# LOOKING BACK ON THE STRUGGLE FOR NORMS & STANDARDS FOR SCHOOL INFRASTRUCTURE

*A timeline of the campaign's major events*

**15 November 1996**

*The South African Schools Act is passed prioritizing access, quality and democratic governance, irrespective of race, across the country's schooling system.*

**1 February 2008**

*EE Founded: EE begins its work in Khayelitsha. Initially, the focus was to study the education system and prepare a programme to organise and mobilise young people.*

**14 DECEMBER 2006**

The first meeting of the Applied Education Research Organisation (AERO), which later became Equal Education (EE), is held at Zackie Achmat's home in Cape Town.

**22 DECEMBER 2007**

Parliament amends the South African Schools Act by introducing Sections 5A and 58C. Section 5A empowers the Minister to prescribe Minimum Norms and Standards for School Infrastructure. Section 58C imposes mechanisms to ensure that the provinces comply with these Norms.

**24 APRIL 2008**

EE holds its first Youth Group meeting. Over the years this weekly meeting of high school students becomes the basic organisational unit of EE, spreading to over 50 locations.

**21 NOVEMBER 2008**

The Draft *National Policy for an Equitable Provision of an Enabling School Physical Teaching and Learning Environment* (NEPT) is published, stating that: "National norms and standards will be developed during 2008, and fully adopted by the end of 2009 …". On the same day, in line with the new Section 5A of the Schools Act, Minister of Education Naledi Pandor publishes Draft Norms and Standards for School Infrastructure (NASI). Although the draft is detailed and has a clear timeframe, it is never adopted into law.

**4 FEBRUARY 1997**

South Africa's new Constitution comes into effect. In Section 29(1)(e) it is declared that: "everyone has the right to a basic education".

**13 NOVEMBER 2008**

EE wins its first campaign, to fix 500 broken windows at Luhlaza High School in Khayelitsha. At a public meeting at Desmond Tutu Hall in Makhaya, Khayelitsha, MEC Gatsu announces that the windows would be fixed and that R871,000 would be invested in the school. Other campaigns follow: on late-coming, vacant teaching posts, textbooks, school management and governance.

**11 MAY 2009**

Ange Motshekga succeeds Naledi Pandor as Minister of Basic Education.

**12 MAY 2009**

Building support for EE in Khayelitsha, equalisers march through the township, ending at Desmond Tutu Hall.

**3 JULY 2009**

EE begins the Campaign for School Libraries. Only 1% of South African public schools have functional libraries.

**20 AUGUST 2009**

Equalisers march through Khayelitsha for 4km, ending at the Broekenbos Community Hall. The gathering was addressed by author Thembelani Ngenelwani.

**22 SEPTEMBER 2009**

3,000 equalisers march from Sarh River High to the Cape Town City Hall demanding a national policy on school libraries.

**25 SEPTEMBER 2009**

In Parliament Minister Motshekga states that the norms and standards are "approved by both the Council for Education Ministers and the Head of Education Committee" and "are awaiting the concurrence of the Minister of Finance".

**1 DECEMBER 2009**

An updated Draft NASI is circulated internally in the Department of Basic Education (DBE). It states that: "These norms will be fully adopted by the end of the 2009/2010 financial year and will be implemented in a phased manner during the 2010-2014 Strategic Plan period."

**26 FEBRUARY 2010**

An evening a question in Parliament, the Minister states that the NASI exist and the "they will be implemented with effect from the 2010 financial year".

**19 MARCH 2010**

In Port Elizabeth, EE supporters march to the DBE office demanding school libraries.

**27 MARCH 2010**

In Pretoria-Tshwane, 1,000 EE supporters march to the Union Buildings for school libraries. The Presidency had attempted to prevent the demonstration from taking place by issuing a directive to police to disallow marches to the Union Buildings. However, after EE commenced legal proceedings (represented by Section27) and raised a public outcry, the march went ahead.

**1 MAY 2010**

Page 29 of The DBE's Annual Report for 2009/2010 reads: "The Regulations in terms of Section 5A of the Schools Act (Norms and Standards) was drafted. A plan to process and finalise these regulations is underway."

**9 JUNE 2010**

Night-vigil at UCT, which included a sleep-over in Rondebosch, and an evocative, interactive activity about the Irish hunger-striker Bobby Sands. This was preparation for the 24-hour fast which ran from 6pm 29 July until 6pm 30 July.

**20 JULY 2010**

Director General Bobby Soobrayan writes to EE confirming that "the Minister must develop national minimum norms and standards … by the end of the 2010/2011 financial year", and that the norms and standards "are currently with the DBE Legal Services and will be promulgated as regulations thereafter".

