public pressure and civil society advocacy leading to consequences. In fact, in 2019, the Human Rights Commission found that complaints of racism were on the rise from Black people.<sup>91</sup> The Commission also noted that grievances related to social and economic rights had increased from 2016-17.<sup>92</sup> The collective action of citizens and civil society organizations, calling for greater action and accountability from the State, has included mass protests and sit-ins: under the banner of #RhodesMustFall, #FeesMustFall, #TotalShutdown, and others, online activism has translated into collective solidarity and protest that addresses prejudice and its connection to economic and political power. In many instances, this collective consciousness from young South Africans has been critical of the “United in Diversity” slogan championed in the early days of democracy.

Young people have called for a more radical, intersectional approach to recognition and redistribution, refusing to cede social cohesion without social justice. In many instances, the collective action of young South Africans has been successful. Through online and in-person protests, they have placed racialized class inequality, hegemonic curricula, and schooling codes of conduct on the agenda and forced policymakers to address the endemic levels of violence that disproportionately affects Black women. Such action has resulted in the successful development of a National Strategic Plan on Gender-Based Violence and Femicide, with promises of budgetary allocations of ZAR 1.6 billion.<sup>93</sup> Nonetheless, given similar plans discussed above, it remains to be seen whether the South African government will deliver on its commitments.

If a similar collective consciousness could be developed to respond to xenophobia, this would likely contribute to pressure on the State to take meaningful legislative and policy action to facilitate cohesion— alongside with

budgetary commitments. At present, it is left to formal civil society movements to sustain pressure on the government to respond to xenophobia in practice, policy, and discourse. The role of citizen action and civil society is therefore essential in addressing prejudice and shifting State commitments. Protecting civic freedoms, including the right to association and assembly, are obviously critical foundations for an enabling environment that fosters positive attitudes. Combined with adequate policies and legislation that address the need for recognition and redistribution to disenfranchised groups, there is hope yet for a meaningful shift in the quality of interactions across race, class, gender, and migration status.

There has been an overall shift in the types of racial prejudice that will be tolerated in South Africa, along with a nuanced understanding of how race relations are intimately linked to class and service delivery. Existing policy and legislative frameworks are certainly moving the country in the right direction toward establishing greater levels of cohesion. What hangs in the balance is the capacity of the State to deliver on the foundations of racial equality, such as redistribution, while giving equal policy attention and resources to other forms of discrimination.

## Recommendations:

1. Corroborate alignment between the Constitution, legislation, and national development plans, ensuring that each build on constitutional obligations and promote the language of equality and dignity before the law regardless of race, sex, class, ability, religion, or ethnic identity—thus ensuring consistent recognition.
2. Where transitional justice processes are implemented, consideration should be given to prioritizing victim-centred proceedings alongside truth seeking and reconciliation. While conceptually challenging, making clear links to intersectional experiences and structural consequences of conflict may heighten the experience of recognition among disenfranchised groups. When paired with equitable, just, and dignified redistribution policies, transitional justice can contribute to reconciliation.
3. Policy must progressively recognize intersecting grievances among populations, and also be mindful that one form of prejudice may be exacerbated dependent on a person's class, migration status, gender, sexual orientation, ability, and ethnic identity. Failure to apply intersectional analysis, especially as it relates to assessing power relations

and their effect on society, may inadvertently contribute to elevating in-group grievances and undoing the work of broader cross-group social cohesion.

4. Civil society often plays a critical role in monitoring implementation in service of the most vulnerable populations. It is critical that protecting civic freedoms (e.g., the right to freedom of assembly, association, and expression) is maintained and upheld for the purposes of accountability and transparency.
5. When developing national plans and bills to combat racism, sexism, and xenophobia, it is critical that civil society be engaged not only in the consultation phase, but also in the development of implementation plans and budget allocations. Creating meaningful engagement spaces that support collaboration with civil society and its watchdog role serves to deepen democratic collaboration on multiple levels.
6. International treaties play a critical role in creating space for multiple actors to lobby policymakers and politicians for appropriate ratification and domestication in legal frameworks. States must be encouraged to sign and ratify international treaties not only as an indication of their commitment to human rights, but also as a channel for deepening trust in the State's commitment to implementation. Paired with the aforementioned recommendations, this step may enhance the social contract if applied as recommended.
7. Socioeconomic redistribution is crucial to addressing prejudice and facilitating contact in a meaningful manner, especially as it pertains to spatial equality. Providing populations with access to equitable, just, and dignified services across geospatial locations, and facilitating intersectional mobility and integration across these locations, is critical to ensuring that quality of contact remains among equals.
8. Lastly, meaningful address of prejudice requires recognition and redistribution. While the legal and political framework both contribute to legitimate recognition, redistribution (especially as it pertains to socioeconomic redistribution) is integral to ending prejudice. States must work to ensure that their economic policy contributes to dignified, just, and equal livelihood strategies to avoid the deepening of fault-lines. This includes ending the scourge of corruption.

# Endnotes

- 1 Unless otherwise specified, Black South Africans here draws on definition of blackness by Steve Biko definition of blackness, that includes all those who are racialized and socioeconomically and politically marginalized and discriminated against as a result of this racialization – with special consideration for black African, Coloured and Indians in the South African context.
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