National Council of Provinces Rhetoric in overseeing the implementation of South Africa's National Development Plan

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Declaration I, **Sebolelo Constance Mvulane**, hereby declare that the work on which this thesis is based is my original work (except where acknowledgements indicate otherwise) and that neither the whole work nor any part of it has been, is being, or is to be submitted for another degree in this or any other university. I authorise the University to reproduce for the purpose of research either the whole or any portion of the contents in any manner whatsoever.

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Abstract

This thesis is about analysing the political rhetoric of the National Council of Provinces (NCOP), in overseeing the implementation of South Africa's National Development Plan (NDP).[1] The study seeks to define the underlying reasons which, compound slow policy implementation, particularly as exacerbated by weakened and misaligned policy oversight debates in the NCOP. This study is particularly important because the NDP is the long-term vision and development plan of the governing African National Congress's vision 2030.

Findings from the National Planning Commission's Diagnostic Report which, was released in June 2011, indicated that "a failure to implement policies and an absence of broad partnerships have been identified as some of the main reasons for the slow progress in implementing the country's transformation policies." [2]

In addition to these prevailing conditions, "it is also imperative to note that South Africa had found itself in the middle of a technical recession and had still been grappling with the impact and aftermath of the Global Financial Crisis, at the time when the NDP was adopted in 2012.[3]" "The global financial crisis had a dire impact on the South African labour market, resulting in the shedding of almost 1 million jobs over 2009 and 2010, reflecting longer term structural problems."[4]

The NDP was hence developed in part, to address the impact of the 2008 global financial crisis, alongside growing and prevailing social and economic challenges in South Africa. Inherited inequalities had been exacerbated, in part by the fact that Parliament and particularly the NCOP, had not been able to adequately give full effect to its three sphere oversight role as underpinned by its cooperative governance and intergovernmental relations constitutional mandate. Consequently, this has led to an inability to meaningfully oversee and accelerate the implementation of South Africa's transformation policies.

The study will place strategic focus on how the quality of arguments communicated in the NDP could either catalyse or impede the oversight and accountability work of the NCOP, thereby inadvertently decelerating

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[1] the Constitution of the Republic of South Africa, Act 108 of 1996

[2] National development plan 2030: Our future - make it work. https://espas.secure.europarl.europa.eu/orbis/document/national-development-plan-2030-our-future-make-it-work (Accessed 17th October 2021)

[3] Ilan Straus at el, August 2020, "Rapid Country Assessment: South Africa The impacts from a COVID-19 shock to South Africa's economy and labour market", International Labour Organization https://www.ilo.org/wcmsp5/groups/public/---ed_emp/documents/publication/wcms_754443.pdf (accessed 4 August 2021)

[4] Sher Verick, Journal of African Economies, Vol. 21, number 3, pp. 373–408 "Giving up Job Search during a Recession: The Impact of the Global Financial Crisis on the South African Labour Market"

the implementation of the NDP. The study also provides an overarching perspective of South Africa's broader rhetorical situation, which manifest as exogenous shocks within the NCOP's operating environment. The overarching rhetorical situation is also postulated as one of the key determinants, impacting how the NCOP approaches and shapes its policy debates. Specific emphasis will also be placed on the National Council of Provinces (NCOP) in the fifth parliament (particularly the 2015 appropriations budget vote process) and how the second chamber of Parliament has for purposes of executing its constitutional mandate of three sphere oversight and accountability, interpreted, synthesized, and as a result executed its oversight functions, based on the rhetoric of the NDP in relation to the outcomes in the NDP that focus on the economy, employment, and the NDP's commitment to building a capable developmental state. This study is of great importance and is necessitated by the imperative to ensure that the NCOP matures in its role as construct of South Africa's constitutional democracy, which is tasked with the important responsibility of undertaking three-sphere oversight to oversee the implementation of key development policy constructs and development catalysing legislation, as guided by the NDP.

Dedication

I dedicate this thesis to my beloved mother Susan Sarah Mpokotho and my father, Orapeleng John Mpokotho, who have both passed away in 2015 and 2017 respectively. I owe my resilience, fortitude, focus and outlook on life, to their unwavering love, support and values they have instilled me. I am eternally grateful for their love.

Acknowledgements

Contents

1. Chapter One

1.1 Introduction

The purpose of this thesis is to analyse the political rhetoric of the National Council of Provinces (NCOP), in overseeing the implementation of South Africa's National Development Plan (NDP).[5] The study seeks to identify the underlying reasons which, compound slow policy implementation by South Africa's executive branch of government, through an analysis of NDP arguments, language use and oversight rhetoric in the NCOP. The study will hence be undertaken by analysing how the NCOP's oversight role finds expression in NCOP debates, particularly as a mechanism for advancing policy implementation. The study will further be undertaken by scrutinising the NCOP's broader rhetorical context, which impacts the shape and impact of the NCOP's oversight rhetoric. The study intrinsically positions the NCOP as an apex chamber, with a unique and critical role to play in overseeing three-sphere government cooperation, as part of the process to oversee the implementation of the NDP. The NCOP's mandate is not only articulated in the constitution of the republic of South Africa, these constitutional provisions are critical for ensuring that the three-spheres of government work cooperatively to implement South Africa's development and transformation policies.[6] The former Chief Justice of South Africa, Justice Pius Langa also reiterates the underpinning objective of South Africa's constitution, particularly as it relates to the country's transformation agenda. Through his articulation of the concept of "transformative constitutionalism" Justice Langa asserts that South Africa's constitution is centrally framed for purposes of bringing about transformation. In his paper titled "*Transformative Constitutionalism*" he makes reference to the Postamble to the interim Constitution, which he asserts also expresses the pinnacle objective of South Africa's constitution, which he asserts is to bring about transformation in South Africa. The Postamble as quoted by Justice Langa, asserts that the underlying imperative of South Africa's Constitution is to provide:

"A historic bridge between the past of a deeply divided society characterized by strife, conflict, untold suffering and injustice, and a future founded on the recognition of human rights, democracy, a peaceful co-existence and development opportunities for all South Africans, irrespective of color, race, class, belief or sex."[7]

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[5] The National Development Plan: Our Future, Make it Work, 2012
https://www.gov.za/sites/default/files/gcis_document/201409/ndp-2030-our-future-make-it-workr.pdf (Accessed on 16th September 2021)
[6] The Constitution of the Republic of South Africa, Act 108 of 1996
[7] The question of amnesty - Our Constitution.
https://ourconstitution.constitutionhill.org.za/the-question-of-amnesty/ (Accessed 6th November 2021)

Justice Langa further makes reference to Albertyn & Goldblatt's paper which is carried in the *South African Journal of Human Rights,* 1998, where they also assert that "the underpinning objective of South Africa's constitution is transformation, which must be understood as involving the critical process of moving the South African society from inequality to equality."[8] Justice Langa further proceeds to quote Albertyn & Goldblatt where they articulate that achieving this transformation will:

> "require a complete reconstruction of the state and society, including a redistribution of power and resources along egalitarian lines. The challenge of achieving equality within this transformation project involves the eradication of systemic forms of domination and material disadvantage based on race, gender, class and other grounds of inequality. It also entails the development of opportunities which allow people to realise their full human potential within positive social relationships."[9]

The constitutional mandate of the NCOP, must therefore be viewed in line with the postulated underpinning concept of *transformative constitutionalism*, which places the NCOP at the centre of overseeing the "three-sphere cooperation of the executive arm of government, so as to implement South Africa's transformation agenda,"[10] particularly in relation to implementing the key policy constructs of the NDP. The process of overseeing the implementation of the NDP, particularly through the oversight and accountability processes of the NCOP, is therefore intrinsically anchored in ensuring that the broader state machinery functions effectively, by working cooperatively across the three spheres of government, to give expression to South Africa's transformation agenda and to create a society where all are socially and economically equal.

The NCOP is therefore positioned as an apex chamber due to the fact that "it is the only legislative house in South Africa that is constitutionally mandated to straddle all three-spheres of government, through its oversight and accountability mandate."[11] "In this study, the NCOP is thus positioned as the nerve centre for three-sphere coordination,"[12] and policy implementation, to realise South Africa's transformation, particularly as postulated in Justice Langa's interpretation of the concept of "transformative constitutionalism."[13] It is precisely this three-sphere scrutiny, coordination, cooperative governance and intergovernmental relations mandate of the NCOP, which empowers and positions it as an apex chamber within South Africa's legislative sector, bestowing upon it the constitutionally mandated authority, to

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[8] Justice Langa, P. (2006), 'Transformative Constitutionalism'
https://www.sun.ac.za/english/learning-teaching/ctl/Documents/Transformative%20constitutionalism.pdf (Accessed on 6th November 2021)
[9] Albertyn, C. & Goldblatt, Beth. (2009) "Facing the Challenge of Transformation: Difficulties in the Development of an Indigenous Jurisprudence of Equality" 1998 14 *SAJHR* 248 249.
[10] Function Of Government
https://www.scholarshipy.com/function-of-government (Accessed 6th November 2021)
[11] Ibid
[12] Ibid
[13] Justice Langa, P. (2006), 'Transformative Constitutionalism'
https://www.sun.ac.za/english/learning-teaching/ctl/Documents/Transformative%20constitutionalism.pdf (Accessed on 6th November 2021)

effectively oversee the implementation of the NDP.[14] To this end, an effectively functioning NCOP that is fully cognisant of its powers and the extent of the powers conferred upon it, can only give true expression to its constitutional mandate through strategic debate, argumentation, the appropriate oversight mechanisms and effective rhetoric, for purposes of accelerating the implementation of South Africa's transformation agenda, as articulated in the NDP.

It is therefore postulated that if speech, reason, argumentation and deliberation are the requisite processes and instruments through which the norms, value systems and laws that govern society are developed, then speech, reason, argumentation should then also be viewed as the acceptable and appropriate mediums, "for giving expression to the constitutional mandate of the NCOP and to accelerate the implementation of South Africa's transformation agenda."[15] As a realm of speech, argumentation and debate, the NCOP must therefore perform its constitutional functions, by appropriately shaping policy oversight debates, argumentation, language-use and its rhetoric, "in a manner that is consistent with the mandate conferred upon it by the constitution of the Republic of South Africa."[16] Furthermore, as conferred upon it by the constitution of the republic of South Africa, NCOP rhetoric and the shaping and crafting thereof, is hence positioned in this thesis as a critical enabling mechanism for advancing policy implementation, for purposes of realising transformation. It is therefore the intention of this body of work, to identify key impediments within the NCOP's rhetorical and argumentation space, which impede effective NCOP rhetorical oversight, thereby hindering the realisation of South Africa's transformation agenda. This will be done for purposes of reshaping the NCOP's rhetorical and argumentation space according to the precepts of the constitution, so as to enable the NCOP to function more effectively, as an apex chamber of three sphere policy oversight, as supported by the appropriate institutional mechanisms.

It is further postulated that the weaknesses of the executive in implementing South Africa's development policies, should particularly be analysed, taking cognizance of the critical three-sphere oversight role of the NCOP, in the advancement of policy implementation. Hence when assessing the failings of the state machinery to implement key policies, it is advanced that the NCOP, as part of the broader state machinery, should be regarded as being complicit in the failings to effectively implement the country's transformation policies. However, this can only be tested through deeper scrutiny and analysis of the NCOP's rhetoric and

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[14] Albertyn, C. & Goldblatt, Beth. (2009) "Facing the Challenge of Transformation: Difficulties in the Development of an Indigenous Jurisprudence of Equality" 1998 14 *SAJHR* 248 249.
 (,1 2 1/,1(- Stellenbosch University.
https://www.sun.ac.za/english/learningteaching/ctl/documents/transformative%20constitutionalism.pdf (Accessed 6th November 2021)
[15] PMG. https://static.pmg.org.za/docs/100812NCOP-oversightvisit.doc (Accessed 6th November 2021)
[16] The Constitution of the Republic of South Africa, Act 108 of 1996

debates on the NDP, with a particular focus on the critical role that must be played by the NCOP, in order to effectively oversee the implementation of South Africa's transformation policies, as articulated in the NDP. It must also be stated that the NCOP's oversight rhetoric over the implementation of the NDP, should also be recognised as a strategic enabling process, which must unpack how the rule of law in relation to the transformative agenda of the NDP is approached and implemented by the three spheres of government. At its core, the NCOP must therefore frame its rhetoric based on the policy provisions of the NDP, so as to ensure South Africa's continued advancement towards a more equal society.

1.2 Motivation

Given South Africa's current development context, the study is necessitated by the slow pace of transformation and the slow pace of policy implementation, which necessitate more effective and a more strategic design of the NCOP's institutional processes, particularly as they relate to policy oversight in the NCOP. Another important matter that will be further unpacked in this body of work, is the operating environment of the NCOP, which also illuminates the critical importance of South Africa's broader rhetorical situation and its accompanying dynamics, which significantly impact the NCOP's oversight business and agenda. The intention is hence also to unpack how exogenous shocks and influences, constrain the NCOP's oversight rhetoric and policy debates, which inadvertently compounds existing challenges in implementing key development priorities. Further attention will also be placed on the historical trajectory of the African National Congress's policy arguments as a liberation movement.

This is important because these policy arguments continue to shape the governing party's policy posture on various platforms of engagement. The historical policy posture of the governing African National Congress, is hence postulated as pertinent in this study, because these policy arguments also shaped and influenced the formulation of the NDP. Furthermore, these policy perspectives also continue to impact the policy posture and framing of the NCOP's rhetoric and its policy debates. Most significantly, the NDP as the current blueprint for advancing development and transformation in South Africa, will be unpacked, by analysing not only the historical policy influences that shaped the formulation of the NDP, but also whether the NCOP's oversight machinery and rhetoric is robust and targeted enough, to give impetus to and embolden the implementation of the NDP.

1.3 Background to the Study: Outlining the Delineated Focus on the NDP

"Despite the body of legislation put in place to give effect to the policy imperatives of the Reconstruction and Development Plan (RDP)[17], the "Growth, Employment and Redistribution (GEAR),"[18] the "Accelerated and Shared Growth Initiative for South Africa (AsgiSA),"[19] "government has acknowledged that implementation progress has been slow since the advent of democracy in 1994."[20] According to the National Planning Commission's (NPC) Diagnostic Report which, was released in June 2011, "a failure to implement policies and an absence of broad partnerships have been identified as some of the main reasons for the slow progress to implement the country's transformation policies."[21] Interestingly, the NPC's research and the critical body of work developed, only focusses on identifying government's weaknesses in implementing key policies and key legislation. The NPC's diagnostic report does not address the critical role that must be played by the legislative sector, through oversight and accountability to ensure the implementation of key policies and legislation. The NPC's diagnostic report also apportions very little attention to the role of the Parliament of the Republic of South Africa and significantly, the three-sphere oversight mandate of the NCOP in advancing policy implementation. "The NPC's findings also articulate

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[17] 'Reconstruction and Development Programme'

"Reconstruction and Development Programme (RDP) is a South African socio-economic policy framework implemented by the African National Congress (ANC) government of Nelson Mandela in 1994 after months of discussions, consultations and negotiations between the ANC, its Alliance partners the Congress of South African Trade Unions and the South African Communist Party, and "mass organisations in the wider civil society."
https://en.wikipedia.org/wiki/Reconstruction_and_Development_Programme (Accessed on 6th November 2021)

[18] 'South Africa's Key economic policies changes (1994 - 2013)'

"the Growth, Employment and Redistribution (GEAR) strategy in 1996 to stimulate faster economic growth which was required to provide resources to meet social investment needs. The policy encompassed most of the social objectives of the RDP but was also aimed at reducing fiscal deficits, lowering inflation, maintaining exchange rate stability, decreasing barriers to trade and liberalizing capital flows."
https://www.sahistory.org.za/article/south-africas-key-economic-policies-changes-1994-2013 (Accessed on 6th November 2021)

[19] 'Accelerated and Shared Growth Initiative of South Africa

Thomas, U. (2021) "Identifying The Binding Constraints Of The Township Economy Of South Africa." The Journal of Developing Areas, vol. 55, no. 4, Journal of Developing Areas, Oct. 2021, p. 455.

"The Accelerated and Shared Growth Initiative for South Africa (AsgiSA) was prepared during 2005 and launched in February 2006. Its objectives were to introduce policies, programmes and interventions that would allow the South African economy to grow enough to halve poverty and unemployment between 2004 and 2014."
https://www.gov.za/sites/default/files/gcis_document/201409/asgisa2008.pdf (Accessed on 6th November 2021)

[20] National Planning Commission Diagnostic Report, (2011)
https://static.pmg.org.za/docs/110913npcdiagnostic2011_0.pdf (accessed on 17th October 2021)

[21] The National Planning Commission (NPC) was established under President Jacob Zuma's Leadership in 2010. AS articulated by President Zuma in his speech at the inaugural meeting of the NPC, "The mandate of the commission is to take a broad, cross-cutting, independent and critical view of South Africa, to help define the South Africa we seek to achieve in 20 years time and to map out a path to achieve those objectives. The commission is expected to put forward solid research, sound evidence and clear recommendations for government. The commission will also work with broader society to draw on the best expertise, consult the relevant stakeholders and help to shape a consensus on what to do about the key challenges facing us. Government has often taken a sectoral and short-term view that has hampered development. Taking a long-term and independent view will add impetus, focus and coherence to our work. The establishment of the National Planning Commission is our promise to the people of South Africa that we are building a state that will grow the economy, reduce poverty and improve the quality of life of our citizens"
National Planning Commission Diagnostic Report, (2011)
https://static.pmg.org.za/docs/110913npcdiagnostic2011_0.pdf (accessed on 17th October 2021)

that the three-spheres of government are working in a siloed manner, which also hinders effective coordination across the three spheres of government, thereby impacting both horizontal and vertical implementation processes of government."[22] This key weakness in the coordination of policy implementation processes, falls squarely within the NCOP's ambit of responsibilities to oversee. This effectively means that the role that must be played by the NCOP, which is that of overseeing the work of the three spheres of government, to ensure effective coordination and implementation of key policies across the three-spheres of government, did not find adequate expression in the NPC's diagnostic report, nor is it substantively expanded on in the NDP.

Drafted by an independent forum of experts, the NDP, which was subsequently adopted in 2012,[23] fails to substantively delve into the critical oversight role that must be exercised by the legislative sector and particularly the NCOP, for purposes of overseeing and strengthening policy implementation.

The NPC diagnostic report further articulates that "government would have to find new ways of coordinating within government and together with society at large*"[24]*, which further confirms that the NDP policy perspectives and policy proposals, do not take cognizance of the oversight role of the NCOP, in overseeing the implementation of the NDP. While government's internal coordination is critical for advancing policy implementation within the executive, legislative oversight is fundamental and imperative for enabling accountability and for facilitating policy implementation. The NCOP is thus positioned as an apex chamber in this body of work, for executing three sphere oversight, accountability and coordination, which are postulated as critical enabling instruments, for overseeing and accelerating policy implementation by the executive arm of the state. The rhetorical analysis of policy implementation oversight, as undertaken by the NCOP, is an important topic within South Africa's broader transformation context, which is critical for the future success of the NDP and the implementation of emerging transformation policies.

1.4 Contextualizing the Delineated Focus on the NCOP
"The NCOP, as a second chamber of the Parliament of the Republic of South Africa, is constitutionally mandated to ensure that provincial interests are taken into account in the national sphere of government. The NCOP also plays a unique role in the promotion of the principles of cooperative governance and inter-governmental relations. It is supposed to give expression to cooperative governance and intergovernmental

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[22] Ibid

[23] The National Development Plan, Our Future, Make it Work, 2012
https://www.gov.za/sites/default/files/gcis_document/201409/ndp-2030-our-future-make-it-workr.pdf (Accessed on 16th September 2021)

[24] Ibid

relations (IGR), by ensuring that the three spheres of government work together cooperatively, in performing their unique functions and that synergy exists on matters of concurrent competence."[25] "Synergy on matters of concurrent competence refers to matters that require the collective and joint participation of the three spheres of government, in executing the policy directives of the state. It further refers to the necessary cooperation of the three spheres of government, based on their respective constitutionally mandated responsibilities"[26], to enable policy implementation, through planning, budgeting and implementation, particularly through the three sphere oversight lens of the NCOP.   This cooperative relationship across the three spheres of government, whose effective functionality the NCOP is constitutionally mandated to oversee, is precisely conferred on the NCOP, for purposes of ensuring that South Africa's transformation agenda, is accordingly implemented. It is also about putting in place effectively functioning checks and balances, for the realization of South Africa's transformation agenda.

1.5 Defining Rhetoric

"Rhetoric is an art of communication, which originates from ancient Greece in Athens. "Aristotle defines rhetoric as the faculty of observing in any given case the available means of persuasion and since mastery of the art was necessary for victory in a case at law, for passage of proposals in the assembly, or for fame as a speaker in civic ceremonies, he calls it "a combination of the science of logic and of the ethical branch of politics."[27] "Rhetoric typically provides heuristics for understanding, discovering, and developing arguments for particular situations, such as Aristotle's three persuasive audience appeals: logos, pathos, and ethos. The five canons of rhetoric or phases of developing a persuasive speech were first codified in classical Rome: invention, arrangement, style, memory, and delivery."[28] "Aristotle's description of rhetoric represents a strata of rhetoric, which sought to infuse a moral and ethical anchor into the sphere of rhetoric, by asserting that rhetoric must be formulated on the basis of truth and the strength of arguments."[29] When considering the overarching imperatives of South Africa's constitution and the powers conferred upon the NCOP to advance transformation, Aristotle's rhetoric represents a philosophy of rhetoric which also resonates with the ideals South Africa's transformation agenda, as advanced through truth, ethics and morality in the politics and rhetoric of the NCOP.

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[25] National Council of Provinces Mandate, Parliament of the Republic of South Africa
http://www.parliament.gov.za/national-council-provinces (Accessed on 26 September 2021)
[26] The Constitution of the Republic of South Africa, Act 108, 1996
[27] Rhetoric
https://en.wikipedia.org/wiki/Rhetoric (Accessed on 16th December 2022)
"Aristotle's Rhetoric, Book I, Chapter 2, Section 1359 (trans. W. Rhys Roberts)". *Archived from* the original *on 16 September 2008.*; "Aristotle, Rhetoric 1.2.1". *Archived from* the original *on 15 April 2012*. Retrieved 19 October 2011.
[28] Rhetoric | The Perspectivist.
https://inductionsdangerouscom.wordpress.com/media/ (Accessed on 16th December 2022)
[29] Ibid

"Ethics is defined in philosophy, as a process of offering questions about how humans should best live. Aristotle also regarded ethics and politics, as related but disparate schools of thought, with ethics focusing on the character of a the individual and politics focusing on the good of the city or the state"[30]

In an article titled "the political theory of rhetoric" it is asserted that "Aristotle reiterated that the purpose of ethics is to develop a good-natured character. Aristotle also asserts in the *Politics* that man is by his very nature, a political being. According to Aristotle the objective of *Politics*, is to uncover, based on (the constitution), the imperatives of effective and weak government systems."[31]

Beecher, H. W. in the scholarly definitions of rhetoric, gives more detail by asserting that "rhetoric is the art of impacting human behaviour with truth, using all the available factors of persuasion at our disposal."[32] Aristotle further asserted that "rhetoric encapsulates three sources of persuasion, which include, ethos (the character of the speaker), logos (argumentation) and pathos (the emotions of the audience). Aristotle also brings into the rhetorical ambit three categories of speech, when he divides rhetoric into three types, which he called deliberative rhetoric (for political purposes), forensic rhetoric (used in legal situations to explore the past) and epideictic rhetoric (for ceremonial occasions)."[33]

Another stratum of rhetoric is carried by a cohort of Roman philosophers including Cicero and Quintilian who borrowed from the Greek tradition of rhetoric and proceeded to give greater expression to Aristotle's works. "In De Inventione, the Roman philosopher Cicero explains that there are five canons, or tenets, of rhetoric: invention, arrangement, style, memory, and delivery: Inventio (invention) is the process that leads to the development and refinement of ideas. (disposition, or argument) is about deciding how such arguments should be organized to make them most effective. The third tenet is pronunciation or (language) and the fourth is elocution or (delivery). The fifth canon is memoria (memory choice) which finds expression when the speaker recalls each of the elements during delivery."[34]

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[30] Genre in Rhetorical Tradition Sociological Tradition
https://wac.colostate.edu/docs/books/bawarshi_reiff/chapter5.pdf (Accessed on 18th October 2021)
[31] The Political Theory of Aristotle
https://www.britannica.com/biography/Aristotle/Political-theory (Accessed on 17th October 2021)
[32] Scholarly Definitions of Rhetoric
www.americanrhetoric.com (Accessed on 4 October 2021)
[33] Garver, E. (2009) "Aristotle on the Kinds of Rhetoric" Rhetorica, Vol. XXVII, Issue 1, pp. 1–18, ISSN 0734-8584, electronic ISSN 15338541. ©2009 by The International Society for the History of Rhetoric.
http://www.ucpressjournals.com/reprintInfo.asp. (Accessed on 30th September 2021)
[34] 'The Five Canons of Rhetoric'
https://walton.uark.edu/business-communication-lab/Resources/downloads/The_Five_Canons_of_Rhetoric.pdf (Accessed on 10th September 2021)

The fourth stratum of rhetoric is that of contemporary rhetorical theory, which stands influenced by the two different social rhetoricians, which involves the theoretical perspectives advanced by Kenneth Burke and Chaim Perelman. "Perelman, born in Poland, contributed immensely to the theory of argumentation in the twentieth century. His most important work is the *Traité de l'argumentation – la nouvelle rhétorique* (1958), with Lucie Olbrechts-Tyteca. This work was translated into English as "*The New Rhetoric: A Treatise on Argumentation*," by (Wilkinson and Weaver, 1969)."[35] "Kenneth Burke, an American literary theorist, also made notable contributions to rhetorical theory. He was one of the first individuals to assert his views on literature as "symbolic action." Burke was nonconformist, engaging not only literary texts. He also explored aspects of text that networked with audience: social, historical, political background, author biography."[36]

Perelman's rhetorical theory focuses on the communication of ideas as part of the communication discourse. "Perelman asserts that in order for argumentation to occur, a formulation of a community of minds must occur and that "all argumentation aims at gaining the adherence of minds, assumes a cognitive comprehension which creates a community of minds."[37]

(Burke, 1969) in his book "*A Rhetoric of Motives*" positions rhetoric as "a communication process that influences behaviour and action. Burke defines rhetoric as the use of language as a symbolic means of inducing cooperation in beings that by nature respond to symbols."[38] "Burke's rhetoric takes into account exterior influences, thereby treating the human being as a whole. For Burke, the rhetorical process centres between identification and division."[39]

The NCOP is this context, represents a space for engaging in oratory for purposes of influencing and shaping government conduct, by advancing through agreed upon policy directives and budgets, the implementation of such decisions through actions, which can be tracked by the NCOP, to assess policy

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[35] 'Chaim Perelman'
https://en.wikipedia.org/wiki/Chaïm_Perelman (Accessed on 30 August 2021)
[36] 'Kenneth Burke'
https://en.wikipedia.org/wiki/Kenneth_Burke (Accessed 10th September 2021)
[37] Brockriede, W. (1982) "On the New Rhetoric and Humanities: Essays on Rhetoric and its Applications, by Chaim Perelman, Philosophy and Rhetoric"
http://www.msubillings.edu/commfaculty/gross/COMT%20330/Chaim_Perelman(ARV).pdf (Accessed 5th September 2021)
[38] Burke, K. (1969) "A Rhetoric of Motives"
https://books.google.co.za/books/about/A_Rhetoric_of_Motives.html?id=y44o7549eC8C&redir_esc=y (Accessed 6th September 2021)
[39] Kangira, J. (2002) "A study of the rhetoric of the 2002 presidential election campaign in Zimbabwe" Phd Thesis, University of Cape Town, Cape Town
https://open.uct.ac.za/bitstream/handle/11427/18250/thesis_hum_2005_kangira_jairos.pdf?sequence=1&isAllowed=y (Accessed 18 June 2021)

implementation progress. It is a platform where a battle of ideas ensues and policy arguments unfold, which must be constructed for purposes of enabling an adherence of minds, for purposes of inducing action that will give effect to the country's transformation agenda. Perelman's theoretical contribution, which asserts that rhetoric is about argumentation and that all argumentation aims at gaining the adherence of minds, and "by this very fact, assumes the existence of an intellectual contact and that this contact of minds creates a community of minds,"[40] also succinctly defines the envisaged operating environment of the NCOP. As guided by the constitution of the republic of South Africa, the operating environment of the NCOP must be a site where the oratorical contestation of arguments takes place, as anchored in policy implementation oversight, for purposes of creating adherence towards policy decisions, in order to create better living conditions for ordinary South Africans. Burke's assertion of language use as a symbolic means for inducing cooperation, is a critical overlay over Perelman's argumentation, which postulates that both these theoretical perspectives of modern rhetoric from Perelman and burke, represent two sides of the same coin.

In the NCOP context, rhetoric must also be understood as a site for decision-making, after the oratorical contestation of ideas and arguments amongst members of parliament. In "*Everything's an Argument: with readings,*" it is stated that "all language has an argumentative edge that aims to make a point. An argument is then defined as any text, whether written, spoken or visual which, expresses a point of view. Sometimes arguments can be aggressive, composed deliberately to change what people believe, think or do" (Lunsford at el 7).

In acknowledging that transformation and the evolution of South Africa's political culture, cultural norms, identity as well as the values carried by and embedded in the country's development policies, this broader context cannot be understood without recognizing rhetoric as a conduit for transmitting value systems, policy perspectives and as the agency to facilitate South Africa's transformation trajectory. Rhetoric in the South African context, has established itself as an intrinsic medium of engagement in South Africa's development policy trajectory. The value of rhetoric and argumentation must therefore be established, as a point of departure for analysis, to advance South Africa's transformation agenda, particularly due to its underpinning relevance in shaping South Africa's evolving democratic culture and its unfolding transformation trajectory.

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[40] Hanson, J. 1997, 'Sociality in the Rhetorics of Kenneth Burke and Chaim Perelman: Toward a Convergence of Their Theories' Presented at the National Communication Association Conference, Chicago, November 1997 https://www.kbjournal.org/book/export/html/1018 (Accessed on 1 October 2021)

Rhetoric must also be understood as a process that deepens the understanding of issues, through a multiplicity of ideas communicated and tested on this important platform. In the NCOP context, communication and argumentation is an important conduit in the operating environment. This includes verbal, written, symbolic as well as the various other available means to persuade, question and propose solutions. This also represents a realm of argumentation that is purposed to move South Africa towards the realization of its development ideals, through persuasion and contestation, based on sound arguments, without which human existence would be devoid of meaning. As asserted in *Everything's an Argument with readings*, *"*the purpose of proposals is to persuade people to choose a course of action (Lunsford at el 276)." In the South African context, which is unfolding in the realm of argumentation in the NCOP, the ideas and truths that are shared and agreed to, must inadvertently become the driving force to ensure that the executive takes the appropriate action to implement policies and plans agreed to. (Rybacki and Rybacki 7-9) make reference to (Wenzel, 1990), in explaining how rhetoric, dialectic and logic enable arguments to be used as mechanisms for discovering knowledge and influence behaviour or belief. Wenzel is quoted as stating the following:

> "Rhetoric helps us understand and evaluate arguing as a natural process of persuasive communication; dialectic helps us understand and evaluate argumentation as a cooperative method for making critical decisions; and logic helps us to understand and evaluate arguments as products people create when they argue"[41] (Wenzel, 1990: 9).

Within the NCOP context, rhetoric, dialectic and logic are critical enablers in the operating environment, which underpin the manner in which the NCOP approaches its NDP oversight work. These three pillars together, enable persuasive communication, evaluation and argumentation, which must enable the NCOP to effectively perform its oversight functions.

According to (Lunsford at el. 128) they make reference to (Foss and Griffin, 2020), who articulate the participatory aspects of argumentation, which they state is also concerned with receiving different points of view. This positions argumentation as a realm where ideas are unpacked, particularly for ensuring a progressive move towards the attainment of a common set of ideals. "A distinction is hence also made between the varied purposes that inform argumentation, which includes: "Arguments to inform (information sharing), to convince (often aimed at those who disagree), to explore (in order to make a decision), to make decisions and lastly to mediate and pray.

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[41] Advocacy and opposition: an introduction to argumentation
https://dokumen.pub/advocacy-and-opposition-an-introduction-to-argumentation-seventh-edition-pearson-new-international-edition-1292042125-1269374508-9781292042121-9781269374507-9781292055183-1292055189.html (Accessed 1 October 2021)

Furthermore, the invitational school of argument, also ties in with the Rogerian school of argument (after psycho therapist Carl Rogers) "which is based on common ground and establishing trust amongst those who disagree about issues and approaching audiences in a non-threatening manner" (Lunsford at el. 127-131). The NCOP hence also represents a space where the development issues of the country can be argued, even through fierce contestation and deliberation, for purposes of establishing common ground to take South Africa forward. When considering the NCOP as a realm of argumentation, references by (Rybacki and Rybacki, 2014) to (Walton, 1990, 1998), *"The new Dialectic: Conversationalist Context of Argument"[42]* and (Van Eemeren and Grootendorst, 1993), *"Argumentation Theory"[43]* who have unpacked how dialectic influences argumentation is of great relevance, the following is posited:

> "argumentation is an instrument of communication to the extent that it functions as a social dialogue in which people articulate their differences, open themselves up to the ideas of others, critically investigate each argument offered and work cooperatively to find answers or solutions"[44]

To his end, the NCOP's work should also enable an articulation of differences, for purposes of finding solutions to South Africa's development challenges. The unavoidable and interconnected dimensions of rhetoric to truth seeking, strategic communication, language use, symbols, community of minds, as well as the invitational and Rogerian dimensions of argumentation, position rhetoric as an art that touches key aspects of human interaction. Rhetoric, as an art of persuasion and action-inducing communication, is particularly critical in the oversight realm of the NCOP, where structured communication must define and drive implementation outcomes. These dimensions of rhetoric, form the underpinning bedrock, for unpacking progress made in implementing the policy positions of the NDP. In this analysis, the NCOP is positioned as the battle ground and conduit for catalysing the implementation of the country's development priorities, through the effective interpretation of its constitutional mandate and as supported by the appropriate institutional practices that find expression in NCOP debates.

1.6 Rhetorical Situation

This section of this chapter, unpacks the rhetorical situation within South Africa's broader development landscape and unpacks how South Africa's broader rhetorical situation has an impact on the policy

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[42] Walton, D. (1998) "The New Dialectic: Conversational Contexts of Argument," University of Toronto Press http://philpapers.org/rec/WALTND-2 (Accessed 20th November 2021)

[43] van Eemeren, F. H. and Grootendorst, R. (1992) "Argumentation, Communication, and Fallacies- a Pragmatic-Dialectical Perspective http://books.google.co.zabooks?id=Ehu3DAAAQBAJ&printsec=front_cover&redir_wse=y&hl=en (Accessed 20th November 2021)

[44] Rybacki, K. C. and Rybacki, D. J. (2014). "Advocacy and Opposition: An introduction to Argumentation," Boston, MA: Allyn and Bacon

oversight dynamics in the NCOP. In outlining the rhetorical situation, it is postulated that the NCOP's oversight processes, are constrained and negatively impacted by a number of defining external forces, which inadvertently define and shape NCOP rhetoric and policy oversight over the implementation of the NDP. This section starts with the functional definition of the rhetorical situation and further proceeds to unpack ten other variables, which are all postulated to have a significant impact on the NCOP's policy oversight process. These variables include: rhetoric, political science and legislatures; weak parliaments and dominant executive arms of state; the NCOP's weakened credibility which impedes effective oversight; the rhetoric of defence which weakens NCOP debates; Parliament diffusing state power between itself and the executive; power relations between the NCOP and the executive; Parliament's narrow interpretation of its oversight role; the NCOP's topics of debate and invention process; and lastly the dominance of party politics, which is predominantly exercised over territorial issues of provinces.