**11 JUNE 2010**

Minister Motshekga publishes the NPEP which strategically identifies the development of NASI as a "first-priority" to be "developed and fully adopted by the end of the 2010/11 financial year", meaning the end of March 2011.

**30 MARCH 2010**

In Pietermaritzburg, 500 equalisers march to the DBE office for school libraries.

**21 March 2010**

*Human Rights Day march: In Cape Town, 10,000 people march to Parliament for school libraries.*

**3 SEPTEMBER 2010**

In Parliament the Minister reiterates that the NPEP "will be followed by the Norms and Standards for School Infrastructure."

**29 SEPTEMBER 2010**

EE sends 650 'yellow-card' postcards and a public letter signed by 100 global education leaders to President Jacob Zuma, Deputy President Kgalema Motlanthe, Minister in the Presidency Trevor Manuel, Minister of Basic Education Angie Motshekga, and Finance Minister Pravin Gordhan.

**30 JULY 2010**

5,000 people take part in a 24-hour fast to bring down the price of books for school libraries.

**13 OCTOBER 2010**

In a presentation to Parliament's Portfolio Committee on Basic Education, DG Soobrayan states: "The Minister of Finance concurred on … the Norms and Standards for School Infrastructure."

**10 January 2011**

*EE's Campaign for School Libraries broadens into a national Campaign for Minimum Norms and Standards for School Infrastructure. To this end, mass mobilisation begins.*

**1 DECEMBER 2010**

EE members visit Eastern Cape rural schools, inviting some of the schools' learners to attend the EE summer camp, which they do.

**4 FEBRUARY 2011**

Government signs a settlement agreement with 7 Eastern Cape mud schools and the Legal Resources Centre (LRC), creating the Accelerated Schools Infrastructure Delivery Initiative (ASIDI) of R8.2 billion.

**17 FEBRUARY 2011**

Outside Parliament, EE Khayelitsha's grade 11 and 12 youth groups set up a 'school classroom', complete with desks and chairs, to create awareness for the hundreds of mud schools in South Africa.

**9 MAY 2011**

The Minister writes to EE stating that the soon-to-be-published NPEP will be followed by minimum norms and standards for school infrastructure.

**8 APRIL 2011**

The DBE makes a presentation to EE stating: "The draft Norms and Standards were approved by CEM and the Minister of Basic Education and received concurrence from the Minister of Finance during 2008/09 financial year. The Norms and Standards were then translated into regulations and were presented to the State Law Advisor for comments."

**21 March 2011**

*Human Rights Day March: EE leads a march of 20,000 learners and supporters to the gates of Parliament. They demand that the Minister and the DBE comply with the NPEP by adopting norms and standards before 1 April.*

A memorandum handed over to the government reads: "Once norms and standards are in place, every school and community will be able to use them to hold circuits, districts and provinces accountable to deliver. Minister Motshekga has said that communities must be the 'eyes and ears' of education delivery; these norms and standards will be a powerful tool for that activism."

**12 MAY 2011**

Over 1,300 mothers of EE members write to Minister Motshekga urging her to adopt the NASI.

**25 JUNE 2011**

Minister Motshekga speaks in Khayelitsha at the opening of the People's Summit for Quality Education, a four-day conference hosted by EE. She says that her hands are being tied by MECs opposed to the Norms and Standards. "Unless I get concurrence," she states, "I am not, by law, able to move." However, the law requires no agreement from the MECs.

**3 AUGUST 2011**

EE reluctantly turns to legal action and, on its behalf, the LRC sends a letter of demand to Minister Motshekga. It says that if she does not publish NASI EE will launch an application in the High Court.

**14 JUNE 2011**

At a press conference the Minister says: "There is no crisis" in education. Deputy Minister Enver Surty says the court case is being used to "sensationalise the issue".

**12-14 JULY 2011**

Equalisers camp and hold a candlelight vigil outside the gates of Parliament for two nights. On the second night the police threaten arrests, but relent.

**22 NOVEMBER 2011**

EE visits schools in seven provinces, documenting their infrastructure emergencies. Over 20 affidavits from principals, learners, teachers and parents are collected, describing the impact of a lack of adequate classrooms, toilets and security. The LRC collects similar evidence in the Eastern Cape.

**10 JANUARY 2012**

The Equal Education Law Centre (EELC) opens its doors in Spin Street, Cape Town.

**29 February 2012**

*The case is launched: EE, represented by the LRC, files an application in the Bhisho High Court against the Minister, all nine MECs for Education and the Minister of Finance to prescribe national minimum uniform norms and standards for school infrastructure.*

**8 MARCH 2012**

EE announces its court case at a press conference in Cape Town. Learners, parents, principals, and attorney Cameron McConnachie from the LRC describe the dire state of schools in various parts of the country.