According to (Bitzer, *1968)* "the presence of rhetorical discourse obviously indicates the presence of a rhetorical situation. Bitzer defines the rhetorical situation as being characterized by an exigence, an audience, and constraints. Exigence according to Bitzer refers to an urgent matter which requires a response to resolve. The audience refers to those who upon hearing, must participate in the action required to address an urgent matter. Thirdly, the constraints refer to "a set of *constraints* made up of persons, events, objects, and relations, which are parts of the situation because they have the power to constrain decisions and action needed to modify the exigence."[45] "He also postulated that the rhetorical discourse is called into existence or created by the context or situation. He defined the rhetorical situation as a construct of persons, events, objects, and relations presenting an actual or potential exigence, which when introduced into the situation, can constrain or impede the decision-making or action to be taken to change the exigence."[46]

(Vatz, 1973) also provided a different perspective and analysis on Bitzer's theory. Vatz states that rhetoric defines a situation, because the context and choices of events could be forever described, but the persuader or influencer or rhetor must select which events to make part of the agenda. Choosing certain events and not others, and deciding their relative value or importance, creates a certain presence, or salience." [47] Another response to Bitzer and Vatz came from (Consigny, 1974) where he asserts that Bitzer's theory gives a rhetorical situation proper particularities, but "misconstrues the situation as being thereby determinate and determining, and that Vatz's theory gives the rhetor a correct character but does not correctly account for

[45] Bitzer, L. F. (1968) "The Rhetorical Situation" Philosophy and Rhetoric, Vol. 1, 1968 pp 1-14
http://www.arts.uwaterloo.ca/~raha/309CWeb/Bitzer(1968).pdf (Accessed on 10th October 2021)
[46]Rhetorical Situation
https://en.wikipedia.org/wiki/Rhetorical_situation (Accessed 19th October 2021)
[47]Rhetorical Situation
https://en.wikipedia.org/wiki/Rhetorical_situation (Accessed 19th October 2021)

limits of a rhetor's ability. Instead, he proposes the idea of rhetoric as an art. Consigny argues that rhetoric gives the means by which a rhetor can engage with a situation by meeting two conditions, which includes the integrity to solve problems through opinions unpacked and receptivity to engage in certain situations as required by the context."[48]

All three perspectives shared by Bitzer, Vatz and Consigny on the rhetorical situation, offer valuable insights on how to understand and approach the rhetorical situation and its significance for rhetoric. Bitzer's assertion that the situation's exigence determines and shapes the response, is acceptable in that a major kairos moment, will indeed demand a response to address an arising problem. The magnitude of the matter (exigence), the urgency of such a matter, is indeed a major determinant and contributor, shaping and determining the rhetorical response. In the South African context, the sustained pressure of implemented apartheid policies, which were founded on segregation and legislated inequalities, created a recognizable point of exigence. This point of exigence, was precipitated by common experiences of oppression, thereby solidifying consensus that the point of exigence necessitated an urgent and sustained response to resolve the matter.

Vatz's views are also acceptable in this context because he positions rhetoric as the overarching determinant, over the situation, which denotes that some issues can be constructed and framed as urgent, based on the rhetor's shaping of such a situation. Vatz is hence asserting the supremacy of rhetoric, as an instrument that can be used to create exigence, urgency or kairos moments, imposing the necessity for action to be taken. He recognises the ability of rhetoric as an instrument of persuasion, which holds the ability to shape perspectives and mindsets about issues that should be recognised as urgent, requiring urgent responses to resolve.

In his analysis of Perelman and Olbrechts-Tyteca's work on "*The New Rhetoric"*, (Scott, 2020) in his paper titled: "*Argumentation and the Challenge of Time: Perelman, Temporality, and the Future of Argument,"* presents a possible reason for the challenges in adherence and implementation, when he articulates that "the fluidity and shifting context within which argumentations emerge, may not always be favourable to effectively support the kind of adherence that leads to action, implementation and the realization of a promised and intended policy priority."[49] Perelman and Olbrechts-Tyteca in *"The New Rhetoric"* assert that "the realm of values is a site of intense activity that is constantly being recast and remodelled. First

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[48]Rhetorical Situation
https://en.wikipedia.org/wiki/Rhetorical_situation (Accessed 19th October 2021)
[49] Scott, B. D. (2020) "Argumentation and the Challenge of Time: Perelman, Temporality, and the Future of Argument", *Argumentation*, Vol 34, Issue 1, pg 25 -37
https://scholar.google.com/citations?view_op=view_citation&hl=en&user=52ru3fUAAAAJ&citation_for_view=52ru3fUAAAAJ:9yKSN-GCB0IC (Accessed 10 March 2020)

there is a level of particular values to which one adheres to with some degree of intensity. The second level deals with the hierarchy of values, to which one also adheres to with some degree of intensity at each level."[50] It is hence asserted that Vatz's perspectives on the rhetorical situation, are also acceptable, it is however posited that creating exigence in an environment where it is not readily viewed as urgent, may lead to confrontation, based on the hierarchy of values in place, within that landscape and context. While the rhetor may be able attempt to create exigence with the rhetorical tools available, it may not always lead to persuasion or action, due to a wider set of constraints, as postulated by Perelman and Olbrechts-Tyteca's assertion on the contestation of values. The hierarchy of values that are prevalent within a given context, will hence determine the persuasiveness of the rhetor in a given situation. It is hence asserted that situations of crises, kairos moments, which test humanity, also contribute significantly towards making rhetoric to be effective. While it is possible, through advocacy to create exigence for a particular issue, where rhetoric is used as a mechanism to persuade and create a context of urgency, it still cannot be looked at through the same lens as a watershed kairos moment, which makes it easier to persuade for exigence and far-reaching action.

Consigny on the other hand, positions integrity and knowledge as important components in the rhetorical situation. These two components speak to ethos and credibility, which ordinarily, are important instruments for persuasion. Ethos and credibility are important components of the rhetorical situation however they do not represent the superseding variables of the rhetorical situation. Consigny also addresses the issue of receptivity. It is an acceptable perspective that "a rhetor cannot create problems at will," but it depends on contextual support from the audience about the problems identified. If there is existing support for the issue raised, the rhetor will not find it difficult to convince the audience of its status of exigence. The three perspectives posited on rhetorical situation all represent relevant dimensions of the rhetorical situation, which speak to the rhetor's strategy and analysis of the context, as well as the key considerations that must be taken into account, to create exigence and agitate for action to be taken.

Given these perspectives shared, it is imperative to reflect on the rhetorical situation in South Africa, which led to the development of the NDP, as a response instrument to address prevailing and urgent challenges faced by the ordinary South Africans. The NDP was adopted in 2012, after a series of national and global events had taken place, which created the urgency to evaluate the South African government's performance in implementing the policies that were postulated as critical for transforming the lives of the previously marginalised and poor.

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[50] Ibid

The NDP was adopted by the South African government in the year 2012, as an amalgamation of redefined and re-contextualized and crystalized development policy proposals, designed to address the "policy implementation challenges that were articulated in the National Planning Commission's diagnostic report of June 9 2011."[51] The NDP hence emerged at a time of deepening inequality and poverty in South Africa, with findings indicating that although some progress had been made, the quality of life of the previously disadvantaged South Africans, had not substantively improved since the dawn of democracy in 1994. "It is important to note that "the segregation policies of the Apartheid era in South Africa resulted in low levels of education, suppressed entrepreneurship and spatial inequalities among the black African population, including structural constraints in the economy, which created barriers for the poor to participate. Though Apartheid was dismantled in 1994, economic and social conditions in the country continue to be heavily influenced by the historical legacy of partied. This is no more apparent than in the labour market, which is characterized by some of the highest unemployment rates and lowest employment-population ratios in the world."[52] Furthermore, the findings of a study conducted by the World Bank, in collaboration with Statistics South Africa, also found that "South Africa is the most unequal society in the world and incomes are highly polarized. The country is characterized by high wealth inequality and low intergenerational mobility which arise from high income inequality and inequality of opportunity for children. This report further indicates that this inequality has been rising ever since the advent of democracy."[53] "South Africa still remains plagued by high levels of inequality, unemployment, inadequate infrastructure, spatial divides, and a resource-intensive economy"[54].

In addition to these prevailing conditions, "it is also imperative to note that South Africa had found itself in the middle of a technical recession and had still been grappling with the impact and aftermath of the global financial crisis, at the time when the NDP was adopted in 2012. The country's GDP growth peaked at 3.19 per cent in 2008 before consistently falling to below 3 per cent since 2012, and below 2 per cent

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[51] National Planning Commission Diagnostic Report Presentation, 6 June 2011
https://static.pmg.org.za/docs/110913npcdiagnostic2011_0.pdf (accessed on 18th October 2021)The National
[52] Straus, L. at el, (August 2020) "Rapid Country Assessment: South Africa The impacts from a COVID-19 shock to South Africa's economy and labour market", International Labour Organization
https://www.ilo.org/wcmsp5/groups/public/---ed_emp/documents/publication/wcms_754443.pdf (accessed 4 August 2021)
[53] "Overcoming Poverty and Inequality in South Africa: An Assessment of Drivers, Constraints and Opportunities"
http://www.statssa.gov.za/wp
content/themes/umkhanyakude/documents/South_Africa_Poverty_and_Inequality_Assessment_Report_2018.pdf (Accessed on 18 October 2021)
[54] Strategic Plan, Parliament of the Republic of South Africa, 2014-2018
https://www.parliament.gov.za/storage/app/media/StratPlan/4/Strategic%20Plan%20of%20Parliament%202009-2004.pdf
(Accessed on 18th October 2021)

since 2014.[55]" "The global financial crisis deeply impacted the South African labour market, resulting in the shedding of almost 1 million jobs over 2009 and 2010, reflecting longer term structural problems."[56]

The NDP was hence developed in part, to address the impact of the 2008 global financial crisis, alongside growing and prevailing social and economic challenges in South Africa. Inherited inequalities had been exacerbated, in part by the fact that Parliament and particularly the NCOP, had not been able to adequately give effect to its three sphere oversight role, as underpinned by the cooperative government and intergovernmental relations precepts enshrined in the constitution of the Republic of South Africa. This has consequently led to an inability to meaningfully accelerate the implementation of South Africa's transformation policies.

Under the leadership of President Jacob Zuma, the National Planning Commission was constituted in 2010, in order "to undertake an in-depth analysis and study of the prevailing socio-economic challenges, which had now been exacerbated by the 2008 global financial crisis."[57] The findings of the National Planning Commission's diagnostic report, as well as the adoption of the NDP, signified two major tipping points in South Africa's democracy, in that there was an open acknowledgement that the democratic system had failed to accelerate transformation, by failing to implement strategic development policies since 1994. This acknowledgement of failure to implement the policies of the country, brought into sharp focus, the overall performance of the state machinery, which was now hard pressed to develop strategic response interventions, in order to alleviate the social and economic challenges faced by the country.

To this end, Bitzer's perspectives are well aligned to the processes that led to the development and adoption of the NDP. Furthermore, Vatz's perspectives are also applicable in that rhetoric thrives in a situation where a kairos moment sets the scene, particularly in the South African context where the global financial crisis had exacerbated prevailing conditions. Rhetoric in this context, made it easier for exigence to be created and confirmed the necessity for action to be taken, in order to address the prevailing social and economic challenges.

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[55] Straus I. at el, (August 2020) "Rapid Country Assessment: South Africa The impacts from a COVID-19 shock to South Africa's economy and labour market", International Labour Organization https://www.ilo.org/wcmsp5/groups/public/---ed_emp/documents/publication/wcms_754443.pdf (accessed 4 August 2021)
[56] Verick, S. Journal of African Economies, Vol. 21, number 3, pp. 373–408 "Giving up Job Search during a Recession: The Impact of the Global Financial Crisis on the South African Labour Market"

[57] Transitions to Adulthood Through Recession | Youth https://www.taylorfrancis.com/books/edit/10.4324/9781315231686/transitions-adulthood-recession-sarah-irwin-ann-nilsen (Accessed 7th September 2021)

The exigence was established and confirmed by the impact of the global financial crisis, which led to more than a million South Africans losing their jobs. The audience in this context, is the broader disempowered populace, who in this context were making demands for government to decisively respond to the prevailing socio-economic challenges. Some of the constraints in this context, include capacity challenges across the broader state machinery, which the National Planning Commission's diagnostic report indicated, did not have sufficient capacity to implement the policies of the democratic state.

It is also postulated that another constraint in this context was the fact that the "NDP is a highly controversial document within the tripartite alliance. The differences run deep, and can be traced back in part to the unresolved tensions between proponents of the RDP initiative and GEAR respectively, in the 1990s."[58] "The Tripartite Alliance is an alliance between the African National Congress (ANC), the Congress of South African Trade Unions (COSATU) and the South African Communist Party (SACP). The ANC holds a majority in the South African Parliament, while the SACP and COSATU have not contested any democratic election in South Africa."[59] "The Alliance was forged in 1990 after the release of Nelson Mandela. The Tripartite Alliance is also known as the "Revolutionary Alliance" and just "the Alliance."[60] In seeking to unpack the constraints in the rhetorical situation, the purview of policy formulation, implementation and the voices that shaped such policies, with a greater interest in how they become constraints, is critical.

"The NDP postulates to integrate the Department of Trade and Industry's (DTI) Industrial Policy Action Plan (IPAP) and the Economic Development Ministry's New Growth Path (NGP) into the new National Planning Framework. Core issues in the NDP relate to South Africa's economic growth and the ability of the growth initiative to broaden socio-economic transformation in the country by 2030. These are addressed principally in Chapters 3 and 7, dealing respectively with 'Economy and Employment' and 'Positioning South Africa in the World."[61] (Gelb, S. 2006) a credible voice in South Africa's economic policy terrain, makes a number of important observations about the constraints of policy formulation in the GEAR and the Asgisa economic policies, which are also recognised as some of the prevailing constraints in the implementation of the NDP.

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[58] Morris, E. (Jun 20, 2013) The National Development Plan (NDP): The Current State of Play, Helen Suzman foundation https://hsf.org.za/publications/hsf-briefs/the-national-development-plan-ndp-the-current-state-of-play   (Accessed   on   18th September 2021)

[59] African National Congress - WikiMili, https://wikimili.com/en/African_National_Congress (Accessed 7th September 2021)

[60] The Tripartite Alliance https://en.wikipedia.org/wiki/Tripartite_Alliance (Accessed on 18th September 2021)

[61] Morris, E. (Jun 20, 2013) The National Development Plan (NDP): The Current State of Play, Helen Suzman foundation https://hsf.org.za/publications/hsf-briefs/the-national-development-plan-ndp-the-current-state-of-play (Accessed on 18th September 2021)

According to (Gelb, 2006), who was part of the technical team that formulated the GEAR policy, makes a number of key observations about the failings of the state machinery to implement GEAR, in his ten-year review of GEAR, which he delivered in a lecture in 2006. He asserts that "policy is not just about formulation but also about implementation, and policy 'voice' depends not on interest groups having desks in the technocrats' back office, but on their power, and the principles and positions they advocate."[62] Gelb hence makes an argument about ethos, credibility and the power of those who advocate for certain policy positions, which have an impact on the successes or failures of such policy implementation processes. Hence the successes of postulated policy positions, must be guided by an awareness that it matters who postulates an idea. It matters whether they have the clout, power and influence to postulate such ideas, which if they are lacking, could lead to fissures of dissent within an implementation construct or a movement such as the African National Congress and its alliance partners. This poses a major constraint for implementation, particularly if the political construct (the alliance) cannot agree on a policy approach.

Gelb also articulates another point of constraint in the formulation and implementation of GEAR when he states that:

> ….."the other side of the 'credibility' coin was the exclusion of voices from within the alliance from the policy discussion – the 'insulation' of policy from popular pressures was entirely in line with the conventional wisdom at the time. But the conventional wisdom had not taken account of the possibility of strong, vocal and indefatigable opposition from within the governing party. The attempt to insulate had the unintended consequence of making GEAR in a sense a more significant intervention in alliance politics than it was in macroeconomic policy. And its significance within the alliance also turned out to be its fatal flaw. The persistent infighting within the alliance meant that investors remained uncertain which grouping – pro- or anti-GEAR – would control future policy, and so credibility was elusive and has remained so."[63]

Hence Vatz's perspectives are tested in this scenario, where it is aptly proven that rhetorical framing alone might work in certain instances to create exigence and agitate for action, however in the absence of a watershed kairos moment, it may not be that easy to simply employ rhetorical instruments to create exigence. Gelb asserts that the absence of consensus building in the formulation of this policy, led to deeper levels of dissent and division within the African National Congress and the broader alliance. Hence the

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[62] Gelb, S. Lecture, (May 11, 2006)"The RDP, GEAR and all that: reflections ten years later1Delivered at the launch of the 60th issue of Transformation. Durban,.TRANSFORMATION 62 (2006) ISSN 0258-769 http://transformationjournal.org.za/wp-content/uploads/2017/05/T62_Part2.pdf (Accessed 18th September)

[63] Gelb, S. Lecture, (May 11, 2006)"The RDP, GEAR and all that: reflections ten years later1Delivered at the launch of the 60th issue of Transformation. Durban,.TRANSFORMATION 62 (2006) ISSN 0258-769 http://transformationjournal.org.za/wp-content/uploads/2017/05/T62_Part2.pdf (Accessed 18th September)

absence of a processes of consensus building, particularly in the tripartite alliance, which was expected to be cohesive, also impacted the policy implementation landscape. Fissures were created in the alliance by a one sided policy formulation process, which in the end, became a major constraint in the implementation of important policy priorities. Gelb rightfully argues that policy proposals and solutions that do not emerge from processes of broad participation and consensus building, end up creating platforms for discord.

Gelb in his lecture further asserted the following about the transition from GEAR to Asgisa:

> "ASGISA recognises that over-reliance on the credibility of policy to woo investors is a risky macroeconomic strategy, even though ASGISA's macroeconomic approach remains 'more of the same'. But the politics of ASGISA represent a very strong contrast to GEAR: the process has to a considerable extent reflected the idea of shared growth embodied in the policy's name, with wide consultation before its general release, and much detailed formulation work still underway in the wake of consultation. In other words, the ASGISA process aims to produce policy stability and certainty by building broadbased support.
> ASGISA is structured around the 'dual economy' rhetoric which the President has taken to using over the past three years, to emphasise government's focus on growth for poverty reduction. Representing South Africa as a dual economy has been criticised by many, including myself, most particularly for ignoring the causal interactions between the 'two economies"[64]

The transition from GEAR to Asgisa, as articulated by Gelb, was marked by an attempt to build consensus through a consultative process in the policy formulation process, which can also be viewed as an attempt to put into practice lessons learned from the GEAR policy formulation and implementation process. For the Asgisa policy construct, the invention process was hence approached in a manner that recognised the imperative and value of multiple voices in the formulation of this policy construct, in order to effectively legitimise it for implementation. The intention was to establish policy stability, which is necessary for policy implementation.

In considering the constraints in the rhetorical situation in the implementation of the NDP, the broader historical context, is still relevant due to its composition of inherited constraints, which still influences the prevailing rhetorical situation after the adoption of the NDP. The NDP hence emerged from this broader historical context and constraints, which would remain as key challenges in the implementation of the NDP. Another key constraint and building block to consider as a constraint, is the concept of radical economic transformation, a defining feature of former President Jacob Zuma's economic transformation agenda.

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[64] Gelb, S. Lecture, (May 11, 2006)"The RDP, GEAR and all that: reflections ten years later1Delivered at the launch of the 60th issue of Transformation. Durban,.TRANSFORMATION 62 (2006) ISSN 0258-769 http://transformationjournal.org.za/wp-content/uploads/2017/05/T62_Part2.pdf (Accessed 18th September)

In his paper *"Enter the jargon: the intertextual rhetoric of Radical Economic Transformation following the logic of Demosthenes's oratory, African Identities"* (Masemola, 2021) makes reference to Vusi Gumede's assertion where he states that "in President Jacob Zuma's public speeches, President Zuma has described radical economic transformation as 'fundamental change in the structure, systems, institutions and patterns of *ownership, management and control of the economy* in favour of all South Africans, especially the poor, the majority of whom are African and women,"[65] which did not materialize in the fifth administration, nor were any concrete plans made to realise these plans. These assertions about radical economic transformation, are also critical considerations, which represents constraints in the evolution of the African National Congress and alliance economic transformation policies. Radical Economic Transformation, is said to be the African National Congress's economic policy, which has not yielded results, particularly because it lacks the policy coherence and consensus required to advance implementation and it is hampered by the African National Congress broad church character. "It is also imperative to note that the radical economic transformation policy agenda, could also potentially have been hampered by the transition from the Mbeki to Zuma administration, particularly as Mbeki led structures across the state machinery, still had the power and influence to potentially delay implementation plans, more so due to the internal transitory leadership phase within the African National Congress."[66]

Another major constraint to take note of is the fact that the legislative sector and Parliament in particular, had not adopted the NDP, until after the 2014 national elections. The "NDP was launched on15 August 2012 at a special joint sitting of Parliament. All political parties represented shared their perspectives on the NDP."[67] However, the legislative sector's lack of substantive interaction with the NDP since its adoption in 2012, meant that Parliament only began putting systems in place to formally engage with the contents of the NDP, after the 2014 national elections. The NCOP hence did not have the ability to meaningfully localise and institutionalise the NDP, by interpreting it as a provincial and local government document for implementation purposes. This is a major constraint for the oversight work of the NCOP, as it would prove to be a challenging task to conduct oversight over the implementation of a manuscript which the NCOP did not localize and institutionalise.

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[65] Masemola, M. K. (2021) Enter the jargon: the intertextual rhetoric of Radical Economic Transformation following the logic of Demosthenes's oratory, African Identities, 19:2, 209-220, DOI: 10.1080/14725843.2020.1796589
https://www.tandfonline.com/action/showCitFormats?doi=10.1080%2F14725843.2020.1796589 (Accessed on 18th September 2021)
[66] Boosen, S. (2011) The African National Congress and the Regeneration of Political Power
https://www.jstor.org/stable/pdf/10.18772/12011115423.13.pdf?refreqid=excelsior%3A860110abf361ba50f36f914db7a71264&ab_segments=&origin=&acceptTC=1 (Accessed 22 July 2022)
[67] Morris, E. (Jun 20, 2013) The National Development Plan (NDP): The Current State of Play, Helen Suzman foundation
https://hsf.org.za/publications/hsf-briefs/the-national-development-plan-ndp-the-current-state-of-play (Accessed on 18th September 2021)

The constitutional mandate conferred upon the NCOP to approach its oversight work as guided by cooperative governance and intergovernmental relations precepts in the current Constitution of the Republic of South Africa, position it as the only house in the legislative sector with the powers to undertake a three sphere oversight and a three sphere coordination role. However, the NCOP had until 2014, not succeeded in playing the critical role required to ensure the three spheres of government work cohesively and cooperatively together, to implement key policies and key legislation.

 The NCOP as the construct with the three sphere coordinating mandate (as defined by its constitutional mandate), must play the role to embolden three sphere coordination and policy implementation. The NCOP represents an intrinsic piece of the broader state machinery, which must become bolder and give better expression to its constitutional role, so as to enable faster policy implementation. This body of research, hence brings into sharp focus the constitutionally mandated role of the NCOP, as a platform for structured and measured temporality in policy adherence and implementation.

(a) Rhetoric, Political Science and Legislatures
It is most appropriate to begin by articulating what (Wysocki, 2013) asserts in his body of work *"Rhetorical Practice in Congress: A New Way to Understand Institutional Decline"* when he states that "Aristotle makes it clear that rhetoric and political science are not the same thing, but rhetoric is closely related to political science. More particularly, rhetoric is related to the legislature. In Book I, chapters 3 and 4, Aristotle contends that political rhetoric is one of the three kinds of rhetoric and that legislation is one of the five main subjects of political rhetoric. Political rhetoric, he continues, concerns giving counsel on things that "admit both of happening and of not happening. Aristotle further points to the importance of studying rhetoric in the legislative environment, for it is a body that both legislates and deliberates."[68] This is most critical in this study, which is a body of work studying the space of political rhetoric in the NCOP, which is undertaken for purposes of assessing "what is happening and what is not happening". This is intrinsically linked to assessing through oversight, the policy implementation processes of the executive. In this body of work, deliberative rhetoric in the NCOP, is hence analysed in the NCOP, focusing the NDP as the base material for analysis. As articulated by Wysocki, through Aristotle's description of the interrelated nature between rhetoric, political science and their relationship to the legislature, the NCOP is in this regard positioned as a three sphere deliberative platform. Due to the NCOP's three sphere oversight mandate, it is presupposed that the NCOP must advance policy implementation, in order to ensure that it advances the

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[68] Wysocki, J. F. (2013) 'Rhetorical Practice in Congress: A New Way to Understand Institutional Decline' PHD, Baylor University, Texas
https://baylor-ir.tdl.org/bitstream/handle/2104/8743/joe_wysocki_phd.pdf?sequence=1 (Accessed on 27 September 2021)

implementation and "happening" of key policy priorities. Hence if the NCOP as a legislative house is unable to fulfil this underlying objective of oversight, as articulated by Aristotle and as reasserted by Wysocki, then the NCOP is not fulfilling its core mandate.

The authority conferred on the NCOP to scrutinize across the three spheres of government "what is happening and what is not happening", (oversight and accountability), is positioned as a critical enabling policy implementation process, to ensure that the executive implements its programme of action. Political Rhetoric is hence of critical importance, because it functions within the ambit of law making and deliberative rhetoric, through the engagement of oversight and accountability.

(Wysocki, 2013) also makes reference to the perspectives of Ornstein, N. and Mann, T. in their 2006 book *"The Broken branch: How Congress is Failing America and How to get it Back on Track"*[69] which is also relevant for this study. Making reference to Ornstein and Mann's work, Wysocki asserts: "I delineate a number of causes for congressional decline and these include a decline in institutional identity, the lack of executive oversight, the decline in deliberation are their key findings." While the NCOP has hardly been in place long enough to enable an effective review of its institutional practices, it is posited that the NCOP has not succeeded in effectively shaping an institutional identity based on transformative constitutionalism, to materialise a better life for the previously marginalised. It is also argued that the NCOP seems to lack the ability to conduct effective oversight over the executive, particularly given matters relating to a lack of consensus building, as articulated in the rhetorical situation. This lack of consensus, also weakens the ability to robustly enforce oversight, due to the fact that policy uncertainty also impacts how the legislative realm interacts with implementation plans. Importantly, it is also posited that the NCOP does embody a culture of robust deliberation, linked to its constitutional mandate, which must define its identity and a weakened culture of oversight and accountability. These weaknesses, impede the ability of the NCOP from functioning effectively, as an oversight body, endowed with the responsibility of overseeing the implementation of the NCOP.

(b) A Weak Parliament vs a Dominant Executive
The concept of the separation of powers is an important consideration across the three arms of state in South Africa's democracy. It is imperative that this issue be unpacked, as power relations, particularly between Parliament and the executive will also impact the ability of the NCOP to play its role more effectively and robustly. (Steytler, 1995) who served as a technical advisor to South Africa's Constitutional Assembly,

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[69] Seidenfeld, M. (April 2021) "The Limits Of Deliberation About The Public's Values." Michigan Law Review, vol. 119, no. 6, Michigan Law Review Association, p. 1111.

provided key perspectives on the separation of powers in Theme Committee (2) of South Africa's Constitutional Assembly. He firmly asserts the authority and supremacy of Parliament, as a construct of people's power and democratic legitimacy. He further asserts that:

> "Parliament is the (foremost) democratic institution of the three branches of government. In a parliamentary system where the executive is drawn from the legislature, Parliament is, per definition, the (sole) democratic institution. In theory Parliament ought to be all powerful because of its strong democratic base,"[70] "particularly because it makes laws and scrutinizes how they are executed. In practice, however, the executive has tended to be more powerful; it formulates policies which are translated into legislation, which it then executes. While legislatures are often ousted from the centre stage of power, they remain at the core of any system of checks and balances vis a vis the executive Parliament is hence theoretically supposed to be the centre of power, not only because it constituted as a result of the will of the people."[71]

The difference between the theoretical endowment of power on both houses of the highest legislative body and the lived reality of a dominating executive, also weakens NCOP oversight, debates and the identity of the constitutional identity of the NCOP. Parliament and particularly the mandate of the NCOP, specifically seeks to ensure that the voice of the broader masses are heard from the subnational level, which is essentially where the people reside. The NCOP as a second chamber, in engaging the three branches of rhetoric (epideictic, judicial and deliberative), must necessarily do so through an invention process where the topics emanate from provincial and local government. The NCOP as platform of people's power and people's voices, is a representation of this "voice" of the people. However, if the executive stands as a domineering force over legislatures, then the checks and balances of oversight and accountability will not be exercised in a manner that will apply the necessary pressure on the executive to fulfil what it commits to implement.

Furthermore, as stated by Steytler, if the executive formulates and implements policy, then processes of consensus building and shared inquiry are also subverted, with a particular bias to the dictates and preferences of the executive.

> Perspectives shared by Booth also postulate that "Judgments about what should be done in the future are generally matters of shared inquiry and are always contingent (based on probability). Shared inquiry, following Wayne C. Booth, can be understood as "the art of reasoning together about shared concerns" (1988, p. 108). It is shared because the judgment is discursively negotiated with reference to both the crux of the matter and in light of what is in the best interest of oneself or some other. Accounting for both Moss and Booth, rhetorical reason may be conceptualized as a method of "shared moral inquiry",

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[70]Steytler, N. (27 March 1995) "Checks and balances: the role of the legislature with regard to the executive and the judiciary," Constitutional Assembly, Theme Committee (2) in house workshop: Checks and Balances Between Organs of Government, in Particular the Executive and Legislature (National Level)
https://www.justice.gov.za/legislation/constitution/history/REPORTS/TC227035.PDF (accessed 20 October 2021) CHECKS AND
[71] Ibid

but with a special meaning of the word "moral". Moral inquiry, within the present context, means inquiry into practical matters (as opposed to mere speculation or scientific inquiry)."[72]

The NDP is a construct of proposed policies on what should be done in the future. Furthermore, its implementation, also requires a process of shared moral inquiry, in order to ensure that the legislative house and the executive operate within the prevue of their constitutional responsibilities, with due consideration and respect for each other's role. However, the process to develop it did not include a process of shared inquiry, including Parliament, particularly the NCOP as custodian of the voices and perspectives of provinces. The NCOP, as a platform for rhetorical reasoning, represents the legitimate space, for moral inquiry to be undertaken, to enable an effective compression of issues from the legislative sector's perspective and striving to create a "community of minds" about key issues for implementation and further oversight scrutiny by the NCOP. The methods conceptualized for addressing issues of moral standing, can only be properly unpacked through the moral inquiry enabled by effective rhetorical reasoning. The absence of this important step, means that arguments of scrutiny in the NCOP are weakened, because they are not developed from a place of shared ownership, emerging from shared inquiry. They are instead approached from a place of alienation from the NDP's conceptual process by the executive and drawn superficially from a document that demands collective ownership and a deeper comprehension for effective scrutiny and oversight.

It is asserted that "While Aristotle and Augustine were chiefly concerned with questions of persuasive ability, contemporary theorists of rhetoric are concerned with relationships between power, knowledge, and discourse. One of the major critiques of the rhetorical principle and their links to a rational paradigm has been that of voice; who gets to speak and whose rhetoric is considered significant (or even gets labeled as rhetoric)."[73] The NCOP is a paradigm of speech, where the three spheres of government can engage on policy and legislative matters. However, from an NCOP perspective, the oratory and speech of delegates must necessarily give expression to provincial and local government interests. The question about who speaks as well as the power embedded in the ambassadorial voice NCOP delegates is critical. If the speeches of delegates predominantly focus on matters other than the needs and desires of the people at the sub-national level, then the mandate of the NCOP is effectively subverted. If contemporary perspectives of rhetoric must prevail, focussing on power, knowledge and discourse, it is then posited that the NCOP is weakened on all three ambits of contemporary rhetoric. It is posited that the NCOP is lacking in terms of

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[72] Rhetorical Reason: Moral Inquiry
https://en.wikipedia.org/wiki/Rhetorical_reason (Accessed on 19th October 2021)

[73] Rhetorical Criticism Foss Pdf - cleversociety.
https://cleversociety512.weebly.com/rhetorical-criticism-foss-pdf.html (Accessed 16th October 2021)

power, given the dominance of the executive. It is lacking in terms of its knowledge base of the NDP, due to the fact that it did not participate in the process to formulate the NDP. It is also lacking in terms of discourse, as a direct consequence of dominance by the executive and a content dearth on the NCOP.

(Gaventa, 2003) asserts in his interpretation of Foucault's perspectives on power that "Foucault challenges the idea that power is wielded by people or groups by way of 'episodic' or 'sovereign' acts of domination or coercion, seeing it instead as dispersed and pervasive. 'Power is everywhere' and 'comes from everywhere' so in this sense is neither an agency nor a structure (Foucault 1998 p 63). Instead it is a kind of 'metapower' or 'regime of truth' that pervades society, and which is in constant flux and negotiation. Foucault uses the term 'power/knowledge' to signify that power is constituted through accepted forms of knowledge, scientific understanding and 'truth.'"[74] It is clear that the executive is asserting more power over the Parliament and the NCOP, by crafting policies and legislative instruments. It is also clear that power is not necessarily withheld from the NCOP nor is the NCOP prevented from asserting its constitutional role more effectively. In line with Foucault's position on power, it is therefore deduced that the NCOP, as a construct representing people's voices, has the opportunity to re-construct and re-engineer a better paradigm of interaction with the executive, by for example, operating effectively within its constitutional mandate and highlighting critical challenges prevalent at provincial and local government. Gaventa also states that society is in a *constant state of flux and negotiation*, which effectively means that the reinterpretation of truth, knowledge, power, can emerge from anywhere, but is subject to an awareness that the boundaries of existence, communication and belonging, can be shifted and remoulded at any time. It can therefore sensibly be argued that the power of the executive (South African context) should not be viewed as concentrated nor absolute. Foucault's views on power therefore provides a path away from the concept of absolute power in one group or entity, which is purely based on a perspective of self within the broader construct of existence, within the power cube. It is hence essentially about accessing the power dimension through strategic negotiation and asserting this power that resides everywhere and is not limited to a group or an individual.

> (Gaventa, 2003) further asserts that the "general politics' and 'regimes of truth' within the paradigm of power, are the result of scientific discourse and institutions, and are reinforced (and redefined) constantly through the education system, the media, and the flux of political and economic ideologies. In this sense, the 'battle for truth' is not for some absolute truth that can be discovered and accepted, but is a battle about 'the rules according to which the true and false are separated and specific effects of power are attached to the true'… a battle about 'the status of truth and the economic and political role it plays'(Foucault, in Rabinow 1991)."[75]

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[74] Foucault: power is everywhere | Understanding power
https://www.powercube.net/other-forms-of-power/foucault-power-is-everywhere/ (Accessed 19th October 2021)
[75] Foucault: Power is Everywhere
https://www.powercube.net/other-forms-of-power/foucault-power-is-everywhere/ (Accessed on 19th October 2021)

The NDP represents a paradigm of political and economic ideas, which must be asserted in a manner that not only postulates "truth" as a set of values emerging from society and South Africa's history of oppression but also as part of South Africa's unfolding democratic project. The NDP is also used to assert the authority and dominance of the executive, not only over the legislative sector and the NCOP, but also over the people of South Africa. The executive uses the NDP to re-inforce the prevailing interpretation of truth and power, to solidify its place in the broader spectrum of power. However, based on Foucault's views, even this interpretation should not be viewed as absolute, particularly because voters have the power of the vote, to put another political party in power. Therefore if the paradigm of power and truth is "reinforced (and redefined) constantly through the education system, the media, and the flux of political and economic ideologies,"[76] then it can be redefined through existing systems that are used as conduits to reinforce old patterns of power concentration.

It is hence postulated that the alienation of Parliament and the NCOP in particular, from the process of formulating the NDP and the absence of a concrete and crystallised process of legislative scrutiny by the Parliament and the NCOP before the adoption of the NDP, consequently means that the NCOP will not be able to effectively engage on substantive matters of oversight, to oversee the implementation of the NDP, if it does not put systems in place facilitate a deeper understanding of the NDP. It is therefore postulated that the deliberative processes of the NCOP have been weakened, which can only find expression through rhetoric, argumentation, deliberation, consensus building and the oversight progresses of the NCOP. This is the space where negotiation, engagement, interpretation and critiquing of executive performance takes place. The NCOP is meant to be a platform where power, truth, values, norms and mores are re-cast and remoulded, particularly due to its provincial and local government focus. The oversight and accountability posture of the NCOP is subsequently weakened, due to the fact that the re-defined and crystalized NDP, does not effectively express the oversight role of Parliament in the policy implementation cycle, which confirms the dominance of the executive over the Parliament and the NCOP in particular.

(c) Weakened Credibility of the NCOP Impedes Assertive Oversight Commands
The NCOP has since its establishment been viewed as the weaker house, the rubber stamping house and house that endorses the decisions of the National Assembly. Given its inability to effectively assert its voice through the articulation of its constitutional mandate, the NCOP effectively lacks the authority, the ethos and credibility to give effect to its constitutional responsibility. It also lacks the ability or determination, to

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[76] Foucault: Power is Everywhere
https://www.powercube.net/other-forms-of-power/foucault-power-is-everywhere/ (Accessed on 19th October 2021)

effectively coordinate the business of the three spheres of government. By virtue of its cooperative government mandate, the NCOP should be occupying a more powerful space on the legislative sector landscape, particularly because it creates a platform where provincial and local interests must find expression. Considering that Provincial and local government represents the implementing spheres of the broader state machinery, provinces, metros, districts and localities, represent the spaces where all key policies must find expression. The NCOP's constitutional mandate gives it jurisdictional authority, not only across provinces, but also over the national sphere of government. A failure to implement policies, is hence also exacerbated by a weak NCOP, which has not succeeded in giving adequate expression to its constitutional mandate, by asserting itself more boldly, more strategically across the three spheres, but also by failing to create the systemic and institutional arrangements necessary for it to function effectively.