**12 MARCH 2012**

EE embarks on "10 days of action" in schools across South Africa. Learners mobilise before and after school, and during break-times, calling for NASI through plays, petitions, clean-ups and door-to-door campaigning.

**21 March 2012**

*Human Rights Day March: 2,000 equalisers march through Khayelitsha for norms and standards. Hundreds of equalisers send smses to the Director General.*

**11 MAY 2012**

Minister Motshekga fails to meet the extended deadline for her answering affidavit. Later, the state attorney requests a fourth extension, until 24 May 2012, but EE refuses.

**28 JUNE 2012**

Equalisers picket outside Parliament insisting Minister Motshekga files her answering affidavit.

**9 – 11 JULY 2012**

EE's First National Congress is held at the University of Johannesburg. The National Council is elected, a new interim Constitution is adopted, and the Congress concludes with a powerful resolution.

**5 JULY 2012**

Deputy Director General Padayachee finally deposes the answering affidavit on the Minister's behalf. It fails to address any of EE's substantive points.

**12 JULY 2012**

EE delegates, observers and supporters march through Tembisa, Gauteng. They call for the immediate finalisation of binding norms and standards, and for the President to appoint a Judicial Commission of Inquiry into the tendering of textbooks and workbooks.

**14 AUGUST 2012**

EE Chairperson Yoliswa Dwane files EE's replying affidavit. It shows that the Minister's argument against implementing NASI was based on a misunderstanding of the nature of the constitutional right to a basic education.

**30 AUGUST 2012**

EE launches 'Fix our Schools: An Exhibition' at the Central Methodist Church in Cape Town, showing the reality of South Africa's education system.

**13 SEPTEMBER 2012**

The Bhisho High Court accepts supporting affidavits from amici curiae ('friends of the court'), the Social Justice Coalition (SJC) and Archbishop Thabo Makgoba, with the assistance of the EELC.

**25 SEPTEMBER 2012**

EE runs a 'virtual picket' in which hundreds of its members send photos with messages to Minister Motshekga. In addition, hundreds fax or email the Minister.

**13 & 15 NOV 2012**

EE's heads of argument are filed. Two days later, the Minister files her heads of argument.

EE Releases its 'Build the Future' video, a graphical portrayal of the school infrastructure crisis.

**17 OCTOBER 2012**

Equalisers march through Khayelitsha wearing masks depicting Minister Angie Motshekga, in order to hold her personally accountable.

**25 OCTOBER 2012**

In its Mid-Term Budget Policy Statement, the Treasury announces that, owing to the DBE's under-expenditure, it will be re-allocating R7.2 billion from the ASIDI grant to other departments.

**16 November 2012**

*Settlement: Minister Motshekga agrees to binding Minimum Norms and Standards for School Infrastructure. According to the out-of-court settlement these must be published for public comment by 15 January 2013, before being promulgated by 15 May 2013.*

**1 FEBRUARY 2013**

Equal Education celebrates its fifth birthday.

**9 January 2013**

*Minister Motshekga's First Draft: As per the settlement agreement, Minister Motshekga publishes her first Draft NASI. The public are invited to submit their comments on the regulations until 31 March 2013. The Draft is a major disappointment.*

**14 FEBRUARY 2013**

In his State of the Nation address, President Jacob Zuma makes the pledge that: "With regard to sanitation infrastructure, a total of 98 new schools will have been built by the end of March 2013, of which more than 40 are in the Eastern Cape that are replacing mud schools." EE responds by pointing out that in the two previous years the DBE had succeeded in replacing only 10 mud schools.

**26 FEBRUARY 2013**

On the eve of Finance Minister Pravin Gordhan's budget speech, EE holds a picket outside Parliament, drawing attention to the DBE's under-expenditure.

**31 MARCH 2013**

EE makes its submission on the Draft NASI. An appendix draws on over 500 written and spoken testimonies collected through the public hearings. The EE Law Centre plays a major role in the drafting of EE's submission and the appendix. Other organisations make submissions including Section27, and the Desmond Tutu HIV Centre which emphasises the role of the school infrastructure in protecting learners from tuberculosis and respiratory diseases.

**24 –26 April 2013**

*Solidarity Visit: EE and Archbishop Thabo Makgoba lead a delegation of eminent South Africans on a solidarity visit to some of the Eastern Cape's most ill-equipped schools.*

**9 MAY 2013**

Less than a week before the deadline for final promulgation of the N&S, Minister Motshekga writes to EE to request a 6-month extension. She writes: "… from the comments received stakeholders object to the fact that the norms and standards lack substance and certainty, and that there is no clear framework or plan for implementing the norms and standards."