(d) Rhetoric of Defence Weakens NCOP Oversight

The oversight mandate of the NCOP is often weakened due to the posture of defence in argumentation, which could also be viewed as a strategy of the opposition to weaken the oversight focus of the NCOP. The antagonistic and adversarial slant in opposition party arguments, have also played a contributing role in tilting the posture of debates, where the governing party becomes more reactive in initiating defence arguments, instead of engaging in unencumbered oversight, based on facts, tangible progress recorded and failings and weaknesses across the executive arm. This has greatly weakened not only the NCOP, but the broader legislative sector, thereby weakening the system of accountability and the authority of the NCOP. African National Congress Delegates have also often been found to be unclear about their posture of argumentation in the NCOP and have often been found to speak in defence of the executive, thereby abandoning the oversight responsibility of the NCOP altogether.

(Slaughter, 1999) in her paper "H.R *Comm on Rules Majority Office: The Gen. Principles of Cong. Oversight"* asserts that "one of the most important responsibilities of the United States Congress, particularly when oversight can enhance the likelihood that executive policies will reflect the public interest, augment the efficiency and efficacy of government operations, and deter "capricious behaviour, abuse, waste, dishonesty, and fraud."[77] Hence a failure to enforce oversight, not only weakens the NCOP, it results in a failure to effectively augment efficiency and the efficacy of government operations and deter all capricious behaviour, maladministration and lack of service delivery. Importantly, it creates a culture of impunity and inculpability, where the executive expect that their failings to implement will naturally be defended and glossed over.

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[77] Slaughter, L. M (1999) "H.R. Comm. on Rules Majority Office: The Gen. Principles of Cong. Oversight", *available at* http://democrats.rules.house.gov/archives/comm_gp_cong_oversight.htm. (Accessed on 21 September 2021)

(e) Parliament Defuses State Power Between itself and the Executive

(Steytler, 1995) further asserts under the subtheme "control over the executive" that "as the supreme legislature, Parliament defuses state power between itself and the executive. The executive has only delegated power to pass legislative enactments. Equal to its law-making function is Parliament's function to scrutinize and exert control over the formulation of policy and the execution of laws and policies."[78] It is hence imperative to note, that the agenda of the NCOP, particularly through the defused state power between Parliament and the Executive, inherently means that Parliament's political agenda is in part defined by the governing Executive and the party political power of the governing executive. The NDP is a policy construct, which was not subjected to the scrutiny and quality control mechanisms of both houses of parliament, which is a mechanism that enables both houses to exercise its constitutional power and authority. This means that it is a policy construct for which oversight and accountability mechanisms will be misaligned and skewed, lacking the depth of understanding from members of the NCOP, who are expected to substantively engage on the contents of the NDP.

(f) Power Relations between the Executive and the NCOP

(Steytler, N 1995) further points out a critical factor about the power relations between Parliament and the Executive when he states that "Parliament is supreme and all powerful only in theory. In practice parliaments are overshadowed by the executive. Where there is harmony between the executive and the legislature (as is the case in parliamentary systems) parliament often becomes an appendage of the executive. The reason for this is obvious. The emergence of mass political parties with strict discipline shifted power away from Parliament to the party hierarchy (often outside the ruling party's caucus as well)."[79] This is also a critical consideration in the South African context, where the governing executive has acknowledged its weaknesses and failings to implement key policies and that it lacks the bureaucratic and systemic capacity required to implement key policies. A cohesive party political and hierarchal posture of a party such as the governing executive, will assert itself to embolden its leadership authority in Parliament. However, if the implementation of policies, which the governing party has assented to are not effectively implemented, it also erodes the credibility and ethos of the governing executive, particularly if it is unable to deliver on the promises made to the electorate. A weak Parliament and a weak NCOP, which fails to assert itself effectively, will lead to a diminishing African National Congress majority at the polls,

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[78] Steytler, N. (27 March 1995) "Checks and balances: the role of the legislature with regard to the executive and the judiciary," Constitutional Assembly, Theme Committee (2) in house workshop: Checks and Balances Between Organs of Government, in Particular the Executive and Legislature (National Level)
https://www.justice.gov.za/legislation/constitution/history/REPORTS/TC227035.PDF (accessed on 20 October 2021)

[79] Steytler, N. (27 March 1995) "Checks and balances: the role of the legislature with regard to the executive and the judiciary," Constitutional Assembly, Theme Committee (2) in house workshop: Checks and Balances Between Organs of Government, in Particular the Executive and Legislature (National Level)
https://www.justice.gov.za/legislation/constitution/history/REPORTS/TC227035.PDF (accessed on 20 October 2021)

as a result of a poor delivery on promises made. This will also lead to a lack of confidence from the electorate, as exacerbated by the ineffective oversight and accountability systems of the NCOP. By failing to hold itself accountable through the democratic instruments available, an unrestrained and unaccountable three sphere executive, will eventually be forced to face the hard consequences of a political and bureaucratic system that has not been effectively called to account before the legislative sector. It is hence argued that it is in the interest of the governing executive leadership, to ensure that it strengthens systems of oversight and accountability, which address issues relating to poor policy implementation, for its own longevity and endurance. Such systems need not be adversarial and antagonistic, but should be guided by strategically designed systematic and bureaucratic mechanisms, impact assessment mechanisms and recourse for poor implementation, which need not be punitively handed down, but could be applied through deliberative checks and balances, particularly in the NCOP, which must engage the engine rooms of implementation at provincial and local government level.

(g) Parliament's High Level Panel Confirms An Inability to Implement Policy is Exacerbated by A Narrow Oversight Interpretation

When viewing South Africa as a hybrid regime, it is also imperative to note the confirmed frustrations of the South African population under a democratic order. These frustrations were not only confirmed by the 2011 Diagnostic Report of the National Planning Commission. It was also confirmed by the findings of Parliament's "High Level Panel on the Assessment of Key Legislation and the Acceleration of Fundamental Change,"[80] which through an extensive public participation process found that the executive had failed to implement key policies, with poverty and inequality remaining deeply entrenched and corruption recorded as a major impediment to service delivery."[81] The report of the High-Level Panel, which was published in 2017, holds significant implications that point to government's performance in the fifth parliamentary dispensation. The findings of the High Level Panel importantly also indicate the failures of the executive to reduce poverty and unemployment and a failure to effectively implement not only key pieces of legislation but inadvertently, it failed to implement the newly adopted NDP. The mandate of the High Level Panel, which was led by former President Kgalema Motlanthe, was to review legislation, assess implementation, identify gaps and propose actions steps to address these issues. "The panel also pointedly asserts that one of the underlying reasons why the executive is able to get away with failing to implement key policies, is as a result of Parliament's narrow interpretation of its role and responsibilities, particularly

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[80] REPORT OF THE HIGH LEVEL PANEL ON THE ASSESSMENT OF KEY Legislation and the Acceleration of Fundamental Change
https://cisp.cachefly.net/assets/articles/attachments/72412_highlevelpanel.pdf (Accessed 14th October 2021)
[81] "High Level Panel on the Assessment of Key Legislation and the Acceleration of Fundamental Change" Parliamentary Report 2017
http://www.parliamwnt.gov.za/high-level-panel (Accessed on 14 October 2021)

in relation to oversight and accountability. In its report, the Panel urged Parliament to ensure that it sharpens its oversight processes, in order to effectively implement the NDP."[82] The report of the High Level Panel, which was finalized in published in November 2017, was placed on the Parliamentary agenda, with only a year and a half remaining of the fifth parliamentary dispensation. Due to the timing in finalising the report, the fifth Parliament was not in a position to address the findings of the High Level Panel Report, which subsequently meant that this process would be put on hold until the beginning of the Sixth Parliament.

A key recommendation made by the Panel in terms of poor oversight and accountability systems, was that "Parliament should impose penalties on departments that fail to implement key policies and legislation."[83] Most significantly, the Panel in its report also indicated that the "Executive is in control of Parliament, particularly in terms of setting the agenda and drafting policies and legislation."[84] This paints a picture of a Parliament that is not only dominated by the executive, it further confirms that Parliament's deliberative, oversight, accountability and scrutiny responsibilities, have been severely eroded, which is particularly important for implementation at a subnational level, where the voices of provinces and local government must find expression in the NCOP's oversight and deliberative debates.

(h) The NCOP Topics for Debate: "Invention" Contaminated

Considering the fact that the NCOP is generally viewed as the weaker house in the bicameral Parliamentary system and is hence perceived as not being able to fulfill its constitutional mandate. (Fessha, 2021) in his paper *"Second Chamber as a Site of Legislative Intergovernmental Relations: An African Federation in Comparative Perspective"* makes key observations about the weaknesses in the NCOP's deliberative agenda when he states that "the topics for debate do not reflect the NCOP's unique mandate to serve as a forum for the discussion of issues affecting provinces. While most subjects chosen for debate were certainly of interest from the point of view of national debate, in several cases the topics bore no clear link to provincial interests."[85] Topics for debate are critical reflectors of the oversight and deliberative focus of the NCOP debates on provincial and local government issues. In seeking to harmonize the implementation plans of the NDP policy priorities, it is imperative that provincial matters are effectively expressed, so as to ensure that the framing of legislation and oversight priorities as guided by NDP policy positions, give

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[82] "High Level Panel on the Assessment of Key Legislation and the Acceleration of Fundamental Change" Parliamentary Report 2017
http://www.parliamwnt.gov.za/high-level-panel (Accessed on 14 October 2021)

[83] Ibid

[84] Ibid

[85] Fessha, Y. T. (2021) Second chamber as a site of legislative intergovernmental relations: An African federation in comparative perspective, Regional & Federal Studies, 31:4, 495-517, DOI: 10.1080/13597566.2019.1690997 (Accessed on 17th October 2021)

expression to provincial and local government issues, with an emphasis on responding to the unique development challenges across various localities across South Africa.

(i)The "Political" over the "Territorial" (Party Politics Dominates Second Chamber)
(Fessha, 2021) further asserts that "second chambers do not serve as forums for IGR because members of second chambers are also driven by 'the political over the territorial element."[86] Fessha further asserts that "the domination of national partisan politics in the second chamber, (which is also the case in the NCOP) could also be because of party politics and tight party discipline as is the case in South Africa. The functioning of the NCOP reveals little or no legislative IGR. This also means that IGR continues to be the domain of the executive."[87] With the NCOP not being able to assert itself as a site of IGR, it subsequently means that deliberation is skewed to favour the dictates of the executive, with democracy subverted and the constitutional value of the NCOP undermined. In terms of rhetoric, it means that the deliberative voice and will of the people is muzzled, with party political hierarchy eroding systems of oversight and accountability. NCOP arguments on the NDP can hence not be viewed as authentic deliberations of provincial and local issues nor are they representative of the will of the people, as they predominantly reflect the will and perspectives of the national executive and party political interests at national level. While the party political perspective is regarded as important within the broader multi-party space, the framing of debates should not consistently be skewed to favour the executive, a lack of accountability inadvertently also disadvantages the governing executive, due to the slow implementation of policies.

In the context of a weakened NCOP which is perceived to be dominated by partisan hierarchical political perspectives, thematic areas in debate that are meant to underscore the enablement of synergy, cooperation and cohesion, are also be compromised. It is thus imperative to express that the role of the NCOP, can only be articulated through deliberation, communication and argumentation. Hence the rhetorical analysis of the shape, form and content of NCOP debates relating to the NDP, will provide better insights into these preliminary theoretical and practical observations shared.

The NCOP has made efforts to "facilitate cooperative government and IGR through its flagship programmes such as: Taking Parliament to the People, Provincial Week, Local Government Week and

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[86] Fessha, Y. T. (2021) Second chamber as a site of legislative intergovernmental relations: An African federation in comparative perspective, Regional & Federal Studies, 31:4, 495-517, DOI: 10.1080/13597566.2019.1690997 (Accessed on 17th October 2021)

[87] Fessha, Y. T. (2021) Second chamber as a site of legislative intergovernmental relations: An African federation in comparative perspective, Regional & Federal Studies, 31:4, 495-517, DOI: 10.1080/13597566.2019.1690997 (Accessed on 17th October 2021)

Oversight Week."[88] However these flagship programmes have not yielded much progress, particularly due to the fact that beyond convening annual sessions with the three spheres of government and the public, these sessions are often not followed by a sustained oversight and report-back process, so as to ensure that the executive respondents to issues raised and commitments made. This often means that key issues fall through the cracks after executive undertakings are made, with the NCOP being too busy to plan for the activities of the subsequent year, as guided by government's programme of action. This again demonstrates that the oversight agenda of the NCOP is inadvertently dominated by the executive, with thematic areas shifting consistently, based on government's annual programme of action.

1.7 Justification for the Research

This research is justified due to the fact that South Africa is a growing democracy, which is still in the process of maturing and stabilising its democratic institutions, so as to accelerate transformation and implement key policies contained in the NDP. The role of the NCOP is critical in the policy implementation ambit. Given the fact that this body of work is centred around the imperatives of economic transformation, as a key instrument for materialising social transformation, it is also cogent to assess how the NCOP interacts with economic transformation related matters through its oversight processes. According to (Malindini, 2021) "The quality of institutions has increasingly become a key determinant of economic performance. This confirms a paradigm shift from the conventional macroeconomic determinants to governance as the crucial determining factor of economic performance, particularly in developing countries where economic growth is stagnant or moving at a meagre rate."[89] In further contextualising the imperatives of economic growth in a developing country such as South Africa, it must be recognised that without sufficient tax revenue collection, the state would not be able to implement its poverty relief and wealth redistribution programmes. Hence, as postulated by Malindini, economic performance or the lack thereof, is now believed to be the result of the quality of governance institutions, which are posited to be at the heart of policy implementation failures. Within the NCOP context, it is postulated that as part and parcel of the broader state machinery, the NCOP's three sphere oversight role is critical for policy implementation oversight. It is further postulated that weaknesses within the NCOP as a key three sphere oversight institution, will inadvertently also exacerbate policy implementation failures by the executive arm of state.

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[88] Nyamabi, A. J. (August 2019) "Overseeing Cooperative Governance and Intergovernmental Relation: the Role of Select Committee, NCOP Planning session
https://www.parliament.gov.za/storage/app/media/Pages/2019/august/19-08-2019_ncop_planning_session/presentations/Presentation_by_the_House_Chairperson_NCOP.pdf (Accessed 17 August 2021)
[89] Malindini, K. (2021) "Institutional Quality and Economic Performance in the Southern African Development (SADC) Region: A Dynamic Panel Analysis"
https://journals.ukzn.ac.za/index.php/jgd/article/view/2465/1958 (Accessed November 2021)

The research conclusions are hence intended to assist the NCOP to mature as a construct of democracy and to enable it to put the most appropriate systems in place, to accelerate policy implementation, particularly in relation to the shaping of debates, arguments and policy oversight communication in the NCOP. It is also intended to assist the NCOP to effectively clarify issues for policy oversight through the introduction of rhetorical "issue identification" processes, thereby enabling targeted oversight to accelerate policy implementation. It is additionally intended to influence the NCOP programme, which encompasses debates, questions, committee oversight, in order to align them to key policy implementation deliverables across provinces and localities. The study also seeks to bring onto the deliberative platform, an invention processes that adequately considers subnational issues, enabling the NCOP to give expression to its distinctive constitutional role. Importantly, the study seeks to ensure that the NCOP machinery is effectively re-positioned, so as to enable effective three sphere oversight and accountability, to make the NDP implementable across provinces, metros, districts and localities.

The broader rhetorical situation provided key perspectives of the context into which the NDP has emerged, while asserting key perspectives on the constitutional role of the NCOP, as an apex chamber of people's power, which must represent subnational perspectives. The rhetorical situation postulated a number of constraints, which would effectively create implementation challenges in the implementation of the NDP.

2.Chapter Two

2.1. Literature Review

Chapter two of this thesis, focus on the literature review, bringing into play a number of key concepts, which are positioned as defining concepts, for unpacking South Africa's socio-economic transformation policy agenda. The concepts that serve as the second layer to the rhetorical situation unpacked in chapter one, includes the following: temporality and the three branches of rhetoric; adherence and policy implementation in the NCOP; the hierarchy of values in the NCOP and its impact on policy implementation; the culture of deliberation in the NCOP; Economic Development as the central instrument of South Africa's transformation agenda; the NDP's economic policy thrust as an instrument of crisis management; South Africa's political economy and the NDP; recession and Economic Policy rhetoric in the NDP; "the legal economic nexus": fundamental processes and the NDP's political rhetoric; economic interventionism and the NDP's political rhetoric; South Africa as a hybrid regime and its failures to implement socio-economic policies; the role of the legislative sector as articulated in the NDP; crisis rhetoric in the NCOP and the imperatives of kairos moments and how it has shaped the formation of the NDP. These are key concepts that are postulated is important for analysing the NCOP's policy oversight weaknesses in relation to the NDP.

2.2 Temporality and the three Branches of Rhetoric in the NDP

Based on Perelman's interpretation of argumentative,[90] it is hence asserted that argumentation can be understood as a continuum of unfolding action, where the present relies on the past in order to determine how to approach the future.

To this end, the NCOP is hence also positioned as a platform of unfolding action in argumentation, sustained through adherence, in an attempt to move forward, towards the attainment of specific goals. The NDP is positioned as a continuum of arguments, which have their origins in the Atlantic Charter from an African's Point of View and the Freedom Charter. Temporality is hence at the center of argumentation in this study, which requires time to achieve the thesis assented to.

2.3 Adherence and Policy Implementation in the NCOP

(Scott, 2020) asserts that "adherence is the idea that a person's adherence "goes beyond the present moment", which according to Scott implies reference of its (implementation which is tied) to a possible future. Scott also states that "adherence cannot be understood independently of its past and future."[91] This

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[90] Ibid

[91] Scott, B. D. (2020) "Argumentation and the Challenge of Time: Perelman, Temporality, and the Future of Argument", *Argumentation*, Vol 34, Issue 1, pg 25 -37
https://scholar.google.com/citations?view_op=view_citation&hl=en&user=52ru3fUAAAAJ&citation_for_view=52ru3fUAAAAJ:9yKSN-GCB0IC (Accessed 10 March 2020)

also aligns to the argumentation trajectory of the Freedom Charter, which over time has been sustained by adherence and future possibilities, which has since its adoption in 1955, invoked an epideictic form rhetoric and has been sustained by it. The Freedom Charter has over time, morphed into various policy titles of the African National Congress, including *Ready to Govern*, *the Reconstruction and Development Programme*, *GEAR, AsgiSA* and its current functional title the *NDP*. This continuum of arguments demonstrates the unfolding and sustained nature of arguments, which may have a definitive starting point, but may not have a definitive end point, given the constraints that relate to implementation.

2.4 The Hierarchy of Values in the NCOP: its Impact on Policy Implementation
In his analysis of Perelman and Olbrechts-Tyteca's work on "*The New Rhetoric,*" (Scott, 2020) presents a possible reason for the challenges in adherence and implementation, when he articulates that "the fluidity and shifting context within which arguments emerge, may not always be favourable to effectively support the kind of adherence that leads to action, implementation and the realization of a promised and intended policy priority such as in the NDP."[92] Perelman and Olbrechts-Tyteca to this end assert that "the realm of values is a site of "intense activity" that is constantly being recast and remoulded. "First there is a level of particular values to which one adheres to with some degree of intensity. The second level deals with the hierarchy of values, to which one also adheres to with some degree of intensity, with different variations at different levels."[93] This presents the challenge of the hierarchy of values to be adhered to, particularly in the context of debates in the NCOP as a second chamber, where the fluidity of the argumentation landscape must be acknowledged, as a key constraint in the debate and argumentation realm of the NCOP. The constraints in implementation are not only presented due to the fluidity in the hierarchy of values emerging from the NCOP landscape. Constraints in argumentation are also presented due to exogenous influences on the NCOP landscape of argumentation. Hence, pressures emerging from exogenous forces may alter the hierarchy of values by shaping the nature of arguments presented and assented to, particularly as they emerge from the majority party. This consequently leads to a retrogressive process of adherence, due to the fact that arguments are not defined based on principles of oversight and accountability, but instead on preserving the power dynamics of decision-making and defending the party-political hierarchy of the governing party. This consequently creates impediments in the policy oversight and implementation terrain of the NCOP. This essentially shifts the centrality of the NDP as the guiding document for transformation, to a space of secondary importance in the hierarchy of values in the NCOP, as party political hierarchy and its accompanying manifestations, supersedes oversight, which could consequently lead to the deceleration

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[92] Ibid
[93] Ibid

of policy implementation. Consequently, the completion timelines for implementing the NDP are deferred, resulting in a sustained continuum of adherence.

When assessing the values that have shaped the policy aspirations of an oppressed populace, time and indeed temporality must be recognised as a participating factor in argumentation and implementation. The three branches of rhetoric are indeed governed by time, particularly as the NDP wrestles with the impact of its past on the present reality, which must shape decisions impacting the future. Delays in the realization of key policy priorities, is also challenged and hindered by emerging issues, which may often supplant the deliberative agenda of the NCOP, replacing it with a national party-political agenda of the African National Congress, where oversight takes a secondary position.

2.5 The Culture of Deliberation in the NCOP

(Wysocki, 2013) in his dissertation titled:*Rhetorical Practice in Congress: A New Way to Understand Institutional Decline,* draws our attention to institutional decline in congress and what defines an effectively functional Congress. He makes reference to Joseph Bessette's perspectives, in his book titled *The Mild Voice of Reason: Deliberative Democracy and American National Government,* where he argues that "the framers of the American Constitution wanted a Congress that would be both deliberative and democratic. That is, it would reason well about the public good and be responsive to the will of the people. Bessette then defines political deliberation as "a reasoning process in which the participants seriously consider substantive information and arguments and seek to decide individually and persuade one another as to what constitutes good public policy."[94] Bassette's assertions as articulated in Wysocki's body of work, creates the appropriate context to further unpack the NCOP's culture of deliberation as well as its inability to give adequate expression to provincial matters. These factors are postulated as critical markers for assessing the effectiveness of a legislative house, which also applies in the context of the NCOP. These issues are critical, not only given the urgency to bring about transformation through strategic policy oversight in South Africa, but to ensure that the executive remains engaged and appraised on substantive provincial matters, which must be prioritised for urgent intervention.

The constitution of the republic of South Africa demands that sub-national issues must form part of the substantive issues discussed in the NCOP. A delineated focus is hence placed on the *"consideration of substantive information,"* in order to unpack how the implementation of a particular policy priority will find expression across all cascaded localities across provinces, through the deliberative arena of the NCOP.

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[94] Wysocki, J. F. (2013) 'Rhetorical Practice in Congress: A New Way to Understand Institutional Decline' PHD, Baylor University, Texas
https://baylor-ir.tdl.org/bitstream/handle/2104/8743/joe_wysocki_phd.pdf?sequence=1 (Accessed on 27 September 2021)

This is an important consideration because the development landscape of provinces, are all characterized by very unique challenges and these are the substantive issues that must find expression on the NCOP's deliberative platform. So the shape, content and posture of information debated, as it engages the three branches of rhetoric and the various appeals in persuasive argumentation, must still give expression to provincial and local issues. The NCOP's inability to shape its deliberative content accordingly, consequently presents it as an ineffective legislative house, where peculiar matters relating to transformation and service delivery in provinces are not effectively deliberated on. To this end, it is also imperative to re-centre the focus of the NCOP's constitutional mandate on what Justice Pius Langa stated when he postulated "the concept of transformative constitutionalism as an important function of the Constitution of the Republic of South Africa, which is underpinned by enabling social and economic transformation for those who were preciously socially and economically excluded."[95]

2.6 Economic Development as a central Point of SA Development Agenda

The NDP emerged into an environment where Global Financial Crisis had severely impacted the South African economy, with just over 1 million job losses. Hence a key feature embedded in the NDP is a focus on rebuilding the economy (Economic Transformation), through labour absorbing economic initiatives. The economic slant is also embedded across various chapters of the NDP particularly chapter 3, which asserts an economic policy focus, as the apex priority in the NDP, in response to the impact of the Global Financial Crisis.[96] The NDP should therefore be recognized as an instrument that articulates the macro-economic economic policy rhetoric of the governing African National Congress, for purposes of facilitating socio-economic transformation. Given the fact that the NDP emerges from a broader global recession context, recession rhetoric as well as economic policy rhetoric are key tenets embedded in NDP. It must also be noted that economic transformation represents a critical policy instrument of the African National Congress's democratic government, which is also linked to the development policy trajectory of the African National Congress since the dawn of democracy in South Africa, particularly as expressed through former President Thabo Mbeki's assertions on the RDP. President Mbeki asserted in an address delivered to the IGR forum summit, in November 1995 that:

> "The RDP identifies growth with development as the South African growth path. That is, economic growth cannot be separated from the measures to reduce poverty and improve the quality of life. Development resources should be allocated in ways that optimise economic growth aspects. For instance, programmes to provide new infrastructure should also foster local production, employment, innovation and regional trade and should aim to

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[95] Justice Langa, P. (2006), 'Transformative Constitutionalism'
https://www.sun.ac.za/english/learning-teaching/ctl/Documents/Transformative%20constitutionalism.pdf (Accessed on 6th November 2021)

[96] The National Development Plan, Our Future Make it Work, 2012 (introduction)
https://www.gov.za/sites/default/files/gcis_document/201409/ndp-2030-our-future-make-it-workr.pdf (Accessed on 16th February 2021)

reduce spatial inefficiencies. Economic expansion is a result of and a means to share wealth more evenly amongst our people. High growth will permit us to achieve much greater equity in incomes and raise living standards for all."[97]

The RDP should therefore be recognised as the foundation of South Africa's transformation trajectory, particularly as it relates to economic inclusion, poverty alleviation and wealth redistribution. As articulated by former President Mbeki in his capacity as Deputy resident in 1995, economic growth is recognised as a key enabler to alleviate poverty and for wealth re-distribution. The NDP also articulates the same arguments but goes further, to explicitly articulate its linkages to various sectors of development. So while the 2008 global financial crisis necessitated the need for an economic response to development, the African National Congress's governing response was also in sync with its underlying transformation policy trajectory, which placed economic development as a central feature of South Africa's transformation. Economic development is hence also recognised as an important conduit to facilitate deliberation on various other development areas, particularly in a developing country such as South Africa.

2.7 The NDP's Economic Policy Thrust: An Instrument of Crisis Management Post the 2008 Global Financial Crisis

The NDP's economic policy thrust, is also presented as an instrument of transformation and crisis management. (Loepp, 2008) in his paper, *"Crisis Rhetoric: A Theory of Communication in Times of Crisis"* asserts that "a crisis situation differs from what may be termed a crisis condition. He makes the example of an unsuccessful "War or Poverty" or poor race relations or a deprived state of public schools may all qualify as forms of a crisis, but they are not situations that arose overnight or dramatically affect the people as a whole, physically or emotionally. This is because they are long-term issues that register less and less shock-value as they persist. Crisis situations which effectively turn the world upside down for a vast number of people in a very short period of time, have an intrinsic value in relation to how they react to rhetoric."[98] The Global Financial Crisis hence qualifies to be defined as a global crisis, having manifested as a national crisis in South Africa, which necessitated a rhetorical socio-economic response to communicate response strategies to address the crisis. While the NDP must indeed be recognised as responding to a crisis condition in that it highlights failings by the state machinery to implement strategic policies since the advent of democracy in 1994, it must also be recognised as a response to a crisis situation, particularly given the response to the impact of the Global Financial Crisis on the South African economic landscape in 2008. Therefore, the crisis being responded to in the South African context, "refers specifically to the Global

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[97] Mbeki, T. (27 November 1995) Speech Delivered at the Development Planning Summit Hosted by the Intergovernmental Forum,
http://www.dirco.gov.za/docs/speeches/1995/mbek1127.htm (Accessed on 14th October 2021)

[98] Loepp, E. D. (2008) 'Crisis Rhetoric: A Theory of Communication in Times of Crisis'
https://scholarship.richmond.edu/cgi/viewcontent.cgi?article=2047&context=honors-theses (accessed 8 October 2021)

Financial Crisis of 2008, as an exogenous shock"[99] and its impact on the South African economy and labour market landscape, which exacerbated pre-existing social and economic challenges. The NDP therefore must be viewed as a product of crisis communication, given the context that shaped its emergence.

2.8 South Africa's Political Economy and the NDP

The concept of political economy within the broader context of a developmental state, represents an important process that enables the contestation of ideas and strategies for the welfare and greater good of society. "Political economy is the study of production and trade and their relations with law, custom and government; and with the distribution of national income and wealth. As a discipline, political economy originated in moral philosophy, in the 18th century, to explore the administration of the states' wealth, with "political" signifying the Greek word *polity* and "economy" signifying the Greek word οἰκονομία (household management)."[100]

These are issues which are intrinsically linked to the principles of rhetoric. Aristotle aptly asserts in his "*Nicomachean Ethics" (H. Rackam ed)* that "we deliberate not about ends, but about means. A doctor does not deliberate whether he is to cure his patient, nor an orator whether he is to convince his audience, nor a statesman whether he is to secure good government, nor does anyone else debate about the end of his profession or calling; they take some end for granted, and consider how and by what means it can be achieved. If they find that there are several means of achieving it, they proceed to consider which of these will attain it most easily and best."[101] (Rybacki and Rybacki 13-15) on the other hand assert in their book *"Advocacy and Opposition: an introduction to argumentation"* on ethical standards of argumentation "that standards for argumentation are devised in one or two ways. *Teleological ethics* are based on the outcomes or end of communicating, the purpose you achieve rather than the means you use to communicate."[102] The NCOP is also a platform that is used chiefly, to consider the best mechanisms available, to ensure that key policies are implemented. As a platform of deliberation, the NCOP's arguments must therefore be anchored in developing and shaping policy and legislative instruments, which must importantly focus on the means for achieving and implementing NDP policy positions. The NDP must therefore be viewed as a construct

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[99] Osiyevskyy, O. and Zargarzadeh, M. (2015) "Exploring The Impact Of An External Crisis On R&d Expenditures Of Innovative New Ventures." Journal of Business and Entrepreneurship, vol. 26, no. 3, Association for Small Business and Entrepreneurship, Apr. 2015, p. 1.
[100] The Political Economy
https://en.wikipedia.org/wiki/Political_economy (Accessed on 8th October 2021)
[101] Aristotle, Nicomachean Ethics, Book 3.
https://www.perseus.tufts.edu/hopper/text?doc=Perseus%3Atext%3A1999.01.0054%3Abook%3D3 (Accessed 8th October 2021)
[102] Rybacki, K C. & Rybacki D. J. (2004). Advocacy and opposition: an introduction to argumentation
 https://dokumen.pub/advocacy-and-opposition-an-introduction-to-argumentation-seventh-edition-pearson-new-international-edition-1292042125-1269374508-9781292042121-9781269374507-9781292055183-1292055189.html (Accessed 8th October 2021)

of political economy, which is intrinsically linked to transformation rhetoric, to enable the NCOP to explore the state's performance in administering wealth distribution and how it handles the economy, through a process of polity.

2.9 Recession and Economic Policy Rhetoric in the NDP

(Murray, 2012) in his paper titled "*The Great Recession and the Rhetorical Canons of Law and Economics*" builds bridges between rhetoric, law and economics. "He asserts that law and economics, like all disciplines of academic inquiry and study, uses rhetoric to explain and justify its assumptions, models, paradigms, assertions, and predictions. He also makes reference to James Boyd White's work titled *"Law as Rhetoric, Rhetoric as Law: The Arts of Cultural and Communal Life,"* which states that "Like law, rhetoric invents; and, like law, it invents out of something rather than out of nothing. It always starts in a particular culture and among particular people. There is always one speaker addressing others in a particular situation, about concerns that are real and important to somebody, and speaking a particular language. Rhetoric always takes place with given materials."[103] The NCOP is a realm of argumentative contestation, it is a realm of law as guided by the overarching precepts of law making and deliberation, as enshrined in political rhetoric. However, while the NCOP's deliberative process is underpinned by the precepts of law and economics, the framing of such deliberative discussions also requires that rhetoric be strategically utilised to advance the imperatives of transformation in South Africa. IN fact, rhetoric is not only a bridge builder between a wide variety of concepts. Rhetoric is the medium that is the underpinning mechanism that enables an exchange of ideas in South Africa's transformation context.

The NCOP is also a realm of invention, which is expected to draw from culture, tradition and communal life (provincial and local government issues) to formulate and frame its deliberative arguments. This is a space where subnational issues must shape the content for NCOP discussions. Given the legacy of apartheid in South Africa, it is postulated that Perelman's epideictic, judicial and deliberative forms of rhetoric also find expression in the NCOP, which must be centred around improving quality of life of the poor. Furthermore, if the centrality of economic transformation is recognised as a priority policy focus in the NDP, it is expected that this central policy position should underpin the debates of the NCOP, as an underpinning feature to accelerate the realization of transformation.

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[103] Murray, M. D. (2012) "The Great Recession and the Rhetorical Canons of Law and Economics". Law Faculty Scholarly Articles. 659.
https://uknowledge.uky.edu/law_facpub/659
https://uknowledge.uky.edu/cgi/viewcontent.cgi?article=1661&context=law_facpub (Accessed on 17th October 2021)

Given the economic policy thrust of the NDP, the NCOP can therefore also be regarded as a realm of "*economic interventionism*", particularly in relation to its commitment to improve the quality of life of the poor and marginalized. (Murray, 2012) also states that "law and economics is a discipline that brings a unique combination of modes of persuasion used both as rhetorical topoi and tropes, to construct meaning and to inform and persuade its audiences: the priority of mathematical and scientific methods of analysis and demonstration, the characterization of legal phenomena as incentives and costs, the rhetorical economic concept of efficiency, and the lessons of rational choice theory."[104] This is an important observation, which aligns well with the underlying motivations of a legislative house such as the NCOP, where modes of persuasion are used to construct meaning, particularly in relation to the economics realm and equality. Such modes of persuasion, are not primarily based on rational choice, but rather on the mandate to use the economics realm as an instrument of transformation.

The aim of this study is therefore not to unpack the statistical, mathematical and scientific aspects of economics, but rather, the intention is to assess whether the NCOP as a house that is constitutionally empowered to conduct three sphere oversight, has anchored itself effectively within the ambit of economics as a redistributive mechanism of the NDP. The tropes and topics of economics, in the South African context, are connected to addressing issues of inequality, poverty and unemployment.

It therefore means that the economic transformation policy debates of the NCOP, are expected to be approached, not solely as a subject driven by numbers, facts and figures in a vacuum, but rather as a subject whose justification and objective is to alter the structural features of poverty and structural constraints in the economy, to give the previously marginalised access to a better quality of life.

(Murray, 2012) further aptly asserts that "law and economics provides a rhetorical lens through which a legal author might examine and improve the persuasiveness of her discourse regarding the economy, governmental regulation, or any other topic of the law. But a lens, like any other tool, is only as good as its user. Murray concludes that the rhetorical canons of law and economics can be used to create meaning and inspire imagination in legal discourse beyond the economic analysis of law, but the choice to employ the canons must be made with regard to the rhetorical concept of ethos and the needs, demands, and limitations of the rhetorical situation at hand."[105] The NDP provides the macro-economic lens through

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[104] Murray, M. D. (2012) "The Great Recession and the Rhetorical Canons of Law and Economics". Law Faculty Scholarly Articles. 659.
https://uknowledge.uky.edu/law_facpub/659
https://uknowledge.uky.edu/cgi/viewcontent.cgi?article=1661&context=law_facpub (Accessed on 17th October 2021)
[105] Murray, M. D. (2012) "The Great Recession and the Rhetorical Canons of Law and Economics". Law Faculty Scholarly Articles. 659.
https://uknowledge.uky.edu/law_facpub/659
https://uknowledge.uky.edu/cgi/viewcontent.cgi?article=1661&context=law_facpub (Accessed on 17th October 2021)

which issues of demand and need must be unpacked, with particular emphasis and as guided by provincial needs that must be expressed by NCOP delegates, whose role it is express provincial need and demands. The concept of ethos is central in NCOP's expression of its mandate, particularly as the constitution is framed to as an ethical manuscript, which must facilitate transformation and restorative justice to the poor and marginalised. To this end, the NCOP is a platform that must enable the realm of economics to become accessible by facilitating better understanding to audiences (voters) who are to benefit from the decisions to redistribute the economic resources of the country. Through improved scrutiny that is exercised through the oversight and accountability mechanisms of the NCOP, the executive is also given a platform to report on progress made, to enable equitable access to the economy for the poor and marginalized. Murray's assertion that cannons of law and economics must be employed in relation to ethos, needs, demands, and limitations of the rhetorical situation, particularly align with the realm of economics in the South African context, where economic ownership and participation, is effectively established as a principle of equality, where the state has made a commitment to advance economic equality, based on the constitution of the republic of South Africa's Bill of Rights, the NDP, economic policies and the accompanying laws.

It is also imperative to indicate that after the NDP was adopted in 2012, the African National Congress's 2014 elections manifesto, clearly articulated the three economic policy instruments that would continue to drive government's transformation agenda. These policy instruments, which are also articulated in the NDP, include: New Growth Path, The National Infrastructure Plan and the Industrial Policy Action Plan. These three policy instruments, which are embedded in the NDP and were also articulated as key instruments to drive inclusive growth and transformation, are clear articulations of the redistributive economic posture that the governing party had taken, not only in the NDP but also as a key policy focus of the fifth dispensation. This is hence also an oversight posture that the NCOP is expected to undertake.

The concept of political economy is hence clearly postulated not only in the NDP, but also in key African National Congress's policy documents. The redistributive and inclusive growth thrust of the NDP, can be understood to fall within the deliberative branch of rhetoric, as it seeks to enable policy decisions about the future of the country, but from a political economic thrust.

2.10 Adam Smith: Market Engagement[106]

Adam Smith is recognised as the father of political economy, having postulated fundamental perspectives on political economy. (Samuels, 1977) in his paper titled "the political economy of Adam Smith", provides

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[106] Majaski, C. (2022) Invisible Hand, Investopaedia "The invisible hand is part of laissez-faire, meaning the "let do/let go," approach to the market. In other words, the approach holds that the market will find equilibrium without government or other interventions forcing it into unnatural patterns.Scottish Enlightenment thinker Adam Smith introduced the concept in several of his writings, such as the economic interpretation in his book *An Inquiry Into the Nature and Causes of the Wealth of Nations* (often shortened to just *The Wealth of Nations*) published in 1776 and in *The Theory of Moral Sentiments* published in 1759. The term found use in an economic sense during the 1900s."

his own analytical views on Smith's founding ideas around the concept of political economy. He asserts the following:

"Adam Smith most distinctively stood for private enterprise, private property, interest, voluntary exchange, the limited state, and the market. He was the philosopher of a system of spontaneous economic activity, or resource allo- cation through market forces, and of efficiency (as it has come to be called) comprehended in terms of self-interest or maximization of personal well- being. The market, in the Smithian view, is a mechanism for resolving basic economic problems and for producing order without elaborate central direction, the "mystery," as Mark Blaug expressed it," of order achieved through exchange entered into by private individuals manifesting "the uni- form, constant, and uninterrupted effort of every man to better his condi-tion."[107]

As articulated by Samuels in his analysis of Smith's ideas, it is imperative to note that Smith postulated a system of market engagement, which allowed for voluntary exchange and resource allocation through market forces, which he deemed as self-regulatory and capable of finding its own balance. Smith, who is recognised as the father of political economy, postulates fundamental perspectives on political economy, which are also relevant and applicable in the South African context. The values and principles that Smith postulates, are indeed important for a well-functioning economy, with no structural economic barriers, which is not the case in South Africa. To this end, Smith articulates the importance of state intervention and political power within the market economy, which is particularly relevant in the South African context, due to the racial segmentation of economic participation, which was enforced through the policy and legislative instruments of the apartheid regime. Therefore, within the broader context of political economy, the intervention of the state in the South African market economy is postulated as critical for advancing redistribution, so as to remove structural economic constraints for purposes lowering entry barriers. State intervention in the South African context, is hence envisaged as necessary, in order to facilitate adequate and unencumbered participation of all citizens in the market economy, particularly in a divided and unequal society such as South Africa. It is therefore postulated that through the rule of law in South Africa: the state is well positioned to put in place the appropriate inclusive-economic growth policies and legislative reforms. Through these interventions, the state will create a conducive environment, to facilitate equitable access to the free market economy for all citizens, thereby enabling all citizens to participate in the market economy, without the impediments of unjust and discriminatory restrictions.Indeed, the values and principles that Smith stood for, are all critical in the process of facilitating access and the equal and unencumbered participation of all citizens, particularly in a divided and unequal society such as South Africa. However, in order to function within the Smithian market economy paradigm, the state must

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https://www.investopedia.com/terms/i/invisiblehand.asp#:~:text=The%20invisible%20hand%20is%20a%20metaphor%20for%20how%2C%20in%20a,of%20the%20Wealth%20of%20Nations. (Accessed 22 July 2022)

[107] Samuels, W. J. (1977) The Political Economy of Adam Smith, Ethics , Apr., 1977, Vol. 87, No. 3 (Apr., 1977), pp. 189-207 https://www-jstor-org.ezproxy.uct.ac.za/stable/pdf/2380208.pdf?refreqid=excelsior%3A770986cda530e9043eb8fa1188a03394&ab_segments=&origin=&acceptTC=1 (Accessed 22 July 2022)

intervene by creating a conducive environment through the appropriate policies and legislation, to enable all citizens to participate in the economy. The appropriate state intervention, will create the kind of market economy environment that Samuels alludes to in his analysis of Smith's position on the market economy.

Samuel's understanding and articulation of the power dynamics that operate within the economic system, are also relevant for the purposes of this study. Samuels draws our attention to the following:

> ".........there is a second model of order in the Wealth of Nations, a model of the economy as a system of power. Smith understood the deep forces of organization and control at work in the economic system. He realized how market forces operate only within, and give effect to, the structure of power and, especially, how those with access to and (in some sense) control over government use it. Market order is achieved only within the structure of power. Both the market and power govern whose interests will count in the economy. Markets are structured by power, and market solutions are power-structure specific. Power and market relations both constitute sets of variables in a general interdepen- dent system"[108]

Samuels postulates the view that the power dynamics in the economic system, which are articulated as the deep forces of organization and control in the economy by Smith, give effect to the structure of power that is at play (both in the economy and in government). Governance and economic power are two vital forms of power, which determine the nature of decisions made within the governance system and inadvertently determine how the market economy transacts and facilitates power dynamics, impacting additionally the power interplay within a society. For the poor and economically marginalised, limited access and limited control over government and economic power (as was the case during the apartheid era), inadvertently means that structural constraints were deliberately engineered, keeping the poor in a cyclical and general mode of poverty, while enabling the rich to amass more wealth and prosperity. State intervention is therefore critical in the South African content, particularly within the context of political economy as postulated by Smith, so as to ensure the realization of inclusive economic transformation, in the South African transformation paradigm. This will create an environment for an economic ecosystem, that is inclusive, functioning and self-regulating for the benefit of all South Africans.

2.11 The Legal-Economic Nexus: Fundamental Processes and the NDP's Political Rhetoric
(Samuels at el, 2007) shares perspectives from his book the "*Legal Economic Nexus: Fundamental Processes,*" where he postulates the interrelated issues of law, economy and polity.[109] These ideas are also influenced by Adam Smith's original perspectives. The perspectives shared by Samuels are of particular importance in the analysis of the NDP, particularly as a construct of political and economic rhetoric, which

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[108] Ibid

[109] Samuels, W. J. at el (2007) "Legal Economic Nexus: Fundamental Processe*s"*
https://books.google.co.za/books?id=2NOTAgAAQBAJ&pg=PA28&lpg=PA28&dq=James+Boyd+economic+intervention&source=bl&ots=w2y6YoG7bW&sig=ACfU3U2HWAubKpDnnC4WlGTRHW3xUFAxGA&hl=en&sa=X&ved=2ahUKEwjLlcTfpoL0AhU8AGMBHahJDMcQ6AF6BAgMEAM#v=onepage&q=James%20Boyd%20economic%20intervention&f=false
(accessed 13th October 2021)

is processed through the epideictic, deliberative and judicial branches of rhetoric. The economic development policy thrust of the NDP, necessitates a qualitative focus on the interrelations between the NDP as a legal manuscript and a policy document, as well as how it is processed through the polity processes of the NCOP and furthermore, including how it affects decisions relating to the economy and related areas of development.

More importantly, it must be considered whether the NCOP as a space for deliberation and argumentation, is able to give adequate expression, through oversight, to the economic postulations of the NDP. Furthermore, do these postulations give expression to issues emanating from the provincial and local spheres of government to enable effective implementation. Lastly do the policy decisions of government, as guided by the NDP reflect a shift towards making the economy a central feature of its development trajectory. It is therefore imperative to note that the areas of law, economy and polity, can be considered as matters of deliberative, epideictic and judicial rhetoric, as they consider the impact of the past on the present, so as to make decisions for the future. Before delving deeper to answer these important questions about the legal economic nexus, it is important to define this construct and go into more detail about its connections to the NDP's rhetorical oversight analysis in this study. Samuels states the following in his book *the legal economic nexus*:

> "In social (re)-construction, the fundamental policy question always is, *whose interests are to count,* and it contains *inevitable distributional or structural problems*. Even if one were to affirm that "individual preferences count", the fundamental policy question remains: whose interests or preferences are to count. The legal economic nexus is the complex social process through which, answers to these questions are re-worked and in which thereby the social reconstruction of reality is effectuated."[110]

Samuels positions the concept of reconstruction within the legal economic nexus, for purposes of addressing distributional and structural changes. The South African historical context frames the necessity for wealth redistribution, which is centred on the macro-economic strategy and development objectives of the country. In this context, the needs and preferences of the poor, remain central, as guided by the imperative to bring about transformation through the appropriate reconstruction project.

Perspectives shared by (Fessha, 2021) in his article titled "*Second chamber as a site of legislative intergovernmental relations: An African federation in comparative perspective,*"[111] as alluded to earlier in

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[110] Samuels, W. J. at el (2007) "Legal Economic Nexus: Fundamental Processe*s"*
https://books.google.co.za/books?id=2NOTAgAAQBAJ&pg=PA28&lpg=PA28&dq=James+Boyd+economic+intervention&source=bl&ots=w2y6YoG7bW&sig=ACfU3U2HWAubKpDnnC4WlGTRHW3xUFAxGA&hl=en&sa=X&ved=2ahUKEwjLlcTfpoL0AhU8AGMBHahJDMcQ6AF6BAgMEAM#v=onepage&q=James%20Boyd%20economic%20intervention&f=false
(accessed 13th October 2021)

[111] Fessha, Y. T. (2021) Second chamber as a site of legislative intergovernmental relations: An African federation in comparative perspective, Regional & Federal Studies, 31:4, 495-517, DOI: 10.1080/13597566.2019.1690997 (Accessed on 17th October 2021)

this body of work, asserts that "second chambers do not serve as forums for IGR because members of second chambers are also driven by 'the political over the territorial element'. He further asserts that the domination of national partisan politics in the second chamber, (which is also the case in the NCOP) could also be because of party politics and tight party discipline as is the case in South Africa. He then concludes that the functioning of the NCOP reveals little or no legislative IGR. This also means that IGR continues to be the domain of the executive."[112]

When this factual analysis by Fessha, is linked to questions in the legal economic nexus about *whose interest are to count*, it can be deduced that that the NCOP, which is meant to be a site for IGR and provincial interests, instead functions as a site that exposes "tight party discipline." These issues can only be further unpacked, from the analysis of the deliberative processes of the NCOP, which will provide deeper insights into whether the NCOP is effectively engaging its IGR mandate, as well as its three sphere oversight mandate in its policy debates. It is postulated that the NCOP is a site where party political interests dominate policy debates, which as asserted by Fessha, often do not necessarily take into account provincial and local interests, as would be expected. Furthermore, in answering the question on *whose interests are to count in South Africa's legal economic nexus*, the NCOP's deliberative platform of political rhetoric must be taken into account particularly in relation to how the polity of the NCOP shapes decisions made for the provincial and local government budgets and whether the budget vote policy debates, are responsive to provincial and local interests.

In addition, considering that the policies of the African National Congress, as postulated in the NDP, focus extensively on a distributive mandate, Samuels points out that inevitable distributional and structural problems can be expected. "The NDP in chapter three, alludes to the structural impact of the apartheid policies on the economy, as well as the structural features of poverty, which make it difficult to make significant advances for previously excluded South Africans in the redistributive realm."[113] While these issues are valid, Fessha, who has studied the nature of NCOP deliberations, provides a picture that shows that the invention process for debates in the NCOP, is defined by party political issues and not by provincial and local issues.

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[112] Fessha, Y. T. (2021) Second chamber as a site of legislative intergovernmental relations: An African federation in comparative perspective, Regional & Federal Studies, 31:4, 495-517, DOI: 10.1080/13597566.2019.1690997 (Accessed on 17th October 2021)

[113] The National Development Plan, Our Future Make it Work, 2012 (introduction) https://www.gov.za/sites/default/files/gcis_document/201409/ndp-2030-our-future-make-it-workr.pdf (Accessed on 16th October 2021)
Macroeconomic Policy and Poverty Reduction. https://www.imf.org/external/pubs/ft/exrp/macropol/eng/ (Accessed 16th October 2021)

Samuels continues to define the legal economic nexus as follows:

"The legal economic nexus is the locus of the normative direction given to the government, in part by channelling the organization and control of the economy. Government, the legal system and the economy are human artefacts and normative. They accordingly require legal direction. Theories of law, of the economy and of law and economies, are part of the process of creating polity and economy, in part through working out substantive issues of policy. These theories provide selective definitions of reality, and of values and thereby channel and recreate policy and economy." [114]

These issues alluded to by Samuels, outlines a process of political rhetoric, which must takes into account the past and the present, in order to make key decisions about the future. To this end, the judicial, epideictic and deliberative branches of rhetoric, must also be effectively employed in the NCOP, in order to respond effectively and appropriately to the transformation agenda of the country. Hence government, the legal system (legislation) and the economy, must work cooperatively, as directed by government, to advance transformation and enable equitable economic participation for all. This *channelling of the organization and control of the economy*, does not happen in a vacuum. It must be deliberately structured through the legislative process. In the case of the NCOP, its deliberative processes on channelling the organization and control of the economy, has to consider and give expression to provincial and local interests, which is where economic activity takes place. Turning from the *Ethics* treatises to their sequel, the *Politics*, Aristotle states that "Man is a political animal." Popular government in the common interest Aristotle calls "polity". The aim of the *Politics*, Aristotle says, is to investigate, on the basis of (the constitutions collected), what makes for good government and what makes for bad government and to identify the factors favourable or unfavourable to the preservation of a constitution."[115] The intrinsic linkages between the legal economic nexus as articulated by Samuels and Aristotle's theory on politics is established by policy deliberation and decision-making, more so as it relates to the precepts of the constitution. Deliberations on substantive issues of policy, also provide clarity on the belief system of not only a governing state, but also the influential voices or entities guiding decision-making. Both Samuels and Aristotle's perspectives on Law, economics and polity, are anchored in the necessity that is driven by a normative nature. In a country such as South Africa, redistribution of wealth is hence not only a concept that must address the economic ambit of life. Re-distribution is also innately linked to issues relating to access to opportunity, land access, access to the appropriate spatial infrastructure to advance development, as well as human settlements to name but a few. The NDP is hence structured in a manner that recognises polity in economics, which is not only

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[114] Samuels, W. J. at el (2007) Legal Economic Nexus: Fundamental Processe*s*
https://books.google.co.za/books?id=2NOTAgAAQBAJ&pg=PA28&lpg=PA28&dq=James+Boyd+economic+intervention&source=bl&ots=w2y6YoG7bW&sig=ACfU3U2HWAubKpDnnC4WlGTRHW3xUFAxGA&hl=en&sa=X&ved=2ahUKEwjLlcTfpoL0AhU8AGMBHahJDMcQ6AF6BAgMEAM#v=onepage&q=James%20Boyd%20economic%20intervention&f=false
(accessed 13th October 2021)
[115] What is Aristotle's political theory?
https://philosophy-question.com/library/lecture/read/23589-what-is-aristotles-political-theory (Accessed 17th October 2021)

normative, but also driven by historical factors. However, the NCOP's processing of these concepts as it conducts oversight, is what will determine the quality of progress made.

2.12 Economic Interventionism and the NDP's Political Rhetoric

In further expanding an understanding of the social and economic environment that the NDP is anchored, the concept of economic interventionism is explored. "Economic interventionism is an economic policy position favouring government intervention in the market process, to correct market failures and to promote the general welfare of the people. This kind of intervention can also be viewed as an intervention aimed at a variety of political or economic objectives, such as promoting economic growth, increasing employment, raising wages, raising or reducing prices, promoting income equality. This is a move away from government's intervention as exogenous to the economy."[116] The NDP can thus be viewed as a product of economic interventionism, precisely due to the state's intervention in the market place, for purposes of bringing about social reforms through economic intervention. Furthermore, when viewed in conjunction with the invention process as articulated by James Boyd as referenced by (Murray, 2012), the NDP is not only a product of economic interventionism, it is a rhetorical product of economic interventionism, because the objectives of the NDP are motivated by the resolve to bring about social and economic reforms in a society that is still scarred by deeply divided past. The invention process of the NDP, hence views the economic transformation agenda, not as an exogenous process outside the state mandate and jurisdiction of authority. The invention process of the NDP, although driven by the executive, is motivated by the imperative to consider South Africa's context of prevailing inequalities, and develop a variety of targeted economic interventions to improve quality of life.

2.13 South Africa as "Hybrid Regime": Failures to Deliver Tangible Socio-Economic Outcomes

(Fritz, and Menocal, 2006) in their paper *"(Re)building Developmental States: From Theory to Practice"* provide key perspectives on rebuilding the concept of a developmental state. "Their study focuses on why some states have been more capable and more supportive of development than others. The study also focusses on the challenges besetting so-called 'hybrid regimes' (regimes where formal transitions to democracy have taken place but where democratic structures are not consolidating). Hybrid regimes tend to be characterized by populist politics, often by strong-man leadership but at the same time by potential or real instability, a sense of collective frustration among citizens about the failure of democracy to deliver tangible economic benefits, and disillusionment about what can be achieved through formal political institutions. Moreover, clientelistic structures and high levels of corruption often persist or even increase, as political competition is opened up but accountability mechanisms remain weak."[117] While South Africa

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[116] Economic Interventionism
http://en.m.wikipedia.org/wiki/economic_interventionism (Accessed 20th September 2021)
[117] Fritz, V. and Menocal, A. R. (September, 2006) (Re)building Developmental States: From Theory to Practice

does not necessarily fit the criteria for a government influenced by populist politics or strongman leadership, the African National Congress as a liberation movement, holds great historical, cultural and political significance and autonomy, as the liberator of the previously disadvantaged. The ethos and credibility of the African National Congress as a governing party is established and sustained by the historical contribution it has made during its time as a liberation movement, with a unity of purpose that binds many of those who witnessed South Africa's transition to democracy. However, citizens have articulated a sense of collective frustration about the failure of South Africa's democracy to deliver tangible economic benefits, and disillusionment about what can be achieved through formal political institutions.

The assertions of (Gagich, and Zickel, 2017) in their paper on "*The Appeals of Rhetoric*," explain that "Ethos or Ethical appeals have two facets, which firstly includes audience values, which refers to the values or ideologies the audience holds in high regard, including patriotism, tradition, justice, equality and human dignity. The second facet of ethos is linked to authorial credibility, which refers to the respect and credibility of the speaker, based on knowledge base and expertise on the subject matter."[118] Even though the support of the African National Congress has been steadily declining, it is still the party that holds the support of the vast majority of South Africans. The ethical appeal of the African National Congress, is enabled by audience values and authorial credibility. These appeals have been constructed with the adoption of the Freedom Charter in 1955 and the common experiences of oppression of the previously marginalized. These appeals essentially make it possible for the African National Congress to sustain its support base, despite the collective frustration among citizens because of the perceived failure deliver tangible economic benefits. So while South Africa can be viewed as a country with a hybrid regime, due the fact that democracy has not yet yielded the transformation and envisaged change in the quality of life of the previously marginalised, the ethical appeal of the African National Congress still enables it to maintain a position of authority amongst the masses of poor voters, due to the historical position of the African National Congress as the perceived liberator of South Africans from apartheid to democracy.

2.14 Ideology, Developmental States and Disparities in Policy Implementation
In terms of rhetorical analysis and in pursuance of a deeper understanding of the underlying reasons for the confirmed failures of the South African government to implement key policies, a consideration of the country's ideological posture is also imperative, which is also a key method of rhetorical analysis. According to (Berger, 2017) in her paper *"When Less is More: An Ideological Rhetorical Analysis of*

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https://www.researchgate.net/publication/237628340_Rebuilding_Developmental_States_From_Theory_to_Practice (Accessed on 10 October 2021)

[118] Gagich, M. and Ziekel, E. (2017) " A guide to Rhetoric, Genre, and Success in First-Year Writing, http://pressbooks.ulib.csuohio.edu/csu-fyw-rhetoric (accessed on 19 October 2021)

Selected ABA Standards on Curricula and Faculty" "Ideology is defined as a collection of values, beliefs, or ethics that influence modes of behaviour for a group or culture and make up a critical set of topoi to draw from in rhetoric." [119] These articulated variables of "culture, values and beliefs in ideology, are also well aligned to Perelman and Olbrechts-Tyteca's external structures of temporality in argumentation, which hinge on the same variables in the characterization of external structures of temporality and their use in rhetoric." [120]

Berger further asserts that:

> "rhetorical scholars who are interested in understanding a culture's values often use ideological methods. Ideologies are complex and multifaceted, and ideological methods draw from diverse schools of thought such as Marxism, feminism, structuralism, deconstructionism, and postmodernism, which often uncovers assumptions and biases in our language that provide insight into how dominant groups and systems are maintained rhetorically, and how they can be challenged and transformed through rhetoric". [121]

Hence in seeking to rhetorically unpack the ideological complexities that have shaped the African National Congress's approach in NCOP debates on the NDP, it is important to recognise that the African National Congress's ideological posture has also influenced how debates of the NCOP are approached. The NCOP may hence also be viewed as a conduit for rhetorically maintaining through language use, the party political hierarchy, by invoking a shared identity emanating from the liberation movement's history prior to 1994 democratic transition. The formulated ideology of the African National Congress hence provides a wide variety of topoi to choose from and activate, in the NCOP battle ground, which often makes oversight and accountability subservient to the shared notion of defence and unity within the African National Congress, which in itself emanates from the years fighting from freedom and democracy.

(Kissam, 2001) also asserts that:

> "Ideologies are patterns or systems of beliefs, concepts, attitudes, values, and assumptions. Members of a group use these patterns and systems to understand the world around them. When we buy into the resulting blueprints and networks, our commitments to them serve three major purposes. First, ideological commitments serve an "integrating" function. The influential symbols and images we create and maintain help us to forge individual and group identities and to integrate or constitute our understanding of the world consistent with those identities. Second, by filling in gaps in our reasoning with the glue provided by shared networks, ideological commitments "legitimate" existing authority

[119] Berger, L. L. (2017) 'When Less is More: An Ideological Rhetorical Analysis of Selected ABA Standards on Curricula and Faculty ABA Standards on Curricula and Faculty'
https://scholars.law.unlv.edu/cgi/viewcontent.cgi?article=2089&context=facpub (Accessed on 5th October 2021)
[120] Scott, B. D. (2020) "Argumentation and the Challenge of Time: Perelman, Temporality, and the Future of Argument", *Argumentation*, Vol 34, Issue 1, pg 25 -37
https://scholar.google.com/citations?view_op=view_citation&hl=en&user=52ru3fUAAAAJ&citation_for_view=52ru3fUAAAAJ:9yKSN-GCB0IC (Accessed 10 March 2020)
[121] Berger, L. L. (2017) 'When Less is More: An Ideological Rhetorical Analysis of Selected ABA Standards on Curricula and Faculty ABA Standards on Curricula and Faculty'
https://scholars.law.unlv.edu/cgi/viewcontent.cgi?article=2089&context=facpub (Accessed on 5th October 2021)

and make the current state of things seem natural and inevitable. Third, as a result of the integrating and legitimating functions, our commitments to particular ideological systems "distort" reality because they suppress the complexity of real-world situations."[122]

The integration of identities and minds to forge a common identity, the legitimization of authority of those who are the custodians of the ideology that is put forth and the distortions of reality, are three critical components of ideological dominance, which also find expression on the South Africa's governance and legislative sector landscape. The symbols employed, create common ground and unity, which were birthed from historic kairos moments, which not only created a long-term temporal continuum of identity and unity around a common cause, but also secured sustained support for the African National Congress from the previously marginalised. Shared identities and networks are also critical sources of identification, which become part of both the memory and identities of individuals and communities, in a broader context. In times of crisis, these enabling conditions, allow ideological instruments to be constructed and utilised, to bring about changes in the lived realities of those for whom the ideology is intended. Indeed, ideology does not dictate the capacity of the state to deliver, however it can serve as an instrument of crisis management and serve as an instrument of unity, in situations where those who are propagating such an ideology, are unable to fulfil commitments made.

Ideology in the context of a developmental state is hence analysed, as an important stratum, to better understand the permutations that make up the broader context of policy implementation failures in the South African context. Ideology also provides the basis for continued support by those who subscribed to such ideology to continue supporting the custodians of the ideology, in the absence to recognizable deliverables. When viewing the hierarchical posture and dominance of the African National Congress as a governing majority, it demonstrates the functions of ideology as an instrument that can strengthen unity, but is capable of weakening oversight, accountability as well as the deliberative functions of a democratic construct such as the NCOP.

"A Social Democracy is defined as a political, social and economic philosophy within socialism that supports political and economic democracy. As a policy regime it is described by academics as advocating for economic and social interventions, to promote social justice within the framework of a liberal-democratic polity and a capitalist oriented mixed economy."[123] The governing African National Congress's policies are also synonymous with "democratic capitalism, which is also referred to as market democracy.

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[122] Kissam, P. C. (2001) The Ideology of the Case Method/Final Examination Law School, 70 U. CIN. L. REV. 137, 142-45 (relying on PAUL RICOEUR, LECTURES ON IDEOLOGY AND UTOPIA (1986)).
[123] Social Democracy
http://en.m.wikipedeia.org/wiki/Social_democracy (Accessed on 19th September 2021)

It is a political and economic system, that combines capitalism and strong social policies. It integrates resource allocation by marginal productivity, with policies of resource allocation by social entitlement." [124] Firstly, the Freedom Charter, as a manuscript that articulated very clear policy proposals, is intrinsically linked to the ideological values of social democracy and democratic capitalism, in that it advocates for state intervention to in the economy, as a mechanism for advancing equality from a social responsibility perspective. It also recognizes and embraces capitalism, as a priority for realizing economic inclusion and equality. These ideological values could also serve as major constraints to policy implementation, particularly in the hierarchy of values and the contestation of this hierarchy, when various role players are involved in the contestation and determination of the values that must be prioritized. With the African National Congress identifying as a broad church with a wide variety of stakeholders to appease in its policy posture, rhetorically speaking, an intense contestation of values is expected to ensure, which while there is a unity of purpose emanating from its liberation movement history, ideological contestations can also hinder implementation and the oversight required.

2.15 Unpacking the contextual interaction theory (CIT) - explicating the vital interaction between actors in the policy implementation process

Chapter 13 of the NDP makes reference to the role of the legislative sector in advancing implementation of the NDP through its oversight mandate, however it does not necessarily unpack the role of the NCOP, particularly the imperatives of an IGR-centred oversight and coordination process, in overseeing the implementation of the NDP. The absence of an explicitly expressed NCOP implementation oversight role in the NDP, inadvertently means that the three sphere oversight role of the NCOP, does not find clear expression in the NDP, more so as an important contributing pillar for giving impetus for accelerating policy implementation. This is a crucial anomaly, which inadvertently impacts the pace of policy implementation, particularly in response to a key finding of the diagnostic report of the National Planning Commission, around the inadequacy of three sphere coordination in the process of policy implementation. (Diori, 2021) in his paper titled "Deductive Models of Policy Implementation and their Impact on Policy Outcome: A Critical Assessment" postulates the imperatives of contextual interaction theory, as it relates to policy implementation, sharing theoretical perspectives articulated by (Owens, 2008; Bressers et al., 2016; Owens and Bressers, 2013), articulates the following:

> "Parsimonious and realistic, the contextual interaction theory (CIT) was built to explicate the vital interaction between actors in the policy implementation process. It distills a great deal of implementation variables into three core constructs: the Motivation, Information, and Power of actors which had been identified as the key factors that have the greatest impact on implementation outcome (Owens, 2008). While motivation is said to impel actors, and can be seen in their readiness or not to participate; information is defined as the degree to which an organization is: (a) consensually clear about its tasks; (b) integrated by information exchanges; (c.)

has clear knowledge about its performance (Owens, 2008). Power, the third variable guarantees actors a greater influence on policy implementation, and depends on the resources they own (Bressers et al., 2016; Owens and Bressers, 2013)."[125]

The implementation variables of motivation, information and power, are three critical variables of policy implementation, are three critical vital interactions between policy implementation actors, which if not harnessed effectively, can create critical disjunctures that can impede policy implementation. When considering the three sphere coordination role and mandate of the NCOP, it must importantly ensure through its oversight processes, whether policy implementation actors are ready and willing to participate in the implementation process, the degree of understanding a subject matter and the power at the disposal of actors to implement, as articulated through expenditure patterns. These are critical factors in the policy implementation processes, which fall in the planning and governance related ambit, which does not always see the NCOP delving deeper into matters relating to the interface between the political and bureaucratic ambit of policy implementation.

When considering the three constructs necessary for policy implementation as outlined by (Diori, 2021) strategic interaction amongst actors emerges as a critical determinant of implementation outcomes, an integrated approach to planning and carrying out tasks. To this end, the necessary social compacts (particularly in relation to effectively facilitated cooperative governance), emerges as a key dynamic necessary to enable effective policy implementation.

In further unpacking policy implementation challenges within the South African context and the oversight role of the NCOP, (Diori, 2021) makes a distinction between the rational model of policy implementation and the organizational development model of policy implementation, which both shed light on the broader state machinery's policy implementation trajectory in South Africa. In terms of the rational model of policy implementation, (Diori, 2021) makes reference to insights shared by (Khan & Khandaker, 2016) when they assert that:

> "The rational model of policy implementation stresses the important of planning as medium for sound policy implementations. It is a top-down approach to policy implementation which assumes that clarity of goals and objectives, accurate and consistent planning, clear and detailed task assignments, accurate standardization, and proper monitoring are essential for successful policy implementations (Khan & Khandaker, 2016). Using the contextual interaction theory to test the soundness of the rational model, we found some significant assets and weaknesses with it. As far as "information" is concerned, information being the first implementation variable of the contextual interaction theory, and a prerequisite of sound policy implementation, the rational model appears advantageous. It provides clear and concise policy goals and objectives, and sets clear standards that

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[125] Diori, H. I. (2021) "Deductive Models of Policy Implementation and their Impact on Policy Outcome: A Critical Assessment," ISSN: 2581-3358 Volume 9, Issue 1, pp. 1-9, 2021 DOI: https://doi.org/10.21467/ajss.9.1.1-9

are known to all actors. Hence, the model appears to fulfill the information criterion. But critics argue that a rational approach of any kind requires bulks of information that human intellect cannot provide."[126]

Indeed, the rational model of policy implementation, can be viewed as an implementation model that is subscribed to by the South African government. This implementation model enables the three spheres of government, to determine their own implementation processes, which is often executed in a top down approach. This process often does not take into account developmental conditions across the country, the ability of actors across the provincial and local spheres of government to comprehend complex information derived from the NDP for implementation. Indeed, issues relating to how information is distilled and communicated, is a critical enabler or impediment to policy implementation. (Diori, 2021) further articulates the organizational development as follows:

> "The organizational development model is a bottom-up approach to policy implementation. It rests on the assumptions according to which good leadership, accuracy of decision, high people's engagement and motivation, and finally a team and culture development are the key tools for a sound implementation performance (Khan & Khandaker, 2016). This behavioral human-centered model views implementation as harmony: the more congruence there is between policy participants, the higher the chances of implementation success."[127]

The organizational development model of policy implementation articulates the imperatives of sound leadership, high people engagement, motivation and a team culture of development as key for advancing policy implementation. This model also begins to speak to the objectives of South African government's District Development Model (DDM), which seeks to ensure that planning and policy implementation is undertaken in a bottom approach, while facilitating better interaction between the three spheres of government, for better policy implementation outcomes. The NCOP must importantly play a three sphere oversight and coordination role, in order to ensure cohesion in government's policy implementation process. These three sphere coordination processes, must importantly finds expression in the NCOP's oversight processes, including the NCOP's debate platform. (Diori, 2021) also explains the political model of policy implementation as follows:

> "The political model accepts some degree of politics, the management of which it considers as a key step in policy implementation. Broadly speaking, this model rests on the assumptions according to which complexity of joint actions and bureaucracy are not obstacles for a good policy outcome if participants can work to minimize the influence of pressure politics, resort to negotiation and work in harmony (Khan & Khandaker, 2016). The fact that it is possible to bargain the outcome of a policy course allows the proponents of this model to be less skeptical over the issue of conflicts, bureaucracy and other delay causing factors."[128]

The political model of policy implementation assumes that participants can work to avoid the influence of pressure politics, through negotiation and working in harmony. In a historically divided developmental

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[127] Ibid
[128] Ibid

context such as South Africa, the political model of policy implementation also poses a number of impediments to policy implementation. South Africa lacks the homogeneity, to enable seamless negotiations an avoidance of pressure politics. The fact that the African National Congress is also a broad church, with particular reference to the tripartite alliance, representing constituencies with different ideological perspectives, makes the policy certainty a major challenge in the processes of policy implementation, more so due to an ever present contestation of ideological perspectives and programmes of implementation.

To this end, the NCOP rhetoric in overseeing the implementation of the NDP, is hence assessed as a crucial space for the articulation and synthesis of three sphere policy implementation oversight arguments. NDP rhetoric in the NCOP will be assessed, by looking at how the NCOP debates engage the three spheres of government in order to facilitate better congruence between policy particoants, to enable better implementation success. To this end, an analysis of the shape, content and posture of the NCOP's oversight arguments is critical, including an assessment of whether these arguments are designed to give effect to the IGR, cooperative governance precepts, as conferred upon the NCOP by the (Constitution of the Republic of South Africa, Act 108, 1996)[129], and as guided by the policy posture and characteristics of a developmental state, to address the socio-economic challenges facing the country.

The NCOP is hence recognized as a temporal site for great contestation, where the arguments of the three spheres of government converge as a melting pot, which must be distilled through the coordinating, oversight lens of the NCOP, by applying equal pressure on all three spheres of government, in order to ensure that government implements its programme of action, within the structured parameters and the temporal space provided by the budget.

By subjecting the NCOP policy debates and arguments to rhetorical analyses, with particular focus on South Africa's policy trajectory as well as defining the intrinsic policy influences which the NDP has drawn from, the study seeks to distil whether the NCOP has effectively given expression to its constitutional mandate of coordinating, through three sphere oversight arguments, the work of the executive across the three spheres of government. The study further seeks to determine through rhetorical analysis, whether the arguments of the NCOP have been structured in a manner that intended to meaningfully advance implementation.

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[129] the Constitution of the Republic of South Africa, Act 108 of 1996

Therefore, in exploring the genesis and trajectory of South Africa's development policies, delving deeper into its failings to embolden political and bureaucratic impetus for transformation, it is explored as a rhetorical construct that presents as a dichotomous battle of opposing ideologies, expressed through two development policy trajectories (Apartheid and Democracy). This dichotomous battle presents two distinct and disparate constructs of argument, emanating from the two divergent policy narratives. Importantly, this study follows the trajectory of African National Congress policy proposals since the 1940's, transitioning into South Africa's democracy, as a mechanism of assessing policy adherence and how it impacts on the ability of the NCOP to conduct effective oversight and accountability.

Specific emphasis will be put on the NCOP in the fifth parliament (2014 to 2019) and how it has for purposes of executing its constitutional mandate of oversight and accountability, interpreted, synthesized, and as a result, executed its oversight functions, based on the rhetoric of the NDP in the NCOP.

2.16 Game Theory in Policy Implementation

> For example, Bardach (1977) considers implementation as a continuation of a political game from the policy adoption stage, but with other actors and other relations between actors. He analyses the type of games that actors apply in the implementation process in order to pursue their own interests. But these games distort implementation from the legislative goals (Winter 2003: 213). Despite limitations, game theoretic models are helpful for exposing points of leverage for implementation managers (O'Toole 2000). O'Toole (1995) examines the use of rational choice theories (in particular game theory) in implementation research. He argues that while game theory might enhance inter-organisational management, it has some serious practical limitations which constrain what might be theoretically possible (O'Toole 1995: 43). There are several challenges in rational-choice approaches to implementation, such as uncertainty across different areas and the lack of institutionalisation in the implementation setting (since many implementation networks are not highly institutionalised). But active and skilful multilateral implementation managers can successfully intervene at several points in a network context to reduce uncertainty and institutionalise cooperation. Such strategies include facilitating moves and linking games through signalling, commitment, and iteration; influencing preferences of actors and persuading them of the benefits to encourage cooperative outcomes; developing norms of trust and cooperation; and shifting the inter-unit structure to facilitate cooperation (O'Toole 1995: 47-51).[130]

2.17 Crisis Rhetoric in the NCOP
Considering that the process to develop the NDP was commenced immediately after President Jacob Zuma took the Presidential reins in 2009, where he tasked the newly established National Planning Commission with the responsibility of diagnosing the country's underlying social and economic challenges, it is therefore also postulated that the NDP was developed as an instrument of crisis management, in the

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[130] Cerna, L. (2013) The Nature of Policy Change and Implementation: A Review of Different Theoretical Approaches https://www.oecd.org/education/ceri/The%20Nature%20of%20Policy%20Change%20and%20Implementation.pdf (Accessed on 22 July 2022)

aftermath of the 2008 global financial crisis. Within this broader spectrum, (Loepp, 2008) in his paper, *"Crisis Rhetoric: A Theory of Communication in Times of Crisis"* denotes that

> "The notion of crisis rhetoric is nothing new, although the modern media certainly affects how it is being dispensed. Throughout the ages leaders have developed messages in times of crisis to appeal to their anxious constituency."[131] In ancient Greece during the Peloponnesian War (431-404 BC), the historian Thucydides documented a speech made by the Athenian leader Pericles, who addressed the masses at a time when the defeat of Athens was impending. Pericles managed to stir their personal and national patriotism with phrases such as "the bravest are surely those who have the clearest vision of what is before them, glory and danger alike, and yet notwithstanding, go out to meet it." Even though Pericles was giving a funeral oration, his words still managed to inspire the Athenians who were listening."[132]

The NDP as a product of crisis management also stirred the patriotism of South Africans, by seeking to unite them around a common goal, while articulating the importance of partnerships across all sectors of society to implement the NDP. The NDP as a product of crisis rhetoric, also reshaped the African National Congress policies, by specifically articulating the imperatives of inclusive economic growth as well as the precepts of a capable developmental state, as the supporting principles to enable implementation. These two critical factors, summarize the underpinning factors embedded in the NDP, as key factors to drive the policy focus and policy implementation process.

Persuasion in economic policy is critical in the context of crisis communication, where the NDP is presented as a tool that provides the roadmap towards addressing some of the key challenges exacerbated by the Global Financial Crisis. With the economic realm often presented as a space of numbers, statistics and mathematical equations, it is also imperative postulate what (Murray, 2012) asserts when he states that "the canons of law and economics rhetoric, like the canons of the other schools of contemporary rhetoric, may be employed to promote effective communication for the purpose of persuasion, or be used as mere rhetoric, to distract, confuse, obfuscate, or coerce the audience."[133] Given the imperative to comprehend the economic policy positions of the NDP, it is critical that the NCOP delegates have a firm grasp of its economic posture, in order to play a more effective three sphere oversight role. When assessing the rhetoric of the NDP, its persuasiveness in communicating the key imperatives of a crisis strategy and a long term development strategy, the complexity voluminous presentation of the NDP, can in certain ways be viewed

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[131] Crisis rhetoric : a theory of communication in times of crisis.
https://scholarship.richmond.edu/cgi/viewcontent.cgi?article=2047&context=honors-theses (Accessed 8th October 2021)
[132] Loepp, E. D. (2008) 'Crisis Rhetoric: A Theory of Communication in Times of Crisis'
https://scholarship.richmond.edu/cgi/viewcontent.cgi?article=2047&context=honors-theses (accessed 8 October 2021)
[133] Murray, M. D. (2012) "The Great Recession and the Rhetorical Canons of Law and Economics". Law Faculty Scholarly Articles. 659.
https://uknowledge.uky.edu/law_facpub/659
https://uknowledge.uky.edu/cgi/viewcontent.cgi?article=1661&context=law_facpub (Accessed on 17th October 2021)

as infused with the objective to "distract, confuse and obfuscating," as part of the executive arm's response strategy communicated on the public landscape. Again considering that the NDP is written in high-level academic jargon and that most members of the NCOP do not necessarily come from academic backgrounds, NCOP oversight processes would indeed be hampered by a lack of a deeper understanding of the NDP. The NCOP represents a platform where policy oversight takes place, based on the laws crafted as aligned to the agreed upon policies.

Burke's assertions on rhetoric of consubstantiation, together with Chaim Perelman's assertions of adherence in argumentation, which place epideictic rhetoric as the centre-piece of rhetorical communication, while adjoining the judicial and deliberative branches of rhetoric as the interconnected and accompanying branches of rhetoric, aptly mirror the South African context. These mirror the South African context as they relate to the policy proposals of freedom and democracy, contained in Freedom Charter of 1955 and adopted during the apartheid era, as well as the Policy positions of the governing African National Congress, which are now contained in the NDP and adopted in the context of a democratic order. The Freedom Charter, which represents the aspirations of the oppressed masses during a time of apartheid's legislated inequality, relate to Burke's theoretical perspectives of consubstantiation, demonstrating the retrogressive posture of argumentation in the South African socio-economic and political landscape, where a negative references to the past, are often used to argue on the context of the inherited inequalities, which instead sustain division, antagonism and make for adversarial argumentation, instead of engaging in a targeted oversight over the executive. The three pillar approach of the branches of rhetoric, are given apt expression, with the past often referenced as one of the key reasons why challenges to implement strategic policies persist and consequently are asserted as the underlying reasons for prevailing challenges in the present and impacting decisions made for the future.

On the other hand, the concept of adherence is demonstrated as an enduring feature of the African National Congress's policy positions, with key policies still not being implemented, even after more than two decades since the advent of democracy in South Africa.

While there is a commitment to unify a nation that is still racially, socially and economically divided, arguments which draw from and makes reference to historical perspectives as reasons for its failure to implement key policies, weaken the NCOP's ability to address provincial and local government matters. Importantly, the NCOP debates also focus more on national issues, instead of focusing on provincial and local government matters. This essentially means that the content for NCOP debates, are the same issues that the National Assembly should ordinarily be addressing. To this end it is therefore postulated that the NCOP does not give adequate expression to provincial and local matters, particularly in relation to ensuring that the three spheres of government work together to implement strategic policy priorities.

The praise and blame appeals of Epideictic are particularly contentious and divisive in the South African context, given the severity of apartheid oppression for those who have experienced and witnessed it. On the other hand, the NDP also purports to seek to unify the nation, which creates a challenge in reaching common ground, when citizens are reminded in the same text of the reasons for the inequalities that persist.

2.18. Kairos

Earlier in this body of work, reference was made to the concept of the rhetorical situation, which according to Bitzer, involves three critical elements including exigency, referring to an urgent matter requiring a response to solve a problem, audience, referring to those whose participation is required to implement proposed solutions, and finally constraints, which refers to obstacles on the horizon, which may impede the ability to respond to the exigence. "The three key elements of the rhetorical situation are also intrinsically linked to the temporal considerations of Kairos. The foundation of this study as articulated in Chapter 1 and 2 of this thesis, sketched a broader picture of South Africa's rhetorical situation,"[134] which also impacts on the ability of the NCOP to function effectively according to constitutional mandate. Bitzer's Rhetorical situation and Scott's interpretation of Perelman and Olbrechts-Tyteca's reference to external structures of temporality in argumentation, [135] which are approached as philosophical concepts that precede empirical analysis, are two intrinsically interlinked theoretical concepts, both involve considerations of context and time. Both theoretical considerations allude to constraints in the argumentative landscape. "While Bitzer's reference to constraints is more linked to impediments on the argumentative landscape, which would prevent the implementation of the response plan. A "set of *constraints* made up of persons, events, objects, and relations"[136] which are parts of the situation because they have the power to constrain decisions and action needed to modify the exigence (Herrick 216)."[137] Scott, in "reference to Perelman and Olbrechts-Tyteca's perspectives on external temporality, makes reference to historical, cultural and institutional constraints, creating intrinsic linkages between the rhetorical situation and external structures of temporality in argumentation."[138] The common thread between these two theoretical positions is that rhetorical agency

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[134] Elements of the Rhetorical Situation -
https://socialsci.libretexts.org/Courses/Pueblo_Community_College/AH1%3A_Communication_and_Popular_Culture/02%3A_Textual_Analysis/2.01%3A_Rhetorical_Criticism/2.1.01%3A_Rhetorical_Theory_and_Practice/2.1.1.06%3A_Elements_of_the_Rhetorical_Situation (Accessed 10th March 2020)
[135] Scott, B. D. (2020) "Argumentation and the Challenge of Time: Perelman, Temporality, and the Future of Argument", *Argumentation*, Vol 34, Issue 1, pg 25 -37
https://scholar.google.com/citations?view_op=view_citation&hl=en&user=52ru3fUAAAAJ&citation_for_view=52ru3fUAAAAJ:9yKSN-GCB0IC (Accessed 10 March 2020)
[136] Bitzer's Rhetoric - The Rhetorical Toolkit.
https://rhetoricaltoolkit.wordpress.com/2017/10/20/bitzers-rhetoric/ (Accessed 10th March 2020)
[137] Bitzer, L. F. (1968) "The Rhetorical Situation" Philosophy and Rhetoric, Vol. 1, 1968 pp 1-14
http://www.arts.uwaterloo.ca/~raha/309CWeb/Bitzer(1968).pdf (Accessed on 10th October 2021)
[138] Scott, B. D. (2020) "Argumentation and the Challenge of Time: Perelman, Temporality, and the Future of Argument", *Argumentation*, Vol 34, Issue 1, pg 25 -37
https://scholar.google.com/citations?view_op=view_citation&hl=en&user=52ru3fUAAAAJ&citation_for_view=52ru3fUAAAAJ:9yKSN-GCB0IC (Accessed 10 March 2020)

is required, in order to cognitively and intellectually interpret the variables considered as constraints, so as to frame what is argumentatively acceptable to take action. Bitzer's layer in rhetorical situation constraints, which includes persons, events, objects and relations are positioned as the carriers of Perelman and Olbrechts-Tyteca's external structures of temporality in argumentation, which includes historical, cultural and institutional mores, which cannot be effectively synthesized and utilized without the necessary cognitive and intellectual analysis, nor without rhetorical agency.

It is also imperative to emphasize that these concepts are intrinsically linked to Chaim Perelman's concept on the importance of values as a central notion in Perelman's perspectives on rhetoric, which is premised on the necessity for a contact or community of minds, or common ground or a common understanding of an issue. These are intrinsically presented as beliefs, values, traditions that bind communities and can be drawn from to create a community of minds in moments of crisis.

South Africa's history of apartheid and colonial oppression, have already moulded perspectives, which often leads to the framing of transformation argumentation, as guided by the cultural, historical mores of argumentation within the South African landscape, which find expression in NCOP debates. These historical, cultural mores are rooted in the politics of a divided South Africa, where political antagonism, a culture of division and divergent ideological perspectives, creates constraints to implementation. Hence in analysing NCOP debates, it is interesting to note that the NCOP oversight landscape is defined by argumentative constraints, which are imposed by a landscape that is not ready to deal with the merits of issues that relate to oversight, but is defined by the rhetoric of an inherited state of political antagonism and socio-economic division.

"South Africa is rated as one of the most socially and economically divided in the world, where the rich are getting richer and the poor are getting poorer."[139] The politics that define NCOP debates, are effectively defined by the key messages of delegates, who often come from very disparate social and economic backgrounds. Once again, it can be argued that the oversight agenda of the NCOP is also subverted, by unresolved cultural and historical mores, which confine debates to conversations that emerge from mistrust, instead of unpacking as intended by the dictates of oversight in the constitution, the issues that the three spheres of government must respond to. Until the NCOP space becomes a space that is not induced by the adversarial reserves and inclinations emanating from the county's pre-democratic era adherence, assent and

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[139] States Where the Rich Get Richer and the Poor Get Poorer.
https://www.msn.com/en-us/money/news/states-where-the-rich-get-richer-and-the-poor-get-poorer/ss-BB1ayezB (Accessed 10th March 2020)

policy implementation will be compromised by focus on historic tensions, rather than the issues that demand robust oversight.

(Tindale, 2020) in his paper titled "*Introduction: of Place and Time*" approaches Kairos as involving "presenting the right argument at the right time" as influenced by both Plato and Aristotle's perspectives.[140] This is also linked to (Thompson 2000: 81 – 82), situational ethics. Tindale also makes reference to (Sipora 2002: 10), "who views Kairos as a dynamic principle rather than static codified rhetorical technique, with due recognition to the transactional relationship between rhetor and audience."[141] The concept of Kairos is critical, particularly in moving South Africa forward, towards realizing the objectives of the constitution and creating a conducive environment to realise the dreams and aspirations of the previously disadvantaged. Considering that arguments of the NCOP must be shaped for oversight in order to oversee the implementation of key policies, most NCOP arguments however often lean more towards defence strategies, based the justification of ideological positions not necessarily linked to oversight and accountability. When considering the transactional relationship between rhetor and audience, it also means that NCOP debates are not necessarily framed for provincial audiences.

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[140] Tindale, C. W. (2020) Introduction: Of Place and Time, Argumentation, *Argumentation* 34 (1):1-11 https://philpapers.org/rec/TINIOP (Accessed 6th September 2021)
[141] Tindale, C. W. (2020) Introduction: Of Place and Time, Argumentation, *Argumentation* 34 (1):1-11 https://philpapers.org/rec/TINIOP (Accessed 6th September 2021)

3. Chapter Three

3.1. Methodology

While keeping in mind the broader rhetorical situation, as outlined in chapter one of this thesis, as well as the key concepts unpacked in the literature review, chapter three unpacks the rhetorical tools of analysis, which will be employed together with the key concepts already unpacked in chapters one and two. This chapter will sketch the key concepts of rhetoric, which must be appreciated as concepts that sketch the origins and historical trajectory of rhetoric and are still relevant for this study. Chapter three will therefore unpack the following rhetorical tools: The New-Aristotelian method of rhetorical criticism; Fantasy Method of Rhetorical Criticism; Pentadic criticism and Ideological Criticism.

According to (Begley, 2012), who in his paper "*From a Rodent to a Rhetorician: An Ideological Analysis of George Alexander Kennedy's Comparative Rhetoric,"[142]* aptly makes reference ideas shared by (Kuypers, 2009)*, in *Rhetorical Criticism: Perspectives in Action* where he asserts that "[C]riticism is an art, not a science. It is not a scientific method because it uses subjective methods of argument.*"[143] Due to its inspective nature, the goal of rhetorical criticism is multifaceted and has enjoyed the consideration of a few scholars including (Reid, 1994) who states in her paper "*The Perils of Rhetorical Criticism,* that "rhetorical criticism is considered to be the making of an "evaluation".*[144]*

These ideas must also be viewed alongside the views of (Black, 1978) in his book "*Rhetorical criticism: A study in method*," which postulates rhetorical criticism as a process of "perception and evaluation."[145] furthermore, (Rosenfield, 1968) in his paper "*The Anatomy of Critical Discourse"* also our draws attention to the four elements of the communicative event which he states includes: source, message, environment, and critic. He then proceeds to describe the end product of rhetorical criticism, as involving coming to a

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[142] Begley, J. T. Jr, (2012) From a Rodent to a Rhetorician: An Ideological Analysis of George Alexander Kennedy's Comparative Rhetoric"
https://digitalcommons.liberty.edu/cgi/viewcontent.cgi?referer=https://www.google.co.za/&httpsredir=1&article=1220&context=masters (Accessed on 15th October 2021)
[143] Kuypers, J. A. (2009) "Rhetorical Criticism: Perspectives in Action"
https://books.google.co.za/books?hl=en&lr=&id=YVv_1MEAKTUC&oi=fnd&pg=PR7&dq=Kuypers,+Jim+A.+Rhetorical+Criticism:+Perspectives+in+Action.+&ots=uoIQWJpKrU&sig=X0uN2nWzO-QIbpYDVq_eQfSPvbg&redir_esc=y#v=onepage&q=Kuypers%2C%20Jim%20A.%20Rhetorical%20Criticism%3A%20Perspectives%20in%20Action.&f=false (Accessed on 7th October 2021)
[144] Reid, L. D. (1994) "The Perils of Rhetorical Criticism" Quarterly Journal of Speech, 30:4, 416-422, https://www.tandfonline.com/doi/abs/10.1080/00335634409381027 (accessed on 2nd October 2021)
[145] Black, E. (1978) "*Rhetorical criticism: A study in method. Madison*"
https://www.cambridge.org/core/journals/language-in-society/article/abs/edwin-black-rhetorical-criticism-a-study-in-method-madison-university-of-wisconsin-press-1978-pp-xv-177/888173BFE34FE700EAB6DE3075DBEC0B (Accessed 12 October 2021)

"verdict",[146] or "concluding on a "judgment" as asserted by (Bormann, 1965) in his book *"Theory and Research in the Communicative Arts*." [147]

In his paper "*Criticism and Social Consequences"* (Nilsen, 1956) also makes reference to Thonssen and Baird in their book *"Speech Criticism: the Development of standards for rhetorical appraisal"* when they state that "a judgement is a composite of data and interpretation that is intended to reveal the effect of a given speech upon a particular group or listeners."[148] According to (Nilsen, 1956) "the word effect or response is all important. It suggests the central reason for rhetorical criticism"[149] "Other goals of rhetorical criticism can be that of "illumination" according to (Baskerville, 1971) in his paper "*Rhetorical criticism: Retrospect, prospect, introspect.*"[150]

(Kuypers, 2009) in his book *"Rhetorical Criticism: Perspectives in Action.*" Also asserts that "rhetorical criticism facilitates understanding"[151].[152] Begley also makes reference to Karl Marx's standpoint on the value and imperatives of criticism when Marx asserted that "relentless criticism of all existing conditions, is in fact relentless in the sense that criticism is not afraid of its findings, and just as little afraid of conflict with the powers that be"[153]

This body of research is a body rhetorical criticism, which will rely on various methods of rhetorical criticism for analysis. The rhetorical criticism that will be undertaken in order to make evaluations and analysis, will also be used as the means to formulate recommendations in the conclusion of this body of work. Therefore, the methods to be employed, are rhetorical tools of analysis, as underpinned by rhetorical criticism as one of the underpinning mechanisms. The central feature of this research is to deepen our understanding on the subject matter which is the implementation challenges of the NDP as carried out by

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[146] Rosenfield, L. W. (1968) "Anatomy of Critical Discourse"
https://eric.ed.gov/?id=ED045627 (Accessed on 10th October 2021)
[147] Borman, E. G. (1965) Theory and Research in the Communicative Arts.
https://books.google.co.za/books/about/Theory_and_Research_in_the_Communicative.html?id=2INRAQAAIAAJ&redir_esc=y (Accessed on 9 September 2021)
[148] Thonssen, L and Baird, A. C. (1948) Speech Criticism: The Development of Standards for Rhetorical Appraisal, *Volume 10 of Speech Criticism, the Development of Standards for Rhetorical Appraisal*, Ronald Press Company
[149] Nilsen, T. R. (1956) Criticism and social consequences, Quarterly Journal of Speech, 42:2, 173-178
https://www.tandfonline.com/doi/abs/10.1080/0033563560938215 (Accessed 15 October 2021)
[150] Baskerville, B. (1971) Rhetorical criticism: Retrospect, prospect, introspect, Southern Speech Communication Journal
https://www.tandfonline.com/doi/abs/10.1080/10417947109372132 (Accessed 7 October 2021)
[151] Kuypers, J. A. (2009) "Rhetorical Criticism: Perspectives in Action"
https://books.google.co.za/books?hl=en&lr=&id=YVv_1MEAKTUC&oi=fnd&pg=PR7&dq=Kuypers,+Jim+A.+Rhetorical+Criticism:+Perspectives+in+Action.+&ots=uoIQWJpKrU&sig=X0uN2nWzO-QIbpYDVq_eQfSPvbg&redir_esc=y#v=onepage&q=Kuypers%2C%20Jim%20A.%20Rhetorical%20Criticism%3A%20Perspectives%20in%20Action.&f=false (Accessed on 7th October 2021)
[152] Begley, J. T. Jr, (2012) From a Rodent to a Rhetorician: An Ideological Analysis of George Alexander Kennedy's Comparative Rhetoric"
https://digitalcommons.liberty.edu/cgi/viewcontent.cgi?referer=https://www.google.co.za/&httpsredir=1&article=1220&context=masters (Accessed on 15th October 2021)
[153] From Socialist Feminism to the Critique of Global Capitalism https://link.springer.com/chapter/10.1007/978-3-319-52386-6_2 (Accessed 15th October 2021)

the NCOP, by subjecting the NDP, including its accompanying ideological associative documents, to a the available and relevant rhetorical tools of analysis.

The research methods to be employed will also be emboldened by a focus on other "rhetorical methodologies including, *1) Neo-Aristotelian, 2) Fantasy-Theme, 3) Narrative, 4) Pentadic, and 5) Ideological criticism."*[154]

3.2 Neo-Aristotelian Method of Rhetorical Criticism.

One of the anchoring methods guiding research and analysis in this study includes the "neo-Aristotelian method, which uses Aristotle's ideas to evaluate rhetorical acts. Aristotle's rhetoric refers to the technique for "classifying, studying and interpreting speeches" (Keith and Lundberg, 2008).[155] "This method focusses on recreating the context for others by describing the historical period of the message being studied, which is approached through speeches and a wide variety of other artefacts and variables, including oral rhetoric. Messages are then evaluated using the five canons of rhetoric"[156](Saenla and Rojjanaprapayon, 2015). "These canons of rhetoric include: invention (what to say), arrangement (structure of the content), style (language choices), memory (learning the message), and delivery (use of more than just words crafted)."[157]

Furthermore, (Foss, 2009), also emphasizes that the Neo Aristotelian method is a standard methodology, designed to examine rhetorical process. She further emphasizes that this method is the dominant method for speech analysis." (Brock, Scott and Chesebro, 1990) assert that Aristotle's method focusses on artistic proofs for persuasion to build compelling arguments, which are given expression through logos (Reason), Pathos (Appeal to the Emotions) and Ethos (the Character of the Speaker) (Herrick, 1990). The Aristotelian method anchors the research methods to be employed in this study, given the fact that it is recognized as a dominant method of speech analysis and argumentation.

3.3 Fantasy Theme Method of Rhetorical Criticism

"The Fantasy Theme Method of Rhetorical criticism and analysis is a more contemporary rhetorical method credited to (Bormann, 1965). The focus of this methodology is on groups rather than individuals, and is particularly well-suited for analysing group messages that come from social movements, political

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[154] Rhetorical Methodologies | Introduction to Communication, Bond University
https://courses.lumenlearning.com/suny-introductiontocommunication/chapter/rhetorical-methodologies/ (Accessed 15th December 2021)

[155] Keith, W. M. and Lundberg, C. O. (2008) " The Essential Guide to Rhetoric" Boston : Bedford/St. Martin's https://www.worldcat.org/title/essential-guide-to-rhetoric/oclc/166373607 (Accessed on 15th December 2021)

[156] Saenla, S. and Rojjanaprapayon, R. (2015) A Neo-Aristotelian Criticism of Barak Obama's Rhetoric in the State of the Union Addresses 2010-2014, National Institute of Development Administration
http://lcjournal.nida.ac.th/main/public/jn_pdf/journal_orange_brown.pdf (Accessed on 14th November 2021)

[157] The World of Work Project, "The Five cannons of Rhetoric for better communications"
http://worldofwork.io/2019/07/the-five-cannons-of-rhetoric/ (Accessed 2nd September 2021)

campaigns, or organizational communication"[158] (1972; 1985; 1990; 2000; Cooren et al.). "Bormann extended his work into a theory, called symbolic convergence theory, which is based on two assumptions including that communication creates reality and that reality is not fixed but changes over time, as our symbols for talking about it changes. The second assumption is that symbols not only create reality for individuals but that individual's meanings for symbols can converge to create a shared reality or community consciousness, meaning that sharing fantasies or symbols, creates convergence. Fantasy is also defined as the creative and imaginative shared interpretation of events that fulfil a group's psychological or rhetorical needs".[159] Given the body of work that will be analysed, a focus on Bormann's convergence theory is particularly relevant, for analysis, particularly of the policy trajectory that will be rhetorically examined.

3.4 Pentadic Criticism.

"Burke introduced the pentad in his 1945 book "*A Grammar of Motives*." Burke based his pentad on the scholastic hexameter which defines "questions to be answered in the treatment of a topic: Who, what, where, by what means, why, how, when"."[160] "Burke created the pentad by combining several of the categories in the scholastic hexameter. The result was a pentad that has the five categories of: act, scene, agent, agency, and purpose. Burke states, "The 'who' is obviously covered by agent. Scene covers the 'where' and the 'when'. The 'why' is purpose. 'How' and 'by what means' fall under agency. All that is left to take care of is act in our terms and 'what' in the scholastic formula."[161]

3.5 Ideological Criticism.

Ideological Criticism is a key method of rhetorical analysis, which in this study is postulated as an important foundation in the broader policy space in South Africa. According to (Berger, 2017) in her paper *"When Less is More: An Ideological Rhetorical Analysis of Selected ABA Standards on Curricula and Faculty"* "Ideology is defined as a collection of values, beliefs, or ethics that influence modes of behaviour for a group or culture and make up a critical set of topoi to draw from in rhetoric."[162] These articulated issues of culture, values and beliefs in ideology, are also well aligned to Perelman and Olbrechts-Tyteca's external

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[158] Bormann, E. G. (1965) Theory and Research in the Communicative Arts.
https://books.google.co.za/books/about/Theory_and_Research_in_the_Communicative.html?id=2INRAQAAIAAJ&redir_esc=y
(Accessed on 9 September 2021)
[159] Earnest Bormann on Rhetoric - Bradley University
http://bradley.bradley.edu/~ell/bormann.html (Accessed 2nd September 2021)
[160] Dramatistic pentad: Definition of dramatistic pentad
http://dictionary.sensagent.com/dramatistic%20pentad/en-en/ (Accessed 2nd September 2021)
[161] Burke, K. (1969), "A Grammar of Motives"
https://www.ucpress.edu/book/9780520015449/a-grammar-of-motives (Accessed 2nd September 2021)
[162] Berger, L. L. (2017) 'When Less is More: An Ideological Rhetorical Analysis of Selected ABA Standards on Curricula and Faculty ABA Standards on Curricula and Faculty'
https://scholars.law.unlv.edu/cgi/viewcontent.cgi?article=2089&context=facpub (Accessed on 5th October 2021)

structures of temporality in argumentation in "*The New Rhetoric*", which hinge on the same variables in the characterization of external structures of temporality. (Scott, 2020) who further shares perspectives in reference to Perelman and Olbrechts-Tyteca's position on external temporality, particularly in relation to historical, cultural and institutional constraints, creates intrinsic linkages between the rhetorical situation and external structures of temporality in argumentation. The common thread between these two theoretical positions is that rhetorical agency is required, in order to cognitively and intellectually interpret the variables considered as constraints, so as to frame what is argumentatively acceptable. Bitzer's layer in rhetorical situational constraints, which includes persons, events, objects and relations, are positioned as the carriers of Perelman and Olbrechts-Tyteca's external structures of temporality in argumentation, which includes historical, cultural and institutional mores, which cannot be effectively synthesized and utilized without the necessary cognitive and intellectual analysis, nor without rhetorical agency.

It is also imperative to emphasize that these concepts are intrinsically linked to Chaim Perelman's concept on the importance of values, which is premised on the necessity for a community of minds, or common ground or a common understanding of an issue. These are intrinsically, beliefs, values, traditions that bind communities and can be drawn from as topoi, to create a community of minds and all these at their core, can be viewed as ideological perspectives.

4. Chapter Four

4.1 The Freedom Charter-A Generational Cycle of Temporality in Argumentation

Chapter four is approached from the perspective that a rhetorical analysis of the NDP, cannot be undertaken without unpacking the broader context and origins of the NDP. This includes its ideological foundations and the historical perspectives that shaped the arguments of the Freedom Charter, which are now embedded in the NDP. The NDP is hence positioned as a sustained argument of the Freedom Charter, which is multi-generational, particularly due to the fact that these policy proposals had not yet been effectively implemented even within South Africa's democratic dispensation. This chapter will hence rhetorically unpack the Freedom Charter as a temporal argument, whose perspectives are still expressly embedded in the NDP.

The key concepts that will be unpacked in this chapter include: the ideological foundations of the Freedom Charter in the NDP, propositions of policies contained in the Freedom Charter; the temporal value of kairos in argumentation, the Freedom Charter and its relationship to Kairos; Kairos and Invention in the Freedom Charter and the Freedom Charter as Fantasy Theme rhetoric. This chapter explores adherence in argumentation, particularly in relation to the Freedom Charter, as well as matters relating to memory, identity and tradition, which have also been sustained by the Freedom Charter. The Preamble of the Freedom Charter, including all its articles will also be rhetorically analysed, with conclusions postulated regarding the generational cycle and temporality of the Freedom Charter in the NDP, as the genesis of democratic South Africa's development policies, including the expression of policy advocacy in the Freedom Charter.

4.2 Ideological Foundations of the NDP in the Freedom Charter

As stated earlier in in this body of work, the below functional definitions of ideology, were postulated as relevant for this study:

> "Ideologies are patterns or systems of beliefs, concepts, attitudes, values, and assumptions. Members of a group use these patterns and systems to understand the world around them. When we buy into the resulting blueprints and networks, our commitments to them serve three major purposes. First, ideological commitments serve an "integrating" function. The influential symbols and images we create and maintain help us to forge individual and group identities and to integrate or constitute our understanding of the world consistent with those identities. Second, by filling in gaps in our reasoning with the glue provided by shared networks, ideological commitments "legitimate" existing authority and make the current state of things seem natural and inevitable. Third, as a result of the integrating and legitimating functions, our commitments to particular ideological systems "distort" reality because they suppress the complexity of real-world situations."[163]

In seeking to uncover the ideological foundations of the Freedom Charter in the NDP , it is imperative to assert that the Freedom Charter is a construct of concepts and values, which were used as a conduit, to

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[163] Kissam, P. C. (2001) The Ideology of the Case Method/Final Examination Law School, 70 U. CIN. L. REV. 137, 142-45 (relying on PAUL RICOEUR, LECTURES ON IDEOLOGY AND UTOPIA (1986)).

create a "community of minds"[164] in the fight against the apartheid. This community of minds was easy to conceive in the formulation of the Freedom Charter, more so because non-white South Africans of different races, had experienced various forms of oppression, as a result of the apartheid government's segregationist laws.

"Apartheid ("apartness" in the language of Afrikaans) was a system of legislation that upheld segregationist policies against non-white citizens of South Africa. Under apartheid, nonwhite South Africans (a majority of the population) would be forced to live in separate areas from whites and use separate public facilities. Contact between the two groups would be limited."[165] These laws were oppressive, discriminatory and they obstructed equality on the basis of race. They further also apportioned the country's resources and economic opportunities, to the white minority, who enjoyed a significantly better quality of life, as compared to non-whites. Hence in seeking to begin to systematically address the legislated limitations that existed during the apartheid era, the Freedom Charter was conceptualised as a policy proposal to enable access to a better quality of life for those previously excluded. The Freedom Charter begins to articulate a common set of values, accepted and endorsed by a diverse group of (Black Africans, Indians and Coloureds) in South Africa, who were united around a common cause, which was to advocate for and to advance the cause to realise equality for all South Africans, regardless of race. "The Freedom Charter was the statement of core principles of the South African Congress Alliance, which consisted of the African National Congress (ANC) and its allies: the South African Indian Congress, the South African Congress of Democrats and the Coloured People's Congress."[166]

Considering the diversity of the groupings that participated in the formulation of the Freedom Charter, it is clear that the Freedom Charter served as an "integration" mechanism, creating a community of minds and a common understanding, amongst a diverse group of segregated people. The Freedom Charter also created shared networks and shared identities, emanating from the common experience of oppression and discrimination. From this common ground, a legitimacy for the authority that was vested in the tripartite of organizations that represented the oppressed was established. The networks and identities forged, were multicultural and stood glaringly against the key tenets of the

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[164] Brockriede, W. (1982) on the New Rhetoric and Humanities: Essays on Rhetoric and its Applications, by Chaim Perelman, Philosophy and Rhetoric
http://www.msubillings.edu/commfaculty/gross/COMT%20330/Chaim_Perelman(ARV).pdf (Accessed 5th September 2021)
[165] Apartheid In South Africa: Laws, End & Facts - HISTORY. https://www.history.com/topics/africa/apartheid (Accessed 1st September 2021)
[166] The Freedom Charter
https://en.wikipedia.org/wiki/Freedom_Charter (Accessed 6th October 2021)

apartheid regime's ideological stance of segregation and separatist values, which did not allow citizens of different races in South Africa to converge, socialize or live in the same areas. These multicultural networks also advocated for an integration of communities, in order to allow people to create multicultural living conditions and associations. While the Freedom Charter serves as a demand document articulating the views of the oppressed at the height of apartheid, it expressed the lived reality for millions of oppressed South Africans, who experienced life in an unequal society, which curtailed the human rights of the majority, for the benefit of a minority. These glaring realities required sustained advocacy and a uniform approach in order to bring about transformation.

It is further postulated that the Freedom Charter, also represents the foundation of a composite set of policy propositions and that it was developed as a deconstruction mechanism to the apartheid ideological position. The apartheid values, were premised on Afrikaner Nationalism, asserting the supremacy of the Afrikaner community and hence strengthening the bonds and sense of community, shared values and cultural perspectives amongst Afrikaners. The apartheid ideology of Afrikaner supremacy, also served to legitimize the authority of the leadership that propagated superiority and privilege. Thirdly, the apartheid ideology created a distorted reality, more so in seeking to normalize a "distorted" reality of racial superiority, which did not match the values and ideals of equality as shared by the global community.

The Freedom Charter and the Apartheid ideologies, represent a dichotomous battle of ideas, based on divergent values and perspectives. While the apartheid ideology was premised on racial segregation, the Freedom Charter advocated for racial equality. While the apartheid ideology stood for a racialized and hierarchical system of access to resources and economic activity and participation, the Freedom Charter advocated for equal access to opportunity and the resources of the country. While the apartheid ideology disenfranchised millions of South Africans on the basis of race, the Freedom Charter stood for disenfranchisement for all, as underpinned by democratic values of equality. The Freedom Charter hence represents the commencement of an era of robust advocacy and opposition against the apartheid regime, based on the values and policy propositions that are articulated in the Freedom Charter.

Derrida's deconstruction hence finds expression in this dichotomy of ideological perspectives, as the functional, theoretical process in action, with the Apartheid ideology and the Freedom Charter demands, standing in direct contrast to each other, confirming that the Freedom Charter could not have been imagined nor conceptualized, without the existence of the apartheid regime's ideological perspectives. (Sikirivwa, 2020) in his paper "*Deconstruction Theory and its Background"* makes reference to Jacques Derrida's perspectives in his book titled *Of Grammatology,* when he states that:

"we can define one of the terms of an opposition by mentioning the other term, and vice versa, because each term contains what Derrida calls, the trace of its opposite. In fact, "without a trace retaining the other as other in the same, no difference would do its work and no meaning would appear." For example, big and not small, masculine and not feminine, true and not false, etc. Thus, binary oppositions are dichotomies that are evaluative hierarchies. They are contrasting concepts, "each of which makes it possible for us to understand the other more fully. We are able to understand black because we understand white, noise because we know silence."[167]

The symbolism and ideological posture of the word "apartheid" conceptually and ideologically represents the direct opposite of the "Freedom Charter," which symbolises multicultural unity. The apartheid regime is ideologically and conceptually understood to be a system of oppression, which facilitated the curtailment of human rights, particularly as experienced by the custodians and proponents of the Freedom Charter. This dichotomous relationship implies that that the one cannot exist without the other, with conceptual meanings derived from the comparison of the two contrasting ideological stand points. Hence in order to derive an in-depth meaning and understanding of the Freedom Charter, a conceptual understanding of the apartheid ideology deepens this understanding.

(Sikirivwa, 2020) further states that:

"for Derrida, it is not enough to expose the way oppositions work and then stop there. We must recognize that there is always within the oppositions a violent hierarchy. One of the two terms controls the other and holds the superior position. Thus, to deconstruct the opposition is first of all to overthrow the hierarchy, as "one of the two terms governs the other (axiologically, logically, etc.), or has the upper hand."[168] Then, comes "the irruptive emergence of a new „concept," a concept that can no longer be, and never could be, included in the previous regime."[169]

It is precisely the violent hierarchy within oppositions, particularly in relation to the Apartheid and Freedom Charter ideologies, which had manifested the violent repression of all forms of advocacy and engagement, precisely because the Freedom Charter propositions of policy, intrinsically delegitimising the prevailing apartheid ideology.

4.3 Propositions of Policy in the Freedom Charter
(Rybacki and Rybacki 45-46) also define "propositions of policy to be propositions that are positioned to bring about transformation. In addition to seeking to alter beliefs on a subject matter, policy propositions

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[167] Sikiriva, M. K. (2020) "Deconstruction Theory and its Background"
https://www.ajhssr.com/wp-content/uploads/2020/03/E20444472.pdf (Accessed 2n d September 2021)
[168] Deconstruction - The Art and Popular Culture Encyclopaedia.
http://artandpopularculture.com/Deconstruction (Accessed 2nd September 2021)
[169] Jacques Derrida, (1972)"Positions"
https://search.library.uq.edu.au/primo-explore/fulldisplay?vid=61UQ&docid=61UQ_ALMA2196152120003131&lang=en_US&context=L (Accessed 2nd September 2021)
What the National Review Gets Wrong About Deconstruction
https://thereader.mitpress.mit.edu/what-the-national-review-gets-wrong-about-deconstruction/ (Accessed 2nd September 2021)

inherently require a response and demand that action be taken."[170] Having emerged at a pivotal Kairos moment in history, the Freedom Charter presents a composite set of propositions of policy, which were designed for purposes of advancing advocacy, to enable policy changes, as an alternative to the discriminatory laws that were being implemented by the governing regime at the time. All the ten articles of the Freedom Charter, represent response arguments, challenging key policy positions of the apartheid regime. Hence the propositions of policy presented in the Freedom Charter, assert the sovereignty of the will of the people of South Africa, regardless of race or creed. they further assert the indivisible rights of the people of South Africa, to be treated equally, while demanding equal access to a better life for all races, particularly those previously excluded.

It is asserted in "*Everything's an Argument: with readings*" that "policy proposals have three main characteristics, which include: calling for actions or a response to a problem, they focus on the future and lastly, they centre on the audience" (Lunsford at el. 276-269). The Freedom Charter's call to action, was a direct response to the dire living conditions and lived experiences of the previously marginalized. The Freedom Charter's thematic focus, which covers a broad range of issues including equal access to employment opportunities, access to economic opportunities, access to decent housing and freedom of association amongst others, are all issues that point to social, economic and political challenges, which the Freedom Charter was constructed to address. The policy proposals of the Freedom Charter hence called for action, in order to address the prevailing problems experienced by non-whites.

The policy proposals of the Freedom Charter also focus on the future, which also means that they can be categorized as deliberative arguments, with the clear intention of positively shaping the future and the lived experiences of the poor and marginalized. These deliberative arguments, hence suggest the possibilities for implementation in the future, pointing to the temporal nature of these arguments.

4.4 The Freedom Charter Constructing a New Political Culture through Advocacy
 (Scott, 2020) sheds more clarity on the temporality of argumentation when he asserts that "time intervenes in argumentation in two ways, which he further unpacks by making a distinction between external and internal structures of temporality. External temporality is presented as including location, time, history, culture and institutional constraints."[171] These conditions ultimately contribute towards an unfolding and

[170] Rybacki, K. C. and Rybacki, D. J. (2004). *Advocacy and opposition: An introduction to argumentation*. Boston, MA: Allyn and Bacon.
https://www.worldcat.org/title/advocacy-and-opposition-an-introduction-to-argumentation/oclc/51511234?page=citation
(Accessed 2nd April 2020)
[171] Scott, B. D. (2020) "Argumentation and the Challenge of Time: Perelman, Temporality, and the Future of Argument", *Argumentation*, Vol 34, Issue 1, pg 25 -37
https://scholar.google.com/citations?view_op=view_citation&hl=en&user=52ru3fUAAAAJ&citation_for_view=52ru3fUAAAAJ:9yKSN-GCB0IC (Accessed 10 March 2020)

emerging context, which defines how an argument is framed within the context of external temporality. On internal structures of temporality, Scott unpacks this phenomenon as time intervenes by "invoking a process of unfolding action. Another important layer that Scott superimposes on the two concepts of external and internal structures of temporality is that of adherence, which he presents as a central feature of temporality. To this end, adherence is understood to go beyond the present moment and hence activates a process that gives effect to the precepts and attributes presented in an argument. Furthermore, Scott emphasizes that adherence cannot be understood independently of the past and the future."[172]

Taking cognizance of the above precepts of temporality in argumentation, the body of work that will be presented in this paper, will advance to support the claim that the NDP is a temporal construct of argumentation, which has its origins in the Freedom Charter and has evolved temporally into the NDP. From conception, it was birthed as a battle cry towards the attainment of freedom and equality. Under South Africa's democratic dispensation, it has evolved into a manuscript that now embodies the developmental aspirations of South African's evolving policy terrain, for the people of South Africa. The NDP, is hence birthed from the Freedom Charter, as its nucleus, is also a demonstration of the resilience of a compelling argument, particularly when it relates to improving the living conditions of masses of people, as it articulates the aspirations, which have not yet fully materialised.

4.5 The Generational Cycle of Temporality in Argumentation

Arguments about a people's quality of life are indeed arguments about the developmental policy aspirations of a people. These arguments also assume a generational cycle, as they become embedded in the location, history, culture and hence the identity of a people. They become multi-generational aspirations, particularly if the governing executive fails to implement key policies and legislation. These constructs of identity are hence anchored in seeking to realise a better quality of life. If unfulfilled, these policy propositions and aspiration will become the aspirations of an emerging and succeeding generation.

It is hence postulated that arguments are temporal in nature and intrinsically relevant within a particular spatial locality, if they remain unfulfilled and unimplemented, they are transmitted to the next generation through culture, social memory and the collective identity of a people. Such values and societal aspirations, arguments and values, transcend generations through common experiences at community level and function as critical determining factors for sustaining the flow of adherence and commitment to the precepts and values of an argument, which may span across generations. Indeed, location, history and culture are critical, serving as the mediums and conduits for transcendence, particularly when an emerging generation finds itself dealing with the same challenges that were experienced by the former generation.

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[172] Ibid

Perelman hence interprets argumentative action as an epideictic process, making it the root of rhetorical practice, by virtue of its telic nature. [173] This telic nature, which is an ever present call to an unfolding action towards the realization of an unfulfilled promise, is precisely what will be argued, are the reasons for the sustained and unfolding process of adherence in South Africa's composite development policy, from the battle cry of the Freedom Charter, into the policy precepts of the NDP, which still has not reached maturation through effective implementation.

Indeed, moving towards the attainment of a goal, particularly when it involves a battle between two dichotomous ideologies, where one has dominated during its dispensation, thereby entrenching deep cleavages that require great effort to reverse. To this end, moving towards giving expression to specific goals, where the hopes and aspirations of the democratic ideology must find expression, will require on many levels, a process of deconstructing the social and economic impact of an entrenched and oppressive ideology, whose remnants are expressed as the lived realities of the rich and the poor and the widening gap of poverty and inequality between these social and economic societal groups.

Within this context, the NDP is hence also explored as an evolution of argument, emanating from the Freedom Charter and continuing to challenge the prevailing conditions of inequality as experienced particularly, by the previously disadvantaged communities in South African. The NDP hence also manifests as a core of epideictic arguments, articulated through praise and blame, particularly through the lamentations of the poor. These lamentations expose judicial (past) and prevailing (epideictic) disparities of the South African populace, reinforcing the legitimacy and relevance of the NDP.

The Freedom Charter hence unfolded over decades since its adoption in 1955, as a temporal argument, which imbues a telic posture in moving towards the realization of the proposal policies of the Freedom Charter, where adherence is sustained through a "community of minds". What sustains the perspectives of the Freedom Charter from where it has emerged in the governance context of the National Party's apartheid governance terrain, into the African National Congress's democratic governance context, is the community of minds and consensus built amongst the poor and marginalised, in order to agitate for a better quality of life, based on the clearly defined proposition policies contained in the Freedom Charter. Kenneth Burke's perspectives in *"A Rhetoric of Motives",* anchors rhetoric as an art form that influences attitudes and action. Burke further asserts that "the use of language is a symbolic means of inducing cooperation in beings that by nature respond to symbols."[174] The Freedom Charter also represents an argument which has influenced

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[173] Scott, B. D. (2020) "Argumentation and the Challenge of Time: Perelman, Temporality, and the Future of Argument", *Argumentation*, Vol 34, Issue 1, pg 25 -37
https://scholar.google.com/citations?view_op=view_citation&hl=en&user=52ru3fUAAAAJ&citation_for_view=52ru3fUAAAAJ:9yKSN-GCB0IC (Accessed 10 March 2020)
[174] Burke, K. (1969) "A Rhetoric of Motives"

the attitudes and actions of the oppressed, inducing cooperation amongst a people, who ordinarily did not view themselves as a homogenous community.

The adherences to the Freedom Charter in this context, is hence sustained and transported through external structures of temporality and argumentation (utelising conduits such as tradition, culture, memory and identity), which has effectively enabled the values and policy proposals of the Freedom Charter to function as an unfolding, intergenerational and temporal argument.

4.6 The NDP Thematically aligned to the Freedom Charter

The core tenets of the Freedom Charter, which was adopted in 1955, are still embedded in South Africa's NDP, which was adopted in 2012. In illustrating synergy, the preamble of the freedom charter begins by presenting a concrete basis for the underpinning pillars of freedom, equality and democracy in South Africa. It asserts the imperative that all South Africans have indivisible rights, as equal citizens before the law. The Freedom Charter's assertion that "South Africa belongs to all who live in it,"[175] is also a key tenet of the preamble of the constitution of republic of South Africa. Furthermore, this precept has also shaped the preamble of the NDP. The ten articles of the Freedom Charter, establish direct linkages to the NDP in that the Freedom Charter asserts the equality paradigm as a critical and underpinning value, while the NDP is also premised on this critical pillar. The NDP's vision statement, also derives its underpinning values from the Freedom Charter, when it affirms that "South Africa belongs to all who live in it"[176] and invokes the indivisible rights of all the people of South Africa, to assert their voice and authority in the governance trajectory of the country.

Article one of the Freedom Charter makes an argument for democratic principles and the advancement and realization of equality as values, which must define the character of the governance system. The introductory remarks of the NDP, highlight the imperative to advance inclusivity, by accelerating progress and deepening democracy. An effort is also made to foster a sense of collective ownership of the NDP, by highlighting that the NDP is a product of consultation through various public forums, where various inputs were received from all key sectors of society, to accelerate implementation. This mirrors a similar process of consultation, which was also undertaken in the formulation of the Freedom Charter.

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https://books.google.co.za/books/about/A_Rhetoric_of_Motives.html?id=y44o7549eC8C&redir_esc=y (Accessed 6th September 2021)

[175] The Freedom Charter of 1955 (Preamble of the Freedom Charter)
http://scnc.ukzn.ac.za/doc/HIST/freedomchart/freedomch.html (Accessed on 2nd March 2021)
[176] The Freedom Charter of 1955 (Preamble of the Freedom Charter)
http://scnc.ukzn.ac.za/doc/HIST/freedomchart/freedomch.html (Accessed on 2nd March 2021)

In article two, the Freedom Charter Asserts Equal Rights for all and demands that all apartheid laws and practices be set aside. It further demands equal protection under the law. The NDP is premised on the values and principles of equality for all. It is a document that seeks to enable the realization of the aspirations and values of the Freedom Charter. At its core, the NDP asserts equality as a key precept of South Africa's democracy.

Article three of the Freedom Charter asserts that the people shall share in the country's wealth and concludes by speaking to matters relating to the economy and entrepreneurial rights. Chapter three of the NDP focusses on inclusive economic growth, industrialization and entrepreneurship, as critical pillars for creating mass employment for the poor.

Article four of the Freedom Charter addresses the land question, particularly given the fact that the vast majority of Black Africans were forcefully dispossessed of land and relegated to only 13% of land, through the 1913 land act. The NDP also addresses the issues of land restitution and the need to make land reform work for all affected South Africans, who through forceful and violent dispossessions, lost land through the apartheid regime.

Articles five and six of the Freedom Charter addresses issues relating to discriminatory practices enabled by law, including deportation to homeland areas and imprisonment without fair trials for violating pass law restrictions. Most importantly, it addresses all forms of discrimination on the basis of race and beliefs. While the laws of the land are all underpinned by the equality clause and the bill of rights, the NDP is a composite set of arguments articulating the advancement of equality and a decent quality of life for all.

Article seven of the Freedom Charter addresses issues of work opportunities for all. The NDP was adopted after the 2008 global financial crisis, which further deepened poverty and inequality, as well as unemployment and joblessness in South Africa. The NDP articulates the imperative of job creation, through multi-sectoral partnerships. Chapters three, four, five, six and eight address the economic factors of the country and assert the imperative to ensure that conditions are created to enable a better quality of life for all South Africans.

Article eight of the Freedom Charter addresses issues of access to quality education, which is also a matter addressed in Chapter nine of the NDP, which seeks to enable access to quality education, including early childhood development, basic and higher education.

Article nine address issues of housing and human settlements, which is also articulated in chapter eight the NDP. Article ten address issues relating to international relations, which is also articulated in chapters seven and fifteen of the NDP.

Therefore, taking cognizance of the inherently temporal nature of argumentation, as an ongoing and unfolding landscape where values, culture and ultimately matters of community are deliberated upon, the NDP becomes a space for adherence to continuously unfold. The fact that South Africa still continues to battle the remnants of inequality, poverty and economic exclusion, supports the validity of the values that have been transported from the era of dissidence and defiance in 1955, into South Africa's democratic environment.

Hence in further understanding the nucleus of the current policy posture of the NDP, the policy correlations between the Freedom Charter and the NDP demonstrate the authority and sovereignty of the people's collective ownership, which is accorded in both manuscripts. The base arguments presented in the Freedom Charter, still underpin the policy perspectives articulated in the NDP. Hence the frame and posture of the NDP finds its roots, emanating deep from within the crevices and experiences of those who came face to face with the onslaught of colonial and apartheid dominance.

4.7 The Temporal Value of *Kairos* in Argumentation: The Freedom Charter and Its Relationship to *Kairos*

(Tindale, 2020) in his paper titled *"Introduction of Place and Time,"* begins to unpack the concept of Kairos by making "reference to Richard Lanham's definition of Kairos, where he draws our attention to its Greek notion, which underscores the significance for the Time, Place and Circumstances of a subject. In further highlighting the concept of Kairos, reference is made to Gorgias's perspective, where the deciding factor between two antithetical statements is the element of Kairos. This concept is further clarified as common to Plato and Aristotle when they acknowledge that the temporal nature of Kairos is in recognizing the significance of making the right statement at the right time."[177]

Tindale further emphasizes the intrinsic "temporal value of Kairos in argumentation, when he states that the act of recognizing the "moment" in the concept of Kairos: reinforcing a point to which an audience already adheres to and watching for the right moment to put forward a claim, is imperative."[178]

Taking cognizance of these theoretical positions of Kairos, it is postulated that the Freedom Charter's Kairos moment emerges after the environment had been effectively acclimatised, for the formulation and arrival of a composite and a compelling argument, as a response to the prevailing oppressive conditions at the time. To this end, the Charter is suitably preceded by the 1948 National Party elections victory, which

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[177] Tindale, C. W. (2020) Introduction: Of Place and Time, Argumentation, *Argumentation* 34 (1):1-11
https://philpapers.org/rec/TINIOP (Accessed 6th September 2021)
[178] Tindale, C. W. (2020) Introduction: Of Place and Time, Argumentation, *Argumentation* 34 (1):1-11
https://philpapers.org/rec/TINIOP (Accessed 6th September 2021)

signalled the seminal moment for the National Party to begin to effectively legislate the apartheid ideology. This process to legislate was also a bold move by the National Party, to legitimize its segregationist ideology, through far reaching policies and laws, that would greatly impact South Africa's socio-political and economic landscape.

However, the 1948 watershed victory of the National Party, which promulgated the apartheid ideology was also preceded by various processes in law, which systematically began to shape and entrench white supremacy in South Africa. However, the 1948 National Party victory, was also preceded by a series of discriminatory policies in laws under the Hertzog administration.

"Under the leadership of Hertzog as Prime Minister in South Africa from 1924 to 1939, the social and economic policies pursued by Hertzog and his ministers did much to improve the social and economic conditions for White South Africans. These interventions did not benefit the majority of black South Africans, who found themselves to be the targets of discriminatory labor laws that systematically began to institutionalize white supremacy in South Africa."[179]

Hertzog's social and political reforms signified a dynamic shift in the process towards acclimatizing conditions for a build up towards an important kairos moment, which would demand that action be taken, in order to challenge the continued imposition of oppressive and discriminatory laws by the government of the day. Although the "Hertzog Bills" were far reaching in nature, negatively impacting the lives of black South Africans, they served as critical building blocks, towards creating a compelling moment that warranted dissidence and the appropriate action by the oppressed.

As the pressure of colonial and white supremacy was increasingly continuing to negatively impact the lives of millions, the process of acclimatization for the appropriate kairos moment and the emergence of the Freedom Charter, was now underway. The Hertzog Bills also represented a leading kairos moment in the dynamic construct leading up to the 1948 National Party elections victory, which also signified a turning point in history, which compelled coordinated responses and action. This would prove to be the awaited kairos moment for the emergence of the Freedom Charter.

4.8 Kairos and Invention in the Freedom Charter

"Throughout rhetorical history as well as in the twentieth century, rhetoricians have held different views of what constitutes invention. One of the earliest terms deployed by the Sophists (fifth century BCE theorists and teachers of rhetoric) was kairos, a term subsequently translated into Latin or other languages. The term, meaning "the right moment; the right place," characterized an appropriate situation in which rhetoric could

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[179] Hertzog
https://en.wikipedia.org/wiki/J._B._M._Hertzog

occur. Because rhetorical discourse was always tied to a specific time and place in contrast to philosophical or scientific discourse, which were thought to transcend concrete circumstances, it was important that the very initiation of discourse be "right."[180] (Tindale, 2020) asserts that kairos is a dynamic principle, rather than a static, codified rhetorical technique (Sipora, 2002 pp 7-14). Tindale further clarifies this dynamic principle as a model that recognizes the transactional relationship between rhetor and audience. This transactional relationship is further clarified in reference to what Leff refers to as "inviting a response that is sensitive to audience reception. These canons of rhetoric include: invention (what to say), arrangement (structure of the content), style (language choices), memory (learning the message), and delivery (use of more than just words crafted)."[181] In seeking to shed clarity on the invention process of the Freedom Charter, it will be necessary to first shed clarity on the broader context preceding the process of crafting the arguments that are contained in the Freedom Charter, including protagonists of the liberation movement.

Nelson Mandela had already emerged during the 1940s, as a key role player in the process to systematically begin to address matters relating to racial inequality, segregation and the pass laws. "Through the African National Congress Youth League (ANCYL), which was established in 1944 by Anton Lambede (who became the League's first President), Nelson Mandela, Ashby Mda, Walter Sisulu and Oliver Tambo, the Youth League positioned itself to unite the youth to fight against apartheid laws. In order to give greater impetus towards the fight for freedom, the Youth League's Programme of Action involved different methods including boycotts, strikes and other defiance tactics."[182] "The programme was subsequently adopted in the year of the National Party's elections victory of 1948, (in 1949), which represented a radical departure from the diplomatic and non-confrontational strategies of the past. The shift in strategy transformed the organization into a revolutionary mass movement. In the next decade, this change of policy would lead to the Defiance Campaign and the Congress of the People."[183] The kairos moment in developing the Freedom Charter was hence confirmed by the National Party elections victory of 1948, which was followed by the passing of a series of laws to give effect to the National Party's apartheid laws. It was clear that the diplomatic approach previously employed by the African National Congress was not yielding the desired results. It was hence a critical moment in history, which necessitated a response to engage the government, in a manner that would enable dialogue.

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[180] Lauer, J. M. Invention in Rhetoric and Composition
https://www.scribd.com/book/512250883/Invention-in-Rhetoric-and-Composition (Accessed 7th September 2021)
[181] The World of Work Project, "The Five cannons of Rhetoric for better communications"
http://worldofwork.io/2019/07/the-five-cannons-of-rhetoric/ (Accessed 2nd September 2021)
[182] African National Congress Youth League (ANCYL) | South Africa
https://www.sahistory.org.za/article/african-national-congress-youth-league-ancyl (Accessed 2nd September 2021)
[183] African National Congress Youth League (ANCYL), South African History on Line,
https://www.sahistory.org.za/article/african-national-congress-youth-league-ancyl (Accessed on 2nd September 2021)

"The African National Congress joint forces with South African Indian Congress, the Colored People's Congress and the Congress of Democrats in the Congress of the People Campaign (COP). The effort to join forces was to wage concerted efforts in the fight against the apartheid regime. In recognizing the Kairos moment, this opportunity to mobilize the oppressed masses was now most opportune. To galvanize and maximize this moment, "the ANC sent out 50 000 volunteers into townships and the countryside to collect "freedom demands" from the people of South Africa. These freedom demands would form the basis of the campaign to fight for freedom and equality."[184]

The coming together of the three parties, signifies an important turning point in the invention process, which will now be further clarified. Invention was one of five terms used by Aristotle to characterize the parts of the rhetorical process. The other terms were arrangement, style, memory, and delivery. "Inherent in the notion of invention is the concept of a process that engages a rhetor (speaker or writer) in examining alternatives: different ways to begin writing and to explore writing situations; diverse ideas, arguments, appeals, and subject matters for reaching new understandings and/or for developing and supporting judgments, theses and insights; and different ways of framing and verifying these judgments."[185] "Other modern definitions of invention include "the term epistemic when connected to rhetoric means the construction of knowledge through discourse. Another modern definition includes the another term that emerged in the 1960s was heuristics, which the study of the processes of discovery."[186] Furthermore, "Karen LeFevre argued for the social nature of invention, categorizing it into three types: internal dialogue, collaborative, and collective. She described internal dialogue as dialectic with another self, including internalized constructs influenced by social forces and other people, collaborative invention as the interaction of people, and collective invention as a supra-individual entity like institutions, societal prohibitions, and cultural expectations."[187]

In determining the invention process of the Freedom Charter, which is about determining what content and thematic areas to be included in an argument, this processes commenced and was collaboratively spearheaded by the Congress of the People, by means of a series of information gathering sessions, executed

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[184] June 26, 1955 – The South African Congress Alliance adopts the Freedom Charter
https://www.thecenterforruleoflaw.org/rule-of-law-blog/june-26-1955-the-south-african-congress-alliance-adopts-the-freedom-charter-at-the-congress-of-the-people-in-kliptown (Accessed 15th September 2021)
[185] Definitions - Colorado State University.
https://wac.colostate.edu/docs/books/lauer_invention/definitions.pdf (Accessed 15th September 2021)
[186] Lauer, J. M. (2004) "Invention in Rhetoric and Composition"
https://wac.colostate.edu/docs/books/lauer_invention/lauer.pdf (Accessed on 15 September 2021)
[187] LeFevre, K. (1987) Conference on College Composition and Communication (U.S.). "Invention as a Social Act." *Invention as a Social Act*. Carbondale: Southern Illinois University Press, 1987. PDF File
https://www.davidwrick.com/2014/11/17/lefevres-invention-as-a-social-act/ (Accessed 15th September 2021)

through rallies, large and small across the country. These rallies were held at various localities across the country, in order to reach the oppressed masses of South Africans. Volunteers were enlisted to create awareness about the C.O.P, educate the people, note their grievances and embark on a "million signatures campaign". The invention process hence entailed a nation-wide process of engaging the masses of disenfranchised, in order to enable them to make known their grievances and freedom demands, which would be used as the basis to formulate the arguments of the Freedom Charter. "Invention is the process of coming up with material for a text. In writing, this is the brainstorming or prewriting stage."[188] The Freedom Charter's invention process also aligns well with Karen LeFevre argument on the social nature of invention, particularly the collaborative, and collective processes. The process of collaborative invention also found expression in the Freedom Charter's invention process, which involved the interaction of people across the length and breadth of South Africa. Collective invention, which is described as a supra-individual entity such as institutions, societal prohibitions, and cultural expectations. In the context of the Freedom Charter, it involved the participation of various broad-church organization in the Congress of the People, in order to determine the focus areas of the Freedom Charter.

It is also important to note that the invention process of the Freedom Charter also involved a process of printing and distributing pamphlets, which were distributed around the country, urging people to submit their ideas towards the formulation of the Freedom Charter. In response to the call, thousands of suggestions arrived, written on scraps of paper, backs of envelopes, pages torn from school exercise books, and the backs of handbills. This process was both collaborative and collective in that it enabled social interactions in the process of determining the thematic areas of the Freedom Charter, towards the formulation of arguments. This was also an important consensus building exercise, which solidified the legitimacy of the Charter, as a document that is owned by the constituencies the Charter speaks for. In terms of style, The Freedom Charter is articulated as a demand document, emanating from the Freedom demands of the people. It is hence both confrontational and firm, as a clarion call and ultimatum, stipulating that boycotts and other forms of resistance would be intensified. While the manuscript is both firm and logocentric, it does also appeal to the emotions, as it inherently speaks to the social and economic needs of the represented constituency. The ethos of the manuscript is established in that it has enabled the integration of various racial groups, who represented a vast majority of South Africans

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[188] Ibid

(Tindale, 2020) aptly "refers to Antonio Rossini's notion of capturing an audience's attention by drawing different temporal moments into one visual context of one space, to achieve an argument effect that might not otherwise be achieved."[189] The Freedom Charter sought to construct a composite set of values, articulated through a solid argument based on the cumulative and collective experiences of millions of South Africans, who had come face to face with various forms of oppression under the apartheid government. These cumulative experiences would imprint into the Freedom Charter, varied temporal moments into one visual context, as a composite argument of freedom demands.

(Tindale, 2020) further draws our attention to "the transactional nature of kairos, which demands that action be taken beyond the present moment. Within the context of the Freedom Charter, the oppressed and marginalized were called to participate in the process of drafting the charter by expressing their "freedom demands".[190] Furthermore, they were required to participate in the long term project to bring about tangible changes within their own living conditions, hence becoming their own liberators. This process hence rings true to Perelman and Olbrechts-Tyteca's conception that argumentation is an action that unfolds within the "full time" of meaningful human life.

4.9 The Freedom Charter as a Fantasy Theme
This segment unpacks the Freedom Charter as a Fantasy theme, particularly because of its formulation, can be viewed as a demonstration of Symbolic Convergence theory. "The Fantasy Theme Method of Rhetorical criticism and analysis, is a more contemporary rhetorical method credited to (Bormann, 1965). The focus of this methodology is on groups rather than individuals, and is particularly well-suited for analysing group messages that come from social movements, political campaigns, or organizational communication."[191] Donald C. Shields and C. Thomas Preston, JR in their essay titled "*Fantasy Theme Analysis in Competitive Rhetorical Criticism",* postulated 5 assumption of fantasy theme analysis. These four out of the five assumptions will be used to unpack the Freedom Charter as a fantasy Theme.

Assumption 1: The first assumption of (Shields and Preston, 1972) in their essay titled "*Fantasy Theme Analysis in Competitive Rhetorical Criticism"* postulates that "through conversations, speeches, and

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[189] Tindale, C. W. (2020) Introduction: Of Place and Time, Argumentation, *Argumentation* 34 (1):1-11
https://philpapers.org/rec/TINIOP (Accessed 6th September 2021)
[190] Ibid
[191] Shields, D. C. and Preston, T. JR, (1985)"Fantasy Theme Analysis in Competitive Rhetorical Criticism"
file:///C:/Users/Admin/AppData/Local/Packages/Microsoft.MicrosoftEdge_8wekyb3d8bbwe/TempState/Downloads/Fantasy_Theme_Analysis_in_Competitive_Rhetorical_C%20(3).pdf (Accessed 2nd September 2021)

messages, people build a shared view of reality that is created symbolically. People often initiate, embellish, and evolve an explanation of events that can catch fire and chain-out through a collective of people. Eventually, such a symbolically created explanation may encompass greater and greater numbers of people into a common rhetorical community, possessing a prevalent rhetorical vision."[192]

It is firstly important to unpack the various groups represented in the Congress Alliance, which were mobilized for the convergence of the Congress of the People, so as to formulate and adopt the Freedom Charter. "The Congress Alliance (CA) was an anti-apartheid political coalition formed in South Africa in the 1950s. Led by the African National Congress, the CA was multi-racial in makeup and committed to the principle of majority rule."[193] "The National Action Council,"[194] "made up of executives of the African National Congress (ANC), the South African Indian Congress (SAIC)"[195], the "South African Congress of Trade Unions (SACTU)"[196], the "Coloured People's Congress (CPC)"[197] and the "South African Congress

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[192] Shields, D. C. and Preston, T. JR, (1985)"Fantasy Theme Analysis in Competitive Rhetorical Criticism"file:///C:/Users/Admin/AppData/Local/Packages/Microsoft.MicrosoftEdge_8wekyb3d8bbwe/TempState/Downloads/Fantasy_Theme_Analysis_in_Competitive_Rhetorical_C%20(3).pdf (Accessed 2nd September 2021)

[193] South African Communist Party - WikiMili
https://wikimili.com/en/South_African_Communist_Party (Accessed 2nd September 2021)

[194] Congress Alliance - Wikipedia.
https://en.wikipedia.org/wiki/Congress_Alliance (Accessed 2nd September 2021)

[195] South African Indian Congress
"The South African Indian Congress (SAIC) was an organisation founded in 1921 in Natal (now KwaZulu-Natal), South Africa. The congress is famous for its strong participation by Mahatma Gandhi and other prominent South African Indian figures during the time. Umar Hajee Ahmed Jhaveri was elected the first president of the South African Indian Congress. The SAIC was a member of the Congress Alliance."
https://en.wikipedia.org/wiki/South_African_Indian_Congress (Accessed 2nd September 2021)

[196] "South African Congress of Trade Unions
The South African Congress of Trade Unions (SACTU) was a national trade union federation in South Africa. The federation was established in March 1955, after right wing unions dissolved the South African Trades and Labour Council in 1954 to form the exclusive white, coloured, and Indian workers' Trade Union Council of South Africa. It combined the unregistered African unions affiliated to the Council of Non-European Trade Unions with fourteen registered unions which refused to join the TUCSA. The South African Railways and Harbours Union and the Food and Canning Workers' Union were among the founder members. The Industrial Conciliation Act, 1956 banned the registration of multi-racial trade unions. SACTU was explicitly political and was one of the founders of the Congress Alliance in 1955, and all African National Congress (ANC) members who were workers were required to join SACTU. The federation's first conference in 1956 proclaimed that the fights for economic and political rights were one and the same. It explicitly campaigned against the Native Labour (Settlement of Disputes) Act, 1953 and urged members to have nothing to do with the Native Labour Officials established by it. SACTU organised factory "cells" which studied Marxist ideology as well as organising techniques. However, it struggled to develop these into unions, as it lacked funds and trained organisers, and its offices were frequently raised by South African police, who removed organisational and financial records. Some existing unions, such as the National Union of Distributive Workers, refused to affiliate for fear that their organisations would be similarly compromised."
https://en.wikipedia.org/wiki/South_African_Congress_of_Trade_Unions (Accessed 2nd September 2021)

[197] Coloured People's Congress
"The CPC was a political organization established in 1953. Its primary objective was to fight the government's plans to remove Coloured people from the common voters' roll in the Cape. However, the CPC also joined the ANC*, SAIC* and Congress of Democrats* in the anti-apartheid Congress Alliance* in the mid-1950s and played a role in the organization of the Congress of the People* and the formulation of the Freedom Charter."
https://omalley.nelsonmandela.org/omalley/index.php/site/q/03lv03445/04lv03446/05lv03464.htm (Accessed on2nd September 2021)

of Democrats (COD)"[198] "met in Tongaat on 23 June 1955."[199] "This group, who became known as the Congress Alliance, developed the document known as the Freedom Charter and planned the Congress of the People, a large multi-racial gathering held over two days at Kliptown on 26 June 1955. At this rally, the Charter was read out in three languages (English, Sotho and Xhosa), and discussed by various delegates."[200] Despite the fact that the groups represented in the Congress Alliance represented racially designated constituencies and interests, under the leadership of the African National Congress, these groups were able to unite around a shared vision. In terms of the fantasy theme method of rhetorical criticism, which focusses on analysing group messages from political and social movements, it is observable that the African National Congress had succeeded in persuading core groups within the broader societal spectrum, to come together, in order to formulate a solid structure to articulate the key messages contained in the Freedom Charter. "Borman's theory, called symbolic convergence theory, which is based on two assumptions including that communication creates reality and that reality is not fixed but changes over time, as our symbols for talking about it changes, is aptly applicable to the Congress Alliance process, particularly as all groups represented in the alliance, were representing singular, racially influenced perspectives. By creating a space for convergence, in order to communicate and unpack matters of common interest, it is perceivable that common ground was established, based on the common challenges faced by all groups in the Congress Alliance, except the South African Congress of Democrats.

Considering the diversity of the core groups represented in the Congress Alliance, it is comprehended that the Freedom Charter also served as an "integration" mechanism, creating a community of minds and a shared vision, amongst a diverse group of people. As stated earlier in this body of work, (Kissam, 2001) in his paper *"The Ideology of the Case Method"* asserts that one of the key functions of ideologies is that they serve an "integrating" function. The influential symbols and images that are created and maintained, help in forging individual and group identities and to integrate or constituting a common understanding of the world that is consistent with those identities.[201] The Freedom

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[198] South African Congress of Democrats
"The South African Congress of Democrats (SACOD) was a radical left-wing white, anti-apartheid organization founded in South Africa in 1952 or 1953 as part of the multi-racial Congress Alliance, after the African National Congress (ANC) invited whites to become part of the Congress Movement. The establishment of the COD sought to illustrate opposition to apartheid among whites. The COD identified closely with the ANC and advocated racial equality and universal suffrage. Though small, COD was a key organization of the Congress Alliance. The COD took part in every Congress Alliance campaign until it was banned by the South African Apartheid government in September 1962."
https://en.wikipedia.org/wiki/South_African_Congress_of_Democrats (Accessed 2nd September 2021)
[199] Congress Alliance - Wikipedia.
https://en.wikipedia.org/wiki/Congress_Alliance (Accessed 2nd September 2021)
[200] The Congress Alliance
https://en.wikipedia.org/wiki/Congress_Alliance (Accessed on 2nd September 2021)
[201] Kissam, P. C. (2001) The Ideology of the Case Method/Final Examination Law School, 70 U. CIN. L. REV. 137, 142-45
(relying on PAUL RICOEUR, LECTURES ON IDEOLOGY AND UTOPIA (1986)).

Charter hence emerges as a result of the convergence of minds facilitated through the Congress Alliance, which could not have taken place without initiating dialogue and conversation. The Freedom Charter can hence also be regarded as the symbol that was rhetorically constructed, through the convergence of the Congress Alliance, which facilitated a convergence of minds, so as to articulate the shared vision for South Africa, based on a number of key themes including majority rule, freedom and equality.

Assumption 2: The second assumption on fantasy theme as asserted by (Shields and Preston, 1972) further states that "A rhetorical community's shared view of reality is best analysed through a rhetorical concept called a fantasy theme, or complete dramatistic rhetorical statement. Typically, fantasy theme statements range from a phrase, to a sentence, to a paragraph in length." The Title "Freedom Charter" can also be viewed as a theme, which makes a clear statement about the objectives of the manuscript, even before unpacking the details of the charter. It already alludes that the Manuscript is a shared vision about attaining freedom. (Rybacki and Rybacki 13-15) in their book *"Advocacy and Opposition: an introduction to argumentation"* unpack "ethical standards for argumentation and assert that standards for argumentation are devised in one or two ways. *Teleological ethics* are based on the outcomes or end of communicating, the purpose you achieve rather than the means you use to communicate."[202] With the Freedom Charter having been crafted as a shared vision for effecting ideological and structural changes in the social, political economy, as constructed by the Congress Alliance and their constituencies, it is evident that the end for communicating is precisely to agitate for change to be effected. The purpose for arguments in the Freedom Charter are of a teleological nature, in that they assert the voice and the will of the people, through clearly articulated themes. For example, article one of the Freedom Charter makes the bold statement: "The People Shall Govern!" which is also punctuated with an exclamation mark, which further expressing strong emotion and conviction. In addition to these two themes, the Freedom Charter itself, represent a number of key themes which include: Freedom, Democracy, Equality and multiracialism. These can all be categorized as value propositions. (Rybacki and Rybacki 41-43) further *"define value propositions as propositions that attempt to alter belief by dealing with our subjective reactions to things and our opinions of them. The proposition of value establishes a judgement standard or set of standards and applies them."*[203] By asserting the equality before the law and all other facets of life, including non-racialism, freedom, the Freedom Charter asserts clear value propositions, which seek to firstly effect a change in belief, so as to alter the multi-faceted and interlinked systems of social, economic, political and governance system of the country. In order to effect this change based on a change in belief (value propositions) first and foremost, (Rybacki

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[202] Rybacki, K C. & Rybacki D. J. (2014). "Advocacy and Opposition: an introduction to argumentation" Boston, MA: Allyn and Bacon

[203] Ibid

and Rybacki 41-43) state that "propositions of policy represent the next level after belief has been altered. Policy propositions seek a change in behaviour. They call for action to be taken."[204] The Freedom Charter can be viewed as a policy proposition, because it asserts a specific set of policy solutions, to alter not only the behaviour of the governing National Party, but to effect structural and systemic change through a new set of policies.

(Rybacki and Rybacki 13-15) also postulate that the second ethical standard for argumentation as d*eontological ethics,* which is based on a set of absolutes, rules of conduct that differentiate between right and wrong. The set of absolutes, are often presented as a "code of ethics," identifies "right" and "wrong" ways of behaving. Absolute standards of ethical behaviour are found in religion and ideology or codified in sets of beliefs found in culture".[205] The Freedom Charter is also a deontological construct, which is communicating a set of values, arguments and ideals, based on an analysis of the impact of the restrictive, segregationist ideology and laws of the apartheid regime. While the Charter does not directly mention the apartheid regime and leaders, it goes into great detail to construct a composite set of values, which stand in direct contrast to what the apartheid regime is implementing. To demand radical structural and governance change, denotes the charter's assertion that the apartheid ideological and governance system is both erroneous and unethical. Another important component that the Freedom Charter demonstrates is a "share view of reality" which not only represents the Congress Alliance's views, but it encompasses the views of their respective constituencies.

Assumption 3: The third assumption on fantasy theme as asserted by (Shields and Preston, 1972) further asserts that "meaning, emotion, and motive are embedded in the message, i.e., the dramatistic statements intrinsic to the vision, thereby providing a direct link between one's symbolic manifestation of reality (the rhetorical vision) and one's behaviour."[206] This also ties in with Aristotle's pathos in terms of appeals in rhetoric. The Freedom Charter is also a product of pathos (emotions), as it is charged with the "freedom demands" of the people. There is an innate sense of ownership, as the charter encompasses all key aspects of social, economic and political life. In terms of meaning, the charter represents an instrument of transformation, which is formulated to articulate the desires and needs of the marginalized, through their vision of a better world and a better life.

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[204] Ibid
[205] Ibid
[206] Ibid

Assumption 4: The fourth assumption on fantasy theme as asserted by Shields and Preston, JR lastly states that "as people begin to share and extend fantasy explanations of people's actions, things, objects, and events, they build up a composite dramatistic explanation of reality that is filled with heroes, villains, plotlines, scenic description and sanctioning agents for maintaining and promulgating the rhetorical vision."[207] The process to formulate the Freedom Charter cannot only be regarded as dramatic and audacious. The actions formulate and adopt it (Congress Alliance, People's Congress and the Adoption of the Freedom Charter), represent a bold act of defiance to challenge the underpinning principles and ideology of the apartheid regime. The objects/instruments of engagement (The Freedom Charter itself), the people who participated in the process, the contestation between the charter the apartheid ideology (things), including the postulation of the apartheid regime as the villains and the Congress Alliance as the heroes in this story, make up a composite picture of the rhetorical vision.

The assumption postulated by Borman's theory of symbolic convergence is that symbols not only create reality for individuals but that individual's meanings for symbols can converge to create a shared reality or community consciousness, meaning that sharing fantasies or symbols, creates convergence. This is also applicable in the Congress Alliance's convergence to formulate the Freedom Charter. The Convergence of the members of the Congress Alliance, converged not only to create a singular symbol borne from community consciousness, as contained in the freedom charter. They also converged in order to create a metaphysical unity, as postulated and represented in the Freedom Charter, as a manuscript that clearly articulated the views of a vast and diverse majority. "The Freedom Charter signified a major break from the past traditions of the struggle; this was no longer a civil rights movement seeking to be accommodated in the existing structures of society, but called for a fundamental restructuring of all aspects of South African society. The document is notable for its demand for and commitment to a non-racial South Africa, which has remained the platform of engagement for the ANC since its adoption. As a result, ANC members who held pro-African views left the ANC after it adopted the charter, forming the Pan Africanist Congress. The charter also calls for democracy and human rights, land reform, labour rights, and nationalisation."[208] The convergence of all core groups of the Congress Alliance demonstrated a "community of minds," particularly given their core values which were defined by the constituencies they represented. The apartheid ideology had taken root in creating and solidifying racial divisions, hence the symbolisms of a unified Congress Alliance, represents the first attempt by the African National Congress taking the lead, in presenting the

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[207] Shields, D. C. and Preston, T. JR, (1985)"Fantasy Theme Analysis in Competitive Rhetorical Criticism" file:///C:/Users/Admin/AppData/Local/Packages/Microsoft.MicrosoftEdge_8wekyb3d8bbwe/TempState/Downloads/Fantasy_Theme_Analysis_in_Competitive_Rhetorical_C%20(3).pdf (Accessed 2nd September 2021)
[208] The Freedom Charter
https://en.wikipedia.org/wiki/Freedom_Charter (Accessed 2nf September 2021)

argument of non-racialism, democracy and consensus building, demonstrating Borman's symbolic convergence theory. It is precisely through a community of minds, a common understanding and an intellectual convergence around issues of common interest and disposition, which facilitated the formulation of the Freedom Charter. (Kissam, 2001) in his paper *"The Ideology of the Case Method"* reminds us that "one of the key functions of ideologies is that they serve an "integrating" function."[209] This is also aptly demonstrated in the convergence of the Congress Alliance, which had succeed in integrating core groups representing diverse views and constituencies, under the common banner of the Congress Alliance, which integrated the perspectives, values and needs of all groups represented in the Congress Alliance.

(Burke, 1969) in his book *A Rhetoric of Motives,* further anchors rhetoric as an art form that influences attitudes and action. Burke defines rhetoric as "the use of language as a symbolic means of inducing cooperation in beings that by nature respond to symbols."[210] Given the diverse constituencies represented in the Congress Alliance, it is postulated that their participation in the Congress Alliance in itself, represents a change of attitudes through the actions that were taken to advance the agenda of the Congress Alliance. The Freedom Charter represented a composite set of policy proposals, on behalf of the diverse groups represented in the Congress Alliance. The Freedom Charter can hence also be recognised as a cooperation inducing manuscript, which has influenced the actions and attitudes of those who participated in the formulation of the charter.

The Freedom Charter also holds very strong ties to the *"Atlantic Charter from the African's Point of View***"**, which was adopted by the African National Congress in 1943. The charter was adopted by the African National Congress, particularly in terms of the values and policy propositions embedded in the Atlantic Charter. According to (Rybacki and Rybacki 41-41) in their book *"Advocacy and Opposition: an introduction to argumentation,"* they assert that value propositions are for the most part slow to change and that it is important to extensively examine the background of a proposition of value, in order to identify shifts. Advocates and opponents must study the artefacts that reflect that society's structure and values. Artefacts include documents such as the constitution, the declaration of independence, legislation, mission statements, codes and ethics." "The Atlantic Charter from the African's Point of View,"[211] together with

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[209] Kissam, P. C. (2001) The Ideology of the Case Method/Final Examination Law School, 70 U. CIN. L. REV. 137, 142-45 (relying on PAUL RICOEUR, LECTURES ON IDEOLOGY AND UTOPIA (1986)).
[210] Burke, K. (1969) "A Rhetoric of Motives"
https://books.google.co.za/books/about/A_Rhetoric_of_Motives.html?id=y44o7549eC8C&redir_esc=y (Accessed 6th September 2021)
[211] African's Claims in South Africa - Marxists.
https://www.marxists.org/subject/africa/anc/1943/claims.htm (Accessed 12 September 2021)

the Freedom Charter, represent two important artefacts in history, which begin to formulate a new value system. These two charters have both played an important role in shaping the values and principles of equality that are contained in the constitution of the republic of South Africa. The structure of values that emerge from the both charters, have also shaped the policies and legislation that have been enacted since the advent of democracy in South Africa. To this end, the challenges as highlighted by Dr Xuma, the President General of the African National Congress at the time also assert the temporal constituent in the process to realise freedom, democracy and equality in South Africa.

In the introductory remarks of the "*Atlantic Charter from the African's Point of* View," which is written in the voice of Dr A. B. Xuma, makes the below remarks, which allude to the temporality and telic nature of the context into which the charter is birthed:

> "In South Africa, Africans have no freedom of movement, no freedom of choice of employment, no right of choice of residence and no right of freedom to purchase land or fixed property from anyone and anywhere. Under the guise of segregation, they are subjected to serious educational, political and economic disabilities and discriminations which are the chief causes of their apparent slow progress." [212]

These remarks allude to the prevailing curtailment of human rights as well as the inequality which persists, denying black Africans the right to access a better quality of life. The introductory remarks of the "Atlantic Charter from the African's point of View", [213] is an important entry point to initiate discussions around issues of human rights, equality and democracy for the benefit of Africans in South Africa. The Atlantic Charter, which was adopted after the second world war, provides the African National Congress an opportunity to begin to engage an international audience, based on the equality and democratic principles embedded in the Atlantic Charter.

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[212] Africans' Claims in South Africa

"In December 1942, the conference of the African National Congress requested its President, Dr. A.B. Xuma, to appoint a committee to study the Atlantic Charter and draft a bill of rights to be presented to the peace conference at the end of the war. (The Atlantic Charter had been proclaimed on August 14, 1991, by President Franklin D. Roosevelt of the United States and Prime Minister Winston Churchill of Great Britain, as a statement of the peace aims of the Allies.)
Accordingly, an Atlantic Charter Committee - consisting of prominent African professionals and intellectuals of varied political views - met on December 13 and 14, 1943, in Bloemfontein. Professor Z.K. Matthews was elected Chairman.The report of this Committee - "Africans' Claims in South Africa" - was unanimously adopted by the ANC annual conference on 16 December 1943.
This statement of the aspirations of the African people was one of the most important documents of the ANC. It was, however, spurned by the racist regime. Dr. Xuma requested an interview with Prime Minister Smuts to discuss it, but received a reply that Smuts was "not prepared to discuss proposals which are wildly impracticable".
   African National Congress 1943: Africans' Claims in South Africa
https://www.marxists.org/subject/africa/anc/1943/claims.htm (Accessed on 12 September 2021)
[213] Atlantic Charter – Definition, Purpose and significance
http://www.history.com (Accessed 2nd September 2021)

By establishing a link between the human rights of Africans as indivisible and similar to those of other nations under Fascist and Nazi subjugation, an argument is made about common ground based on the common challenges and discriminatory abuses suffered. The President of the African National Congress, was also appealing to the emotions of an international audience as well as the government of the day under the leadership of Prime Minister Smuts at the time, by sighting endemic levels of discrimination, suffered by black Africans under colonial rule. It can therefore be deduced that the argument presented in this context, is that Africans demanded the rights associated with "the rights of nations to choose their own government, economic conditions, including the right to determine the social cooperation amongst nations," as liberties that all Africans were entitled to. It is further deduced that the nations that endorsed the principles stated in the Atlantic Charter, were expected to be sympathetic to the plight of Africans, who were similarly experiencing various forms of discrimination in South Africa.

While this is indeed an appeal to the emotions, it is also a logos appeal, particularly as an "inductive generalization,"[214] which asserts that if all nations are recognised as having the right to self-determination (governance of their choice), including deciding on matters relating to their social and economic advancement, then Africans in South Africa should be afforded the same rights, on basis of the universality of human rights.

Importantly, personal relevance is also established. (Rybacki and Rybacki 17-18) in their book *"Advocacy and Opposition: An introduction to Argumentation,"* assert that "the variable of personal relevance is an important standard which also has an impact on how targeted audiences receive messages. The need to be relevant is hence a critical variable in crafting persuasive messages, which would be both acceptable to an audience. The standard of relevance recognises that audience members will select which messages they will attend to and which they will ignore."

The standard of relevance is hence established in the argument postulated, particularly in relation to outlining the human rights abuses, discriminatory practices and segregation, which were also experienced in other parts of world, where Nazism and Fascism were viewed as instruments of human rights abuses. In this manner, relevance is established to end apartheid just as Nazism and Fascism was ended. The Atlantic Charter form an African's Point of View, hence not only seeks a sympathetic response from an international audience based on the values of equality and human rights. It also seeks to impress the fact that apartheid is another form of Nazism or Fascism.

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[214] Lunsford, A. A. at el (2007) "Chapter One: Everything Is an Argument
https://e6454741060.wordpress.com/reader-responses/rr-1/ (Accessed on 1 October 2021)

There is also an understanding that the issues raised may not be easily accepted and assented to particularly by the South African government at the time, which had clearly demonstrated an unwillingness to reform its policies. Dr Xuma hence proceeds to state the following:

> "As African leaders we are not so foolish as to believe that because we have made these declarations that our government will grant us our claims for the mere asking. We realise that for the African this is only a beginning of a long struggle entailing great sacrifices of them, means and even life itself. To the African people the declaration is a challenge to organise and unite themselves under the mass liberation movement, the African National Congress. The struggle is on right now and it must be persistent and insistent.."[215]

The Atlantic Charter from an African's Point of View clearly postulates the telic and temporal nature of arguments in the struggle for freedom and equality. The declaration also seeks to inform the various constituencies under the African National Congress banner, of the need to commit to engage in a protracted battle as part to realise equality. It is hence also intended to "inform" (Lunsford at el. 9).

In considering the occasions of the arguments presented in the *Atlantic Charter from an African's Point of view*, the continuum of epideictic as the apex branch of rhetoric, which invokes both the judicial and deliberative branches of rhetoric, is also demonstrated. Perelman and Olbrechts-Tyteca's interpretation of the linkages of the mutually engaging nature between the three branches of rhetoric, as stated in the "*New Rhetoric"*, is also demonstrated, more so as reference is made to the judicial matters, which articulate historical experiences. These historical experiences are reflected upon and find expression through the praise and blame posture, lamenting prevailing challenges through of the epideictic branch, leading to a deliberative posture of argumentation, by making emphatic policy proposals for the future. These three branches of rhetoric are hence demonstrated as existing interchangeably in argumentation. (Scott, 2020) in his paper *"Argumentation and the Challenge of Time: Perelman, Temporality, and the future of Argument,"* makes reference to Aristotle's postulations in Book I *"On Rhetoric,"* where he asserts the inherently temporal nature of each of the branches of rhetoric when he states that:

> "Each of the Species of rhetoric has its own "time" for the deliberative speaker, the future (for whether exhorting or dissuading he advises about future events; for the speaker in court, the past (for he always prosecutes or defends concerning what has been done); in epideictic the present is the most important, for all speakers praise and blame in regard to existing qualities, but they also often make use of other things, both reminding (the audience) of the past and projecting the course of the future."[216] Aristotle, (200) 135a, p 48-49)

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[215] Africans' Claims in South Africa
https://www.marxists.org/subject/africa/anc/1943/claims.htm (Accessed on 12 September 2021)

[216] Scott, B. D. (2020) "Argumentation and the Challenge of Time: Perelman, Temporality, and the Future of Argument", *Argumentation*, Vol 34, Issue 1, pg 25 -37
https://scholar.google.com/citations?view_op=view_citation&hl=en&user=52ru3fUAAAAJ&citation_for_view=52ru3fUAAAAJ:9yKSN-GCB0IC (Accessed 10 March 2020)

The temporality of argumentation is hence also affirmed by Aristotle, which brings three critical factors together, in that the past weighs in on the present as a reflective process, shaping our interpretation of the present. It is also observed that the temporality in argumentation, necessitates a continuous reflection of the present, based on past experiences, in order to impact decisions about our future. This process is continuous and rests on both the internal and external structures of temporality, defining the values, traditions and rituals that shape argumentation (which includes remoulding, re-interpretation, contestation and recasting, reimagining of values for applicability to our present and future). Both the "Atlantic Charter from the African's Point of View" and the Freedom Charter, state a composite of opinions, which are justified on the basis of self-determination, equality and human rights, as endorsed by the global world order. These charters refute the claim of the colonial and apartheid system's legitimacy to exercise power, by crafting a new set of values and proposed policies for Africans, which are consistent with global socio-political perspectives and standards.

(Rybacki and Rybacki 45-46), also unpack immediate causes in policy propositions, when they state that "People argue about changing a policy or creating a new one when someone or some group believes a problem exists. In policy argumentation, immediate cause stems from events or observations that suggest a problem exists. You should look for significant, often harm-causing, events and explanations of why these events occurred. Locating immediate cause is particularly important for proving inherency in policy propositions. Inherency arguments identify the cause of a problem. Advocates must identify what causes a problem in order to develop a prima facie policy case, and identifying the immediate cause of a problem often reveals the inherent reasons why a change is necessary.

In his policy argumentation, Dr Xuma states the significant harm causing events and problems that exist, particularly in relation to the violation of human rights, land dispossession and economic exclusion, which allude to an inferior quality of life for Black Africans. The further proceed to propose the appropriate policy interventions, as a remedial response to the problems sighted. To this end, the Freedom Charter represents the continuation of the commitments made by the African National Congress when it adopted the *"Atlantic Charter from an African's Point of View"* when Dr Xuma implored Africans to engage in the mass liberation movement in a sustained process, for the attainment of freedom, democracy and equality.

4.10 Preamble of the Freedom Charter

"We,   The people of South Africa, declare for all our country and the world to know:

And

"that South Africa belongs to all who live in it, black and white, and that no government can justly claim authority unless it is based on the will of the People;

that our people have been robbed of their birthright to land, liberty and peace by a form of government founded on injustice and inequality;

that our country will never be prosperous or free until all our people live in brotherhood, enjoying equal rights and opportunities;

that only a democratic state, based on the will of all the people, can secure to all their birthright without distinction of colour, race, sex or belief;

Therefore we, the People of South Africa, black and white together - equals, countrymen and brothers - adopt this Freedom Charter. And we pledge ourselves to strive together, sparing neither strength nor courage, until the democratic changes here set out have been won."[217]

The preamble of the Freedom Charter begins by presenting a concrete basis for the underpinning pillars of freedom, equality and democracy in South Africa. The Charter effectively introduces key ideological principles of democratic governance, which would define the rights based campaign of freedom, to be undertaken by a united majority.

The Freedom Charter is a battle cry, openly challenging the legitimacy of the apartheid regime, through the composite voice of an oppressed mass of people, represented through the Congress Alliance. it was a call to action, which concretely presented a set of values based on equality, to underpin South African's imminent democratic order.

The Charter hence represents the introductory point for a democratic value system of governance, which is demonstrated through the imperative of soliciting the will of the broader majority for political decision-making.

The Charter, which is postulated as the genesis of South Africa's prevailing transformation policies, signifies a uniform response to the onslaught of oppression and was purposed as an instrument to realize democracy and equality in South Africa.

The arguments presented in the preamble are are inherently deliberative arguments, which postulate policy demands about the future, particularly considering that the South Africa was governed by the separatist ideology of the apartheid regime, as they assert "what will happen in the future"(Lunsford at el. 18-19).

4.11 The People Shall Govern!
"Every man and woman shall have the right to vote for and to stand as a candidate for all bodies which make laws;

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[217] The Freedom Charter of 1955 (Preamble of the Freedom Charter)
http://scnc.ukzn.ac.za/doc/HIST/freedomchart/freedomch.html (Accessed on 2nd March 2021)

All people shall be entitled to take part in the administration of the country;
The rights of the people shall be the same, regardless of race, colour or sex;
All bodies of minority rule, advisory boards, councils and authorities shall be replaced by democratic organs of self-government."[218]

The opening line of the Freedom Charter, (the People Shall Govern!), immediately makes a declaration about the supremacy of the masses to govern. The oppressed and marginalized have now been rhetorically united for the first time, speaking in composite voice. The preamble of the Freedom Charter hence commences by articulating the authority and ethos of a composite people, who had now been rhetorically united by means of the common experiences of oppression they had been facing. The credibility for the statement: *"the people shall govern"* had been structured by the campaign of the volunteers who had traversed the length and breadth of the country, in order to solicit views, to educate the people and to unite them under a common vision. Furthermore, "credibility is also established with an audience by highlighting common values shared between rhetor and audience" (Lunsford at el. 18-19). To this end, credibility is established for the Congress Alliance, due to the multiracial political formations affiliated in the alliance, who were able to demonstrate that legislated oppression, meted out by the apartheid regime, was the common cause of poverty and disadvantage experienced by the oppressed.

Article 1 of the Freedom Charter was hence purposed to demand the restoration of all political rights of the oppressed, whose rights to participate in the political processes of the country had been effectively prohibited by law. This disenfranchisement effectively excluded the disadvantaged from government's decision-making processes, including their participation in matters of national interest. The concluding clauses also introduce principles of non-racialism and non-sexism, which would under South Africa's democratic dispensation, become one of the cornerstones of the country's democracy. The first article of the charter boldly asserts an imperative to adopt a democratic system of governance, which recognizes the will of the People as a critical factor for determining how political decisions are being taken.

It further demonstrates that the Charter was formulated through consensus building and citizen engagement amongst an oppressed and disadvantaged populace, demonstrating that those who were spatially and racially divided, were indeed capable of uniting under a common vision. When juxtaposing these views to the "*Atlantic Charter from the African's Point of View,*" clear synergies are established, positioning the Freedom Charter as a continuation of the Charter adopted by the African National Congress in 1943.

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[218] The Freedom Charter of 1955 (Article 1)
http://scnc.ukzn.ac.za/doc/HIST/freedomchart/freedomch.html (Accessed on 2nd march 2021)

The Atlantic Charter from an African's Point of View also demanded full enfranchisement and equal rights, [219] which are also linked to the principles articulated in Article 1 of the Freedom Charter. The Freedom Charter hence has its foundations in the *"Atlantic Charter from the African's Point of View"*. Furthermore, the commitment by the African National Congress to engage in protracted action for the attainment of freedom and democracy, postulates both charters as deliberative documents, addressing and advocating for a better future not only for Africans, but including all racially marginalized groups in South Africa. The right to choose their own form of government, which emanates from the 1943 charter, is also intrinsically linked to the values expressed in article 1 of the Freedom Charter, which asserts that the majority must rule and the right of the people to govern, as an underpinning principle of governance.

> 4.12 All National Groups Shall Have Equal Rights!
> "There shall be equal status in the bodies of state, in the courts and in the schools for all national groups and races;
> All people shall have equal right to use their own languages, and to develop their own folk culture and customs;
> All national groups shall be protected by law against insults to their race and national pride;
> The preaching and practice of national, race or color discrimination and contempt shall be a punishable crime;
> All apartheid laws and practices shall be set aside."[220]

The concluding assertions made in article two of the Freedom Charter boldly demands the setting aside of all Apartheid Laws and Practices, effectively rejecting apartheid's overall policy regime. Instead, proposals are made for the advancement of Equality and the realisation of freedom from all discriminatory practices as imposed by the apartheid regime, which are postulated to have eroded the rights, culture, identity and status of non-whites in the South Africa. Article 2 of the Freedom Charter also demonstrates Derrida's deconstruction theory, particularly in terms of the binary oppositions asserted in values, policies and ideology, that are articulated in the Freedom Charter, which stand in stark contrast to the apartheid policies and ideological perspectives.

As stated at the beginning of this chapter, (Sikirivwa, 2020) in his paper "*Deconstruction Theory and its Background*"[221] postulates Derrida's deconstruction theory as follows when he states that "it is not enough to expose the way oppositions work and then stop there. We must recognize that there is always within the oppositions a violent hierarchy. One of the two terms controls the other and holds the superior position."[222] Article two of the Freedom Charter demonstrates the violent opposition at play between the Freedom

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[219] African National Congress 1943: Africans' Claims in South Africa
https://www.marxists.org/subject/africa/anc/1943/claims.htm (Accessed on 12 September 2021)
[220] The Freedom Charter of 1955 (Article 2)
http://scnc.ukzn.ac.za/doc/HIST/freedomchart/freedomch.html (Accessed on 2nd March 2021)
[221] Sikirivwa, M. K. (2020) "Deconstruction Theory and its Background"
https://www.ajhssr.com/wp-content/uploads/2020/03/E20444472.pdf (Accessed 2n d September 2021)
[222] What the National Review Gets Wrong About Deconstruction
https://thereader.mitpress.mit.edu/what-the-national-review-gets-wrong-about-deconstruction/ (Accessed 2nd September 2021)

Charter and the Apartheid regime's governance policies. By demanding the imposition of new polices of based on non-racialism, non-sexism and equality into the governance and legislative instruments of the state, article two of the Freedom Charter launches an offensive against the laws that enacted apartheid regime. While the Apartheid regime still enjoyed the upper-hand in terms of hierarchical dominance as these policies were being implemented, the Freedom Charter is aggressively opposing its legitimacy and ethical posture. However, the apartheid regime's policy positions must still be recognised as an important catalyst for the development of the Freedom Charter, as the Freedom Charter defines and asserts itself as the direct opposite to the apartheid regime ideology and policies. The Freedom Charter hence symbolized the commencement of a process to begin to deconstruct legislated oppression, which gave effect to the apartheid ideology and replacing them with a new value system of equality.

In order to draw synergies, it is important to point out that *"The Atlantic Charter from the African's Point of View,"*[223] also reinforces Derrida's deconstructionist process, demanding the government of the day to repeal all discriminatory laws, including the Union's Constitution of 1909, the Land Act of 1913 and as well as its segregation laws. These legal instruments represent key mechanisms that had been used by the colonial and apartheid regime, to reinforce a separatist and discriminatory form of governance.

Importantly, both Charters articulate key policy propositions. While the *"Atlantic Charter from the African's Point of View"* clearly lists the discriminatory pieces of legislation which must be repealed, based on the negative impact on the quality of life of Africans (establishing immediate cause), the Freedom Charter articulates in more detail, the policy propositions to replace the "harmful" and "disadvantageous" laws (Rybacki and Rybacki 89-90).

> 4.13 The People Shall Share In The Country's Wealth!
> "The national wealth of our country, the heritage of all South Africans, shall be restored to the people;
> The mineral wealth beneath the soil, the banks and monopoly industry shall be transferred to the ownership of the people as a whole; All other industry and trade shall be controlled to assist the well-being of the people;
> All people shall have equal rights to trade where they choose, to manufacture and to enter all trades, crafts and professions."[224]

Bearing in mind that the Freedom Charter is a composite set of demands that were amalgamated based on the submissions of the poor and marginalized, this article at its core addresses issues relating to economic status and the quality of life of all the dejected and racially marginalized people in South Africa. This is an emotive issue and is postulated as an appeal to the emotions of the poor and marginalized, who due to the

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[223] African National Congress 1943: Africans' Claims in South Africa
https://www.marxists.org/subject/africa/anc/1943/claims.htm (Accessed on 12 September 2021)
[224] The Freedom Charter of 1955 (article 3)
http://scnc.ukzn.ac.za/doc/HIST/freedomchart/freedomch.html (Accessed on 2nd March 2021

apartheid regime's legislated restrictions, had no access to the natural resources of the land and were prevented from participating in economic activities. From the key messages postulated in Article 3 of the Freedom Charter, it can be deduced that the lived experiences of the vast majority of South Africans, experienced economic exclusion, based on racial classification, as a means to entrench white supremacy.

The Atlantic Charter from the African's Point of View," also postulated concerns with regards to the restrictions in the issuing of trading licenses to Africans, which effectively marginalized and restricted Africans to only doing business in certain areas. [225] This is also about advancing the imperative for equal access to economic opportunities. Prevailing structural constraints in South Africa's economy, still continue define social and economic disparities, particularly in relation to spatial limitations of doing business, including deeply entrenched monopolies and oligopolies.

4.14 The Land Shall Be Shared Among Those Who Work It!
"Restrictions of land ownership on a racial basis shall be ended, and all the land divided amongst those who work it, to banish famine and land hunger;
The state shall help the peasants with implements, seed, tractors and dams to save the soil and assist the tillers;
Freedom of movement shall be guaranteed to all who work on the land;
All shall have the right to occupy land wherever they choose;
People shall not be robbed of their cattle, and forced labor and farm prisons shall be abolished"[226]

Article 4 of the Charter responds to the impact of "the Natives Land Act, 1913 (subsequently renamed Bantu Land Act.) It is frequently described as the original and definitional legislation in establishing the apparatus of segregation and apartheid." This was an Act of the Parliament of South Africa that was aimed at regulating the acquisition of land."[227] "The Act created a system of land tenure that deprived most South Africans of the right to own land. That had major socio-economic repercussions."[228] It also makes reference to the Group areas act, which severely restricted the movement of the millions of oppressed. This article makes demands for reform, particularly with regards to the unequal distribution of land ownership, which effectively transferred ownership of the vast majority of land to the white minority.

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[225] African National Congress 1943: Africans' Claims in South Africa
https://www.marxists.org/subject/africa/anc/1943/claims.htm (Accessed on 12 September 2021)
[226] The Freedom Charter of 1955 (Article 4)
http://scnc.ukzn.ac.za/doc/HIST/freedomchart/freedomch.html (Accessed on 2nd March 2021)
The Freedom Charter - Facing History and Ourselves
https://www.facinghistory.org/confronting-apartheid/chapter-2/freedom-charter (Accessed 2nd March 2021)
[227] Natives Land Act, 1913
http://www.whiteswritingwhiteness.ed.ac.uk/traces/land-act/ (accessed 2nd March 2021)
[228] South African History: Natives' Land Act of 1913 - Blogger. https://historysouthafrica.blogspot.com/2011/04/natives-land-act-of-1913.html (Accessed 2nd March 2021)

"The Atlantic Charter from an African's Perspective,"[229] also makes reference to the land question in South Africa, which still remains as a contentious issue in democratic South Africa, particularly due to the fact that racial patterns of land ownership still persist. The Charter pointed out *"discrepancies in land ownership, hiring, leasing of land, which excessively restricted access to land by non-whites."*[230] Both charters echo the importance of land re-distribution and equality in terms of land ownership, as an important matter for prioritization, which can only be achieved if the laws on land ownership are repealed, making way for laws that advance equality in land ownership. This can also be viewed as a deliberative text, which seeks to address matters relating to landownership, by framing a solution for the future.

> 4.15 All Shall Be Equal Before The Law!
> "No one shall be imprisoned, deported or restricted without a fair trial;
> No one shall be condemned by the order of any Government official;
> The courts shall be representative of all the people;
> Imprisonment shall be only for serious crimes against the people, and shall aim at re-education, not vengeance;
> The police force and army shall be open to all on an equal basis and shall be the helpers and protectors of the people;
> All laws which discriminate on grounds of race, colour or belief shall be repealed"[231]

The laws that were promulgated during the apartheid era, empowered the state to utelise all measures at its disposal, in order to enforce its discriminatory laws. These measures were inherently repressive, discriminatory and violent in nature, to enforce its policies. By appealing to their emotions, the oppressed are portrayed as victims of an unjust system, who were using unjust laws as instruments of oppression. Words such as "restricted without fair trial" "condemned" as well as "the police force shall be helpers" and "protectors" of the people, further postulates victimization by the apartheid government police force.

While the Freedom Charter demands that the police force be used to "help" and to "protect" the people, the Atlantic Charter from the African's Point of View, correspondingly speaks against the use of force by the police.[232] The concept of victimhood is also demonstrated, particularly through words such as: *"we" "deplore"* the fact that *"force,"* "is frequently resorted to" as "*a method of suppressing the legitimate ventilation of grievances by the oppressed,"* "the *unarmed"* and "*the disarmed"* sections of the population."[233] These words reinforce through the use of targeted language use, the impact of suppression

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[229] African National Congress 1943: Africans' Claims in South Africa
https://www.marxists.org/subject/africa/anc/1943/claims.htm (Accessed on 12 September 2021)
[230] African National Congress 1943: Africans' Claims in South Africa
https://www.marxists.org/subject/africa/anc/1943/claims.htm (Accessed on 12 September 2021)
[231] The Freedom Charter of 1955 (Article 4)
http://scnc.ukzn.ac.za/doc/HIST/freedomchart/freedomch.html (Accessed on 2nd March 2021)
THE FREEDOM CHARTER.
https://newnation.org.za/wp-content/uploads/2019/04/The-Freedom-Charter.pdf (Accessed 2nd March 2021)
[232] African National Congress 1943: Africans' Claims in South Africa
https://www.marxists.org/subject/africa/anc/1943/claims.htm (Accessed on 12 September 2021)
[233] African Claims in South Africa by Dr Xuma, ANC Conference https://www.sahistory.org.za/archive/african-claims-south-africa-dr-xuma-anc-conference-1943 (Accessed 2nd March 2021)

on the broader masses. (Szilagyi, 2017) in her paper *"The Power of Language in Culture, Society and Politics" states that* "in the rhetoric of victimhood, personal pronouns such "*they*" and "*them*" and the possessive form: "*their*" are widely used to present particular groups or communities as hostile or alien. In such cases, these typically appear as opposed to pronouns and possessive forms that represent the community ("*they*" and "*them*" versus "*you*", "*we*", "*us*" and "*their*" versus "*your*" and "*our*")." [234]

Therefore, words such as "we deplore" "we demand" are used throughout both charters, to create a posture of victimhood for the oppressed, while postulating the victimizer as the oppressor. The African National Congress is postulated as the "hero," the "rescuer" and "liberator" from the "villainous." Apartheid regime. Szlagyi also puts forth three words which may come in messages of victimhood, which include: "heroism", "toughness", and "authority."[235] The posture of heroism, toughness and authority is demonstrated by the African National Congress, particularly when offering a message of hope and freedom, challenging the authority and legitimacy of the apartheid government, which did not hesitate to use brute force, as a means to suppress dissidence and free speech in order to enforce its policies. This also demonstrates the maintained "authority" of the African National Congress, as the "saviour" of the people, articulating the will of the people.

4.16 All Shall Enjoy Equal Human Rights!

"The law shall guarantee to all their right to speak, to organize, to meet together, to publish, to preach, to worship and to educate their children;
The privacy of the house from police raids shall be protected by law;
All shall be free to travel without restriction from countryside to town, from province to province, and from South Africa abroad;
Pass Laws, permits and all other laws restricting these freedoms shall be abolished."[236]

"The movement of non-whites was also severely restricted and enforced through the pass law system."[237] Article 6 of the Freedom Charter also defends freedom of speech as an integral and indivisible human right for all, including freedom of association, freedom of speech in the church and the rights to publish such ideas.

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[234]Anna Szilagyi, (2017) "The Power of Language in Culture, Society and Politics" https://www.talkdecoded.com/blog/2017/1/24/a-rhetoric-of-victimhood (Accessed 10th September 2021)
[235]Anna Szilagyi, (2017) "The Power of Language in Culture, Society and Politics" https://www.talkdecoded.com/blog/2017/1/24/a-rhetoric-of-victimhood (Accessed 10th September 2021)
[236] The Freedom Charter of 1955 (Article 6) http://scnc.ukzn.ac.za/doc/HIST/freedomchart/freedomch.html (Accessed on 2nd March 2021)
[237] South Africa After Apartheid: from township to town, https://placesjournal.org/article/south-africa-from-township-to-town/?gclid=EAIaIQobChMIh5z2-6rH6AIVDFPTCh0iHA9yEAAYASAAEgIhkvD_BwE&cn-reloaded=1 (Accessed on 2nd March 2021)

(Haase, 2007) in her paper *"The Liberty of Every Man's Invention: The Rhetoric of Freedom of Speech"* asserts that "the connection between knowledge, reason and the ability to speak for one self was developed in the Enlightenment. "The Age of Enlightenment"[238] refers to the atmosphere the 18th century in Europe Philosophy, or the longer period including the 17th century including the age of Reason. In the historical intellectual movement, the Enlightenment advocated Reason as a means to establishing an authoritative system of aesthetics, ethics and logic, which was supposed to allow human beings to obtain objective truth about the universe."[239] Similarly, the Freedom Charter and the Atlantic Charter from the African's Point of View, critically assert the imperatives of free speech, which is an instrument through which reason, ethics and logic are expressed. Free Speech is the ability to question, to engage in arguments, to explore arguments and to express opinions, whether right or wrong, in the pursuit of objective truth. It is the mechanism through which language finds expression. It gives meaning to language and human interaction. Thus the Freedom Charter and the Atlantic Charter from the Africans Point of View, can also be viewed as manuscripts signifying an age of Enlightenment and Reason in South Africa in particular, more so as Africans began to question, through reason, the disparities in living conditions and the validity and basis of the restrictions that curtailed their basic human rights and kept them confined to an inferior quality of life.