**15 MAY 2013**

On behalf of EE the LRC writes to the Minister offering a one-month extension until 19 June, on the condition that she signs an addendum to the original settlement, agreeing to the new deadline.

**14 MAY 2013**

The Minister's letter with its extension request is put to EE's membership. In a non-binding poll, the majority of EE's membership votes against it. The next day EE's National Council decides to offer just a one-month extension, to prevent the Minister from being able, in court, to paint EE as unreasonable, and thereby win the six months she wants.

**17 MAY 2013**

Minister Motshekga writes to EE, rejecting the extension and stating that "9 months would be more realistic timeframe."

**3 – 20 March 2013**

*Public Hearings: To seek input on the Draft N&S, EE holds 5 public hearings in Limpopo with (Section27), Gauteng, KwaZulu-Natal, the Western Cape and the Eastern Cape.*

**11 JUNE 2013**

At the Bhisho High Court, EE files a supplementary affidavit to re-open the case against Minister Motshekga. When the Minister's spokesperson describes EE's action as "unnecessary", Judge Dukada declares the matter to be urgent and sets down a hearing for 11 July 2013.

**16 JUNE 2013**

In Johannesburg and Durban the Southern African South Inter-Council Action Network (SAI-I-CAN) marches in solidarity with EE for Minimum Norms and Standards.

**17 June 2013**

*Youth Day Marches: EE holds Youth Day marches for Norms and Standards in Cape Town and Pretoria, where thousands attend.*

**23 JUNE 2013**

A delegation of 8 EE members attends a lengthy and frank meeting with Minister Motshekga. Deputy Minister Enver Surty and 6 education MECs. The timeline for finalising Norms and Standards is not resolved.

**11 July 2013**

*Court Order: EE, represented by the LRC, obtains an order-by-consent from the Bhisho High Court, creating a new binding timeframe. Unlike with the previous out-of-court settlement the Minister is now bound by a court order. The order states that a new draft must be published for public comment no later than 12 September 2013, and that it must be promulgated by 30 November 2013.*

**18 JUNE 2013**

EE holds a picket for Norms and Standards outside the Bhisho High Court.

EE asks the Minister to distance herself from a racist statement released by the DBE in her name. One extract reads: "It is interesting to note the sudden interest that Equal Education is taking in the education of the African child. Suddenly the NGO known all about the challenges that African children face against the privileges they have enjoyed. To suddenly see a group of white adults organising black African children with half-truths can only be opportunistic, patronising and creep dishonest to say the least."

EE points out that 17 of the 20 people on its democratically elected National Council, which includes learners, are black, and that its General Secretary, Chairperson, Deputy Chairpersons, and the majority of its management, are black. Having no answer to EE's valid demands, the Minister had resorted to a factually incorrect racist attack. There is wide public outrage at the Minister's obviously untrue comments. Her statement backfires on her badly.

**12 September 2013**

*Minister Motshekga's Second Draft: The Minister complies with the Bhisho High Court's order, producing her second draft of the Norms and Standards for public comment. The draft is an improvement but still a disappointment.*

**21–29 SEPTEMBER 2013**

In response to the second draft, EE holds a second round of public hearings in KZN, Limpopo, Gauteng, the Western Cape and the Eastern Cape.

**24 SEPTEMBER 2013**

On Heritage Day, EE holds a march for N&S and equality in education, attended by 1,000 parent members in Khayelitsha.

**11 OCTOBER 2013**

Based on the hearings, EE and the EELC file a joint submission on the new draft N&S, raising concerns about its timeframes and accountability measures.

**29 November 2013**

*Victory: The Minister publishes final and binding Norms and Standards for School Infrastructure. EE celebrates this historic day, the result of over three years of sustained campaigning by tens of thousands of members and supporters across South Africa. The final text is not perfect, but much improved.*

**A MILESTONE IN THE STRUGGLE FOR QUALITY EDUCATION FOR ALL**

**On 3 December 2013, EE releases a press statement which includes the following:**

"Motshekga's announcement shows democratic South Africa at its best – because it reminds us that citizens bring change, that non-violent struggle works, that the Constitution can be a tool for equality and social justice, and that our government can, eventually, listen and do the right thing.

We are extremely pleased to be walking forward with Minister Motshekga. We are here after three years of sustained activism, and many broken promises, but we're here. The Minister has done the right thing. She deserves substantial credit for that. Some within government urged her not to. These regulations will be a proud part of her legacy.

In the days ahead we will release more detailed comment on the final norms and standards. There remain various problems which we need to raise. We will write to the Minister to do this too."

2008 2009 2010 2011 2012 2013

EQUAL EDUCATION