4.17 There Shall Be Work And Security!

"All who work shall be free to form trade unions, to elect their officers and to make wage agreements with their employers;

The state shall recognise the right and duty of all to work, and to draw full unemployment benefits;

Men and women of all races shall receive equal pay for equal work;

There shall be a forty-hour working week, a national minimum wage, paid annual leave, and sick leave for all workers, and maternity leave on full pay for all working mothers;

Miners, domestic workers, farm workers and civil servants shall have the same rights as all others who work;

Child labour, compound labour, the tot system and contract labour shall be abolished."[240]

"On the labor front the Mines and Workers Act, or Color Bar Act, of 1911 was introduced. This law enabled the reservation and allocation of jobs on the basis of race. Under this law, non-white workers could not get any skilled employment."[241] These discriminatory labor law practices by the government of the day hence confined the oppressed masses to unskilled labor, while the privileged enjoyed preferential treatment in terms of job placement.

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[238] Age of Enlightenment - McGill University
https://www.cs.mcgill.ca/~rwest/wikispeedia/wpcd/wp/a/Age_of_Enlightenment.htm (Accessed 10th September)
[239] Haase, F. A. (2007), "The Liberty of Every Man's Invention: Rhetoric and Freedom of Speech"
http://serbal.pntic.mec.es/~cmunoz11/fee50.pdf (Accessed on 10th September 2021)
[240] The Freedom Charter of 1955 (Article 7)
http://scnc.ukzn.ac.za/doc/HIST/freedomchart/freedomch.html (Accessed on 2nd March 2021)
[241] 1924 – 1948: Legislation and Segregation
https://www.sahistory.org.za/article/indian-south-africans-1924-1948-legislation-and-segregation (Accessed on 2nd March 2021)

On the other hand, "*the Atlantic Charter from the African's Perspective*", in relation to the economic advancement and participation of Africans in the labor market demanded the following:

> *"equal opportunity to engage in any occupation, trade or industry, further stating that in order for this objective to be realised to the fullest extent, facilities must be provided for technical and university education of Africans, so as to enable them to enter skilled, semi-skilled occupations, professions, serve in governance and other spheres of employment."[242]*

According to (Rybacki and Rybacki 62-63), "policy propositions seek a change in behaviour. They suggest that something should be done. They demand for action to be taken. The word "should" requires the advocate to indicate the specific change supported and to prove that it is necessary, desirable and viable." Firstly, the excerpt postulates the necessity to bring about equality in terms of labour laws and access to decent employment opportunities. It further suggests that discriminatory labour law practices are prevalent in the labour market, including various other industries, excluding particularly African workers, on whose behalf the policy proposals are being made. The text clearly outlines what action should be taken to address the challenges highlighted. Policy proposals are supported through words such as: "must," "shall" and "should," which are used to outline the specific changes pursued. The *"Atlantic Charter from an African's Perspective"* centrally addresses the key tenet of inequality in the labour market, while introducing the centrality of equality in how the state enforces labour laws. Through the use of phrases such as: "equal opportunity," "equal pay for equal work" "statutory recognition of the right to collective bargaining," "Insurance for African labourers," these phrases postulate the discriminatory practices and laws pervading the labour market and economic sectors, which places African labourers at a disadvantage. Further demands in African Claims also clarify the following about equality in terms of the labour laws of the country:

> "We shall understand, 'improved labour standards,' economic advancement' and 'social security' as referred to in this article to mean the following:- (a) the removal of the Colour Bar; (b) training in skilled occupations; remuneration according to skill; (d) a living wage and all other workers' benefits; (e) proper and adequate housing for all races and colours."[243]

These demands must be viewed as standing in unity with the demands and postulations of the Freedom Charter, which clearly articulate specific areas where policy intervention is required for purposes of bringing about equality.

4.18 The Doors Of Learning And Of Culture Shall Be Opened!
"The government shall discover, develop and encourage national talent for the enhancement of our cultural life;
All the cultural treasures of mankind shall be open to all, by free exchange of books, ideas and contact with other

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[242] African National Congress 1943: Africans' Claims in South Africa
https://www.marxists.org/subject/africa/anc/1943/claims.htm (Accessed on 12 September 2021)
A celebration of 70 years of "African Claims"
https://www.politicsweb.co.za/documents/a-celebration-of-70-years-of-african-claims--anc (Accessed 12 September 2021)
[243] African National Congress 1943: Africans' Claims in South Africa
https://www.marxists.org/subject/africa/anc/1943/claims.htm (Accessed on 12 September 2021)

lands;
The aim of education shall be to teach the youth to love their people and their culture, to honor human brotherhood, liberty and peace;
Education shall be free, compulsory, universal and equal for all children;
Higher education and technical training shall be opened to all by means of state allowances and scholarships awarded on the basis of merit;
Adult illiteracy shall be ended by a mass state education plan;
Teachers shall have all the rights of other citizens;
The colour bar in cultural life, in sport and in education shall be abolished."[244]

"The Minister of Native Affairs at the time, the "Architect of Apartheid" Hendrik Verwoerd,"[245] is said to once have stated that:

"There is no place for [the Bantu] in the European community above the level of certain forms of labour . What is the use of teaching the Bantu child mathematics when it cannot use it in practice?"[246]

To this end, the Bantu Education Act can also be viewed as having initiated a clash in values. According to (Rybacki and Rybacki 41-42) "a value clash also takes place when it has to be decided which is more important. The clash of values may come from cultures in conflict too." What is demonstrated in this context, is the conflict between legislated and enforced values of separatism/apartheid, which stand in direct contrast to an emerging value system of equality in education, freedom of though and expression.

These opposing value systems, stand polarized to each other, hence indicating a clash of values between the apartheid and Freedom Charter perspectives. (Rybacki and Rybacki 215-216) further assert that "a value system can only change if new information is introduced and secondly through political and ideological change." The Freedom Charter and the Atlantic Charter from an African's Point of View, both introduce new and contrasting ideas to colonial and apartheid policies, while postulating a new ideology and a new way of thinking, based on democracy and equality. Both charters advocate for equality in the education system.

"Furthermore, the **Bantu Education Act, 1953** (Act No. 47 of 1953; later renamed the **Black Education Act, 1953**) legalized several aspects of the apartheid system. Its major provision was enforcing racially separated educational facilities."[247]

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[244] The Freedom Charter of 1955 (Article 8)
http://scnc.ukzn.ac.za/doc/HIST/freedomchart/freedomch.html (Accessed on 2nd March 2021)
[245] Bantu Education Act, 1953 - Weebly.
http://paballovusi.weebly.com/uploads/3/8/6/1/38618689/bantu_education_act.pdf (Accessed 2nd March 2021)
[246] South African Apartheid Quotes About Bantu Education.
https://www.thoughtco.com/apartheid-quotes-bantu-education-43436 (Accessed 2nd March 2021)
[247] Bantu Education Act, 1953
https://en.wikipedia.org/wiki/Bantu_Education_Act,_1953 (Accessed on 2nd March 2021)

Article 8 of the Freedom Charter speaks directly to the legislation that legitimized a disparate and inferior system of education, which was also the mechanism used to enforce an inferior quality of life amongst non-whites, keeping them out of skilled, decent and better paying employment.

Similarly, matters relating to access a better quality education for Africans, were also advanced in the *Atlantic Charter from the African's Perspective*, which demanded the following: "*the state must provide full facilities for all types of education for African children and that the education of the African must be financed from General Revenue on a per capita basis.*"[248] Some of the key principles in the Freedom Charter and the *Atlantic Charter from the African's Point of View*, include issues relating free, universal and equal access to education. Words such as "*we demand*" and "*the state must*," are central features of this text, which can be associated to a resolute determination, advancing the necessity for action to be taken to rectify, in the form of policy proposals, the prevailing inequalities in terms of access education. To shed further clarity about the quality of education for non-whites under the apartheid regime, (Levy, 2012) in his book *"The Final Prize - My Life in the Anti-Apartheid Struggle"* asserted the following about the Congress Alliance's resistance against Bantu Education:

> "The policies of Group Areas and Bantu Education, supported by the core of legislation that regulated the labour market and managed industrial relations, formed the kernel of the apartheid system. Despite the obnoxious character of all this legislation, the Bantu Education Act was the measure that provoked the most prolonged resistance during the apartheid era. While the new laws restricting movement, residence and work were strenuously opposed by the Congress Alliance there was none so inherently disempowering as the Bantu Education Act. What made it especially offensive was its essential idea that future generations of Africans were to understand that they were unequal, inferior and different."[249]

"The Bantu education policies of the apartheid regime,"[250] hence represented an instrument of long-term, cyclical and generational oppression, which was purposed for impeding the ability of Africans to acquire the necessary skills to enable access a better quality of life. This was further exacerbated by segregation and pass laws at the time. But importantly, the legislated restrictions to quality education, can also be seen as a mechanism to regulate the labour market in favor of the white minority. The resistance against the Bantu Education Act, is reinforced due to a recognition of this act as a core component of the apartheid regime's block of apartheid laws. This again points back to (Haase, 2007) perspectives in her paper *"The Liberty of Every Man's Invention: The Rhetoric of Freedom Speech"* where she asserts that "the connection between knowledge, reason and the ability to speak for oneself was developed in the Enlightenment age, as a historical intellectual movement, which advocated for Reason as a means to establishing an

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[248] African National Congress 1943: Africans' Claims in South Africa
https://www.marxists.org/subject/africa/anc/1943/claims.htm (Accessed on 12 September 2021)
[249] Levy, N. "The Final Prize" Chapter Eleven - "Bantu Education or the Street"
https://www.sahistory.org.za/article/bantu-education-or-street-norman-levy (Accessed on 1st September 2021)
[250] South Africa: Ernest Cole's Unseen Photographs - allAfrica.com.
https://allafrica.com/stories/202008210926.html (Accessed 12 September 2021)

authoritative system of aesthetics, ethics and logic, which was supposed to allow human beings to obtain objective truth about the universe."[251] Knowledge, ethics and logic create critical platforms of engagement, which cannot exist without enlightenment and importantly, education. The Congress Alliance hence asserts the importance of access to quality education, so as to enable adequate participation in the affairs of the country by the relegated masses. Furthermore, by postulating democracy as an alternative ideological construct to replace the apartheid ideology and value system, democracy necessarily demands an enlightened populace, in order to engage meaningfully and effectively and share ideas towards a better quality of life.

(Haase, 2007) also further asserts that "in the 20th century, the concept of democracy was understood to involve the meaning of a political system that people can participate in with their own views, without any form of suppression from the government for expressing their views or for organizing with like-minded people." [252] At the heart of it is also freedom of speech, freedom of thought and the ability to analyse and synthesize ideas for the common good of human life. The education system is hence recognised as a critical enabler of freedom of expression and freedom of speech, which can be exercised without fear of the governing regime, which requires intellectual comprehension and informed engagement.

4.19 There Shall Be Houses, Security And Comfort!
"All people shall have the right to live where they choose, to be decently housed, and to bring up their families in comfort and security;
Unused housing space to be made available to the people;
Rent and prices shall be lowered, food plentiful and no one shall go hungry;
A preventive health scheme shall be run by the state;
Free medical care and hospitalisation shall be provided for all, with special care for mothers and young children;
Slums shall be demolished, and new suburbs built where all have transport, roads, lighting, playing fields,
creches and social centres;
The aged, the orphans, the disabled and the sick shall be cared for by the state;
Rest, leisure and recreation shall be the right of all;
Fenced locations and ghettoes shall be abolished, and laws which break up families shall be repealed."[253]

"As actualized by the Group Areas Act, leisure activities were strictly regulated: the only legal beer halls were in government buildings, and dirt lots which served as soccer fields. Schools were poorly maintained barrack-like structures, with barred windows and second hand desks."[254] There were no cultural facilities, though churches did provide places of community and belonging. There were also no "public spaces."

[251] Haase, F. A. (2007), "The Liberty of Every Man's Invention: Rhetoric and Freedom of Speech"
http://serbal.pntic.mec.es/~cmunoz11/fee50.pdf (Accessed on 10th September 2021)
[252] Ibid

[253] The Freedom Charter of 1955 (Article 9)
http://scnc.ukzn.ac.za/doc/HIST/freedomchart/freedomch.html (Accessed on 2nd March 2021)
[254] Research - Shanty Towns and Townships | Summer Brief 2012
https://a-cooper1114-ahistoryof.blogspot.com/2012/09/research-shanty-towns-and-townships.html (Accessed 2nd March 2021)

While there was a great deal of unoccupied land in most townships, it had no civic, social or cultural role. It truly was a "no-man's land," with no owner, no rules, no maintenance."[255]

The lack of adequate space allocation exacerbated living conditions in squalor and dejected spaces. Inequality was bred under conditions as expressed in article 9 of the Freedom Charter, where the oppressed were confined to limited, dejected spaces, which became ghettoized as a result of abject poverty. This article also appeals to the emotions of the Freedom Charter constituencies and establishes common ground, through words such as "for all" and based on the common lived experiences of non-whites. This article also directly addresses the impact of the group areas act, which confined people along racial lines to specific localities. Words such as "slums" vs "suburbs" are used to expresses disparity, including words such as "fenced locations" and "ghettoes" which immediately reinforces perceptions in disparities and conditions of squalor under which non-whites lived.

4.20 There Shall Be Peace And Friendship!
"South Africa shall be a fully independent state, which respects the rights and sovereignty of all nations;
South Africa shall strive to maintain world peace and the settlement of all international disputes by negotiation-not war;
Peace and friendship amongst all our people shall be secured by upholding the equal rights, opportunities and status of all;
The people of the protectorates-Basutoland, Bechuanaland and Swaziland-shall be free to decide for themselves their own future;
The right of all the peoples of Africa to independence and self-government shall be recognized and shall be the basis of close co-operation."[256]

This article asserts the importance of coexisting as part of a global community, while nurturing friendships through diplomacy underpinned by values of equality, human rights and human dignity.

4.21 The Genesis of South Africa's Democratic Policies
The making of the Freedom Charter, can be viewed as the assimilation of a transcendental value system, emerging from a rhetorical situation that was shaped by social, economic and political inequalities and the severe oppression of non-whites. The argument of the freedom Charter is chiefly concerned with challenging the political ideology on which apartheid's discriminatory governance was based. Beyond challenging the legitimacy of this oppressive system, the Freedom Charter argument sought to positively transform the living conditions of millions of South Africans, whose quality of life was severely restricted, confining them to a cyclical and generational system of poverty and exclusion.

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[255] https://placesjournal.org/article/south-africa-from-township-to-town/?gclid=EAIaIQobChMIh5z2-6rH6AIVDFPTCh0iHA9yEAAYASAAEgIhkvD_BwE&cn-reloaded=1 (Accessed on 2nd March 2021)
[256] The Freedom Charter of 1955 (Article 10)
http://scnc.ukzn.ac.za/doc/HIST/freedomchart/freedomch.html (Accessed on 2nd March 2021)

At its core, the Freedom Charter represents the genesis of South Africa's currently endorsed development policy posture. The values contained in the Freedom Charter hence permeate both the current development policy narrative of the NDP, as well as the constitution, which form the overarching development policy nexus, determining government's current development and transformation agenda.

While the Charter compositely represents a policy position centred on democracy and equality, it was the intention of the oppressed masses to communicate their demands in an unambiguous manner, while reiterating the intention to challenge and defy an oppressive government, in order to attain a better quality of life.

(Scott, 2020) alludes to "the centrality of adherence", when he stated that adherence always goes beyond the present moment. He further articulates that adherence cannot be understood independently of its past and future."[257] Hence, in order to give full effect to the demands contained in the Freedom Charter, it is postulated that these demands unfolded as a narrative of past experiences, which impacted South Africa's unfolding development trajectory. Furthermore, in order to bring about effective transformation, sustained adherence would be necessary, in order to give full effect to the all-encompassing spectrum of demands contained in the Freedom Charter.

Throughout the Charter, the central claim that dominates each article is the postulation that the discriminatory apartheid laws had been harmful, discriminatory, exclusionary and oppressive to the broader majority of the oppressed masses. The experiences of the oppressed serve as proofs regarding the negative impact of apartheid laws. The charter also postulates clear policy proposals about the changes that should be considered for rectification, thereby giving the liberation trajectory a clear roadmap towards realising the true freedom and true equality.

"Logos arguments are based on facts, evidence, testimonies, interviews and reason" (Lunsford at el. 40). To this end, the Freedom Charter also uses arguments based on testimonies, interviews and reason. The Freedom Charter was crafted through a widespread public participation process, enabling the constituencies of the Congress Alliance to make their "freedom demands" for inclusion in the charter. The structure of the Charter moves between making clear demands in each article and supporting these demands by outlining how the apartheid ideology has divided, oppressed masses of non-whites. The charter further postulates

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[257] Scott, B. D. (2020) "Argumentation and the Challenge of Time: Perelman, Temporality, and the Future of Argument", *Argumentation*, Vol 34, Issue 1, pg 25 -37
https://scholar.google.com/citations?view_op=view_citation&hl=en&user=52ru3fUAAAAJ&citation_for_view=52ru3fUAAAAJ:9yKSN-GCB0IC (Accessed 10 March 2020)

how the apartheid regime has socially, economically and politically excluded millions of people. This is an appeal to reason (Logos). The facts presented emanated from the experiences of the masses of oppressed, including conditions of squalor and poverty which are used as evidence. These facts and evidence could not be refuted, as they were the lived reality of millions in the country.

4.22 The Freedom Charter as a Common Place

"In classical rhetoric, a commonplace is a statement or bit of knowledge that is commonly shared by members of an audience or a community. A *commonplace* is also an elementary rhetorical exercise, one of the progymnasmata. In invention, the word commonplace is another term for a common topic. Also known as *tópos koinós* (in Greek) and *locus communis* (in Latin)."[258] The Freedom Charter represents an important common place for the constituencies of the Congress Alliance, as it enabled a multiracial mass of people to unite around a common cause, in pursuit of freedom and democracy. This important common place in this context, was defined by the experience of institutionalized and legislated oppression, which not only relegated millions to the fringes of society, summarily curtailing their rights to access a better quality of life. Restricted movement, confined non-white communities to Bantustans, while crafting an inferior education system, which was intended to deny them any access to the functional economic industries in the country. It also confined them to a life of poverty, unequal access to employment opportunities, exposing them to an unrelenting host of interrelated social and economic challenges. This common experience of deprivation, created a conducive environment for the agenda of freedom, democracy and equality to be endorsed by the multi-racial constituencies of the Congress Alliance and hence the common place shared by a multi-racial group mass of people, who by law were not allowed to gather or share ideas.

This unity of purpose created an emotional connection amongst the oppressed and a collective sense of ownership and endorsement of the Freedom Charter. This weaponized emotional appeal, was also employed as a medium to engage the apartheid government, for purposes of advocacy, in order to agitate for transformation. By targeting specific pieces of legislation enacted by the apartheid regime, argues against very specific policy and legislative outcomes, by using as proofs, the negative impact of the apartheid laws on the lives of millions of South Africans. The charter hence also serves as an argument presenting policy proposals, decisively arguing for a complete regime change and a complete ideological shift. the charter

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[258] What Is Rhetoric and Commonplace in English Grammar?, R Nordquist, September 11 2019 https://www.thoughtco.com/what-is-commonplace-rhetoric-1689874#:~:text=A%20commonplace%20is%20an%20elementary%20rhetorical%20exercise%2C%20one,Etymology%3A%20From%20the%20Latin%2C%20%22generally%20applicable%20literary%20passage%22 (Accessed 20th October 2021)

introduced a new ideology based on democratic principles and values, so as to replace the apartheid ideology.

4.23 Policy Advocacy in the Freedom Charter

(Rybacki and Rybacki 215-217) in their book "*Advocacy and Opposition: an introduction to argumentation"* also assert that "the opponent in the policy advocate attempts to demonstrate that good and sufficient reasons exist to consider the proposed policy as unacceptable when they advocate for a change in policy. Furthermore, the advocate must develop arguments in support of three stock issues. The argument must also be able to demonstrate if there is a reason to change in the manner suggested by the policy proposition by indicating, the *"nature of disparity", "how extensive is the disparity*", "*does the disparity cause harm" and "is the disparity inherent in the present nature of things*."[259] These important variables are also extensively covered in the Freedom Charter, by communicating the nature of disparity in quality of life and human rights, by demonstrating how extensive the disparity is based on socio-economic inequality and its harmfulness to the oppressed and importantly that the disparity is inherent in the lived realities of the oppressed and marginalised. The reasons for a change in values, policies and ideology is articulated in the demands for better social, economic conditions, as well as the demands for freedom of speech and association. The extent of disparity is demonstrated in the Article 2 of the Freedom Charter, which postulates the values and principles of equality for all South Africans, regardless of their race. The extent of disparity is also alluded to in the wording of the Freedom Charter, which suggests that equality cannot be demanded unless discrimination and prejudice is experienced. Importantly, both Charters dealt with in this body of work articulate key policy propositions. While the "*Atlantic Charter from the African's Point of View*" clearly lists the discriminatory pieces of legislation that must be repealed, based on the negative impact on the quality of life of Africans (establishing immediate cause), the Freedom Charter articulates in more detail, the policy propositions to replace the "harmful" and "disadvantageous" laws (Rybacki and Rybacki 89-90). Indeed the harmful nature of apartheid policies and laws are also articulated in the Atlantic Charter from the African's Point of View when it demands "the *abolition of all enactments which discriminate against the African on grounds of race and colour."[260]* It further asserts: *"We protest strongly against discourteous harsh and inconsiderate treatment meted out to Africans by officials in all*

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[259] Rybacki, K C. & Rybacki D. J. (2004). "Advocacy and Opposition: an introduction to argumentation" Boston, MA: Allyn and Bacon
https://books.google.co.za/books/about/Advocacy_and_Opposition.html?id=xF5SOl_5Ns4C&redir_esc=y (Accessed 19th March 2021)

[260] African's Claims in South Africa - Marxists.
https://www.marxists.org/subject/africa/anc/1943/claims.htm (Accessed 19th March 2021)

state and other public offices and institutions", which demonstrates both the harm and that this harm is inherent in the prevailing situation."[261]

Furthermore, Dr Xuma, the President General of the African National Congress at the time, stated the following in the introductory remarks of the "Atlantic Charter from the African's Perspective" *"In South Africa, Africans have no freedom of movement, no freedom of choice of employment, no right of choice of residence and no right of freedom to purchase land or fixed property from anyone and anywhere. Under the guise of segregation, they are subjected to serious educational, political and economic disabilities and discriminations which are the chief causes of their apparent slow progress."* [262] This aptly demonstrates harm as experienced by Africans in South Africa, the extent of which was experienced across various key aspects of life. These postulations by Dr Xuma, point out all limitations (social, economic and political), as imposed by the apartheid regime policies, which warranted policy changes.

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[261] Africans Claims in South Africa
   African National Congress 1943: Africans' Claims in South Africa
https://www.marxists.org/subject/africa/anc/1943/claims.htm (Accessed on 12 September 2021)

[262] Africans' Claims in South Africa

"In December 1942, the conference of the African National Congress requested its President, Dr. A.B. Xuma, to appoint a committee to study the Atlantic Charter and draft a bill of rights to be presented to the peace conference at the end of the war. (The Atlantic Charter had been proclaimed on August 14, 1991, by President Franklin D. Roosevelt of the United States and Prime Minister Winston Churchill of Great Britain, as a statement of the peace aims of the Allies.)
Accordingly, an Atlantic Charter Committee - consisting of prominent African professionals and intellectuals of varied political views - met on December 13 and 14, 1943, in Bloemfontein. Professor Z.K. Matthews was elected Chairman.The report of this Committee - "Africans' Claims in South Africa" - was unanimously adopted by the ANC annual conference on 16 December 1943.
This statement of the aspirations of the African people was one of the most important documents of the ANC. It was, however, spurned by the racist regime. Dr. Xuma requested an interview with Prime Minister Smuts to discuss it, but received a reply that Smuts was "not prepared to discuss proposals which are wildly impracticable".
   African National Congress 1943: Africans' Claims in South Africa
https://www.marxists.org/subject/africa/anc/1943/claims.htm (Accessed on 12 September 2021)

5. Chapter Five
5.1 The Freedom Charter and the Black Consciousness Movement

This chapter unpacks the influences of the Black Consciousness Movement(BCM), as an overlay to the Freedom Charter. This chapter will explore the following thematic areas around the BCM and the Freedom Charter: The Freedom Chatter and the BCM; the BCM as an instrument of Enlightenment; the BCM Process of Invention; BCM appeals, addressing apartheid induced fear and intimidation; the BCM and the social nature of Invention; the BCM and Perelman's Community of Minds in Argumentation; BCM Rhetoric and Kenneth Burke's influence of Attitude and Action; BCM appeal to traditions; External temporality-history and political culture; Internal Temporality. This chapter also asserts the Reconstruction and Development Programme (RDP) as an important stratum in South Africa's temporal policy trajectory, focussing on memory and the temporal nature between the Freedom Charter and the RDP; including traceable correlations between the Freedom Charter policy proposals and the RDP; and importantly, the RDP, which is postulated as the manifestation of Derrida's deconstruction theory.

The Freedom Charter represented a turning point in history, as necessitated by the exigence of being pressed to agitate, to speak or write, during a socially, economically and politically turbulent time in South Africa, as defined by the apartheid era. The Freedom Charter proceeded to postulate a composite set of arguments, which were not necessarily expected to materialize in the immediate future, but rather represented the beginning of a sustained trajectory of struggle, towards the attainment of freedom and democracy in South Africa.

The Freedom Charter, which was also preceded by the "*Atlantic Charter from an African's Point of View*," both signified the commencement of sustained struggle, sustained advocacy and opposition to the policies and values of an oppressive regime. Indeed, the Freedom Charter encapsulated all three branches of rhetoric, while positioning epideictic rhetoric as the apex branch of rhetoric, activating both the judicial rhetoric (reflections about the past) and deliberative rhetoric (reflections about the future). This telic nature of arguments, which postures argumentation as constantly moving towards the realization of a goal (the implementation of policy priorities of the Freedom Charter), underscores the temporality of argumentation in relation to the continuum of arguments contained in the Freedom Charter. "This ever present call to an unfolding action, is precisely what defines the enduring and temporal nature of arguments in the Freedom Charter." [263] This is precisely what defines the unfolding continuum of adherence and temporality, which

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[263] Scott, B. D. (2020) "Argumentation and the Challenge of Time: Perelman, Temporality, and the Future of Argument", *Argumentation*, Vol 34, Issue 1, pg 25 -37
https://scholar.google.com/citations?view_op=view_citation&hl=en&user=52ru3fUAAAAJ&citation_for_view=52ru3fUAAAAJ:9yKSN-GCB0IC (Accessed 10 March 2020)

speaks to arguments about equality and freedom, which emanate from the Atlantic Charter from an African's Point of View of 1943, morphing into the Freedom Charter of 1955, to the Black Consciousness Movement of the 1970s and the Reconstruction and Development Programme (RDP) demonstrated, at the dawn of South Africa's Democracy. This continuum of argumentation seeks to unpack how the values and ideals of freedom and democracy have been sustained since the adoption of the Atlantic Charter from an African's Point of View in 1943, particularly to assess how these values and policy propositions have shaped South Africa's NDP.

The historical trajectory states that:

"By the late 1960s, the government had jailed, banned or exiled the majority of the Liberation Movement's leaders. In response to this, an intensified wave of tyranny, and a new set of organisations emerged. These organisations filled the vacuum created by the government's suppression of the African National Congress (ANC) and the Pan Africanist Congress (PAC), after the Sharpeville massacre in 1960. United loosely around a set of ideas described as "Black Consciousness," these organisations helped to educate and organise Black people, particularly the youth. In fact, the eruption of the Black Consciousness Movement signalled an end to the quiescence that followed the banning of the black political movements. After the Rivonia trial, when all liberation movements were banned by the apartheid government in the 1960s."[264]

BCM hence emerged during a time when the voices of the leaders of the liberation movement were silenced through imprisonment, the restrictive laws of the apartheid government intensified and the relentless suppression of voices of dissent against the state. The BCM hence represents the sustained continuum of the Freedom Charter, including the political and liberation perspectives defined it. While the BCM emerged during a time of the great repression and silencing of the ANC and the PAC, adherence and temporal linkages can be established between the BCM and the Freedom Charter, particularly with regards to asserting the need for self-determination and equality for Africans.

BCM targeted the black individual's sense of self and identity, particularly in an environment that employed subjugation and intimidation mechanisms over all non-white persons. The definition of Black consciousness according to the movement included the following:

"Black Consciousness is the black person's coming to consciousness of herself as black. More than this, Black Consciousness has as its primary concern questions arising from the phenomena of 'race' and 'racism'. Anti-black racism by its very nature essentially questions the humanity of black people. When one's personhood or humanity is called into question, concerns about one's humanity, identity and liberation take the centre stage in one's existence."[265]

BCM was hence a school of thought that sought to revive confidence in black people, as a necessary mechanism to challenge the oppressive laws of the land, particularly against black people. The BCM hence

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[264] The Intellectual Foundations of the Black Consciousness Movement
 https://libcom.org/files/More.pdf (Accessed 13th September 2021)
[265] More, M. P. "The Intellectual Foundations of the Black Consciousness Movement"
https://libcom.org/files/More.pdf (Accessed on 13th September 2021)

represented a rhetoric of identity, which sought to enable the redefinition of black people by black people themselves. (Mancini, 2019) in her paper *"The rhetoric of identity in Right and Leftwing Populism"* asserts that:

> "contemporary politics tends to rely more intensively on the logic of othering, namely a process through which the affirmation of one's own identity depends on the positioning in an opposite front compared to the one of the *different* enemy. The *us vs them* rhetoric showed itself efficient because, by simplifying public space, it allows an immediate identification of the individual with a collective front, in addition to a clear discovery of her/his political rival."[266]

In the context of the BCM, its philosophy and rhetoric was mainly centred around a process of identification, where the distinct racial identity of black people was re-defined and reconstructed, based on the othering of the governing apartheid regimes perspectives. This process of othering, also positioned the apartheid regime as standing in opposition to black Africans, for whom an assertion of self was postulated as necessary for their own liberation. Indeed, this othering, did not begin with the BCM philosophy. It began with the apartheid regime's racial classification of South Africans, which in many ways, created othering perspectives, where racial groups began to classify themselves based on what makes them different, instead of what makes them similar Although BCM is about a form of othering, it however seeks to unify all black people under a common identity and a positive sense of self.

5.2 The BCM as an Instrument of Enlightenment

The BCM policy perpetually "challenged the dialectic of Apartheid South Africa, as a means of transforming Black thought into rejecting prevailing opinion or mythology to attain a larger comprehension, brought it into direct conflict with the full force of the security apparatus of the Apartheid regime."[267] "The BCM movement also led to the June 16 uprising, demonstrating that a new cohort of youth had taken hold of the baton of activism, to advance the freedom and equality agenda in South Africa."[268] In seeking to demonstrate continuity of values, principles of freedom and equality adhered to, the BCM movement is positioned as a critical agent of Enlightenment, through its rhetoric of identity. As stated in the rhetorical analysis of the *"Freedom Charter"* and its linkages to "*the Atlantic Charter from an African's point of view,"* it is hence asserted that BCM is a product of and continuation of the Freedom Charter. "The BCM is said to have instigated a social, cultural, and political awakening in South Africa in the 1970s, as an

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[266] Mancini, M. (2019) "The Rhetoric of Identity in Right- and Left-wing Populism: A Brief Survey" https://nome.unak.is/wordpress/volume-14-no-2-2019/conference-proceedings-volume-14-no-2-2019/the-rhetoric-of-identity-in-right-and-left-wing-populism-a-brief-survey/ (Accessed on 30th September 2021)

[267] The Black Consciousness Movement https://en.wikipedia.org/wiki/Black_Consciousness_Movement (Accessed on 12 September 2021)
[268] Soweto Uprising https://en.wikipedia.org/wiki/Soweto_uprising (Accessed on 12 September 2021)

inclusive philosophy, which redefined "black" as an inclusive, positive identity and taught that black South Africans could make meaningful change in society if they were socialised about their self-worth and the need for activism awakened to their self-worth."[269] Value propositions on freedom of speech and freedom of expression, particularly in relation to the identity of Africans are carried in the Atlantic Charter and the Freedom Charter. The two charters specifically postulate matters of self-determination, cultural identity, as well as access to descent education, which are all interlinked to the intellectual capacity required to enable Chaim Perelman's "community of minds" for effective activism and advocacy. The BCM addresses these key ideas in its conceptualization.

(Haase, 2007) in her paper *"The Liberty of Every Man's Invention: the Rhetoric of Freedom of Speech"* asserts that:

"the connection between knowledge, reason and the ability to speak for one self was developed in the age of Enlightenment. The Age of Enlightenment refers to either the 18th century in Europe Philosophy, or the longer period including the 17th century including the age of Reason. In the historical intellectual movement, the Enlightenment advocated Reason as a means to establishing an authoritative system of aesthetics, ethics and logic, which was supposed to allow human beings to obtain objective truth about the universe."[270]

The BCM age unpacks black consciousness and sense of self and self-worth, as critical enablers or impediment, in the pursuit of reason, invention and "establishing authoritative systems of logic and ethics" so as to effectively speak for one self, not in an "inferior" and "timid" manner, but in a "confident" and "assertive" manner. Hence in order to engage effectively in processes of activism and advocacy, participants must necessarily be enlightened and conscious beings, who inherently believe that their voices matter and that they have the right to speak. The process of invention itself, hence cannot be undertaken without a targeted and framed consciousness to address the issues at hand, through an effective invention process. In terms of adherence and temporality, freedom of speech and the confidence to assert dissenting views within the operating context of an oppressive regime, requires boldness and confidence, in order to challenge the status quo and to agitate for a paradigm shift. This was indeed a necessity when taking cognisance of the brute force and intimidation, which hindered a sustained progression towards the realisation of the precepts of the Freedom Charter.

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[269] Hadfield, L. A. (2017) Steve Biko and the Black Consciousness Movement, Department of History, Brigham Young University
https://doi.org/10.1093/acrefore/9780190277734.013.83 (Accessed 10th October 2021)
[270] Haase, F. A. (2007), "The Liberty of Every Man's Invention: Rhetoric and Freedom of Speech"
http://serbal.pntic.mec.es/~cmunoz11/fee50.pdf (Accessed on 10th September 2021)

5.3 BCM and the Process of Invention

"Inherent in the notion of invention is the concept of a process that engages a rhetor (speaker or writer)"[271] in examining alternatives: different ways to begin writing and to explore writing situations; diverse ideas, arguments, appeals, and subject matters for reaching new understandings and/or for developing and supporting judgments, theses and insights; and different ways of framing and verifying these judgments. Other modern definitions of invention include "the term epistemic when connected to rhetoric means the construction of knowledge through discourse. Another modern definition includes a term that emerged in the 1960s heuristics, which was the study of the processes of discovery."[272] Steve Biko's BCM asserts the imperatives of consciousness in political activism, postulating consciousness as a necessary mechanism to enable effective activism and hence advocacy. This also postulates the BCM as a process of invention, as it enables those who are conscious to make value judgements, which are framed on the basis of BCM consciousness and values. For to be an activist, necessarily means that you are an advocate and a proponent of specific values and perspectives. The BCM advocates for an invention process of creating arguments, framing, analysis and the construction of knowledge, as firstly underpinned by BCM principles and values of self. The BCM philosophy appeals to the emotions, particularly as it addresses induced fear, as an impact of apartheid oppression and degradation, which is postulated as the reasons for the "inferiority complex" and "timidity" of the black race.

5.4 BCM an Appeal to the Emotions, Addressing Apartheid Fear and Intimidation

BCM also addresses issues of 'race' and 'racism', which in themselves, are emotive issues. The BCM Hence appeals to the emotions, by addressing emotions and "inferior" perceptions of self, thereby addressing the emotional and psychological impact of apartheid oppression and intimidation. According as sighted in *"Advocacy and Opposition: an introduction to argumentation,"*[273] it is asserted that:

> "In various forms of imaginative or creative speaking and writing, language that fully expresses feeling or attitude is highly prized. Indeed, if language did not possess the power to express and elicit feelings, most of the world's great literature would not exist. In arguments, however, emotionally loaded language, which ex- ceeds the natural warmth that marks a sincerely expressed belief and earnestness of purpose, becomes an impediment to rational decision making and represents a poor choice." (Rybacki and Rybacki 172)

While the BCM addresses the emotional and psychological impact of apartheid induced fear by building confidence and a positive sense of self, the BCM is also seen to be actively mitigating the fear induced by

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[271] Definitions - Colorado State University. https://wac.colostate.edu/docs/books/lauer_invention/definitions.pdf (Accessed 10th September 2021)

[272] Lauer, J. M. (2004)"Invention in Rhetoric and Composition" https://wac.colostate.edu/docs/books/lauer_invention/lauer.pdf (Accessed on 15 September 2021)

[273] Argumentation and the Challenge of Time: Perelman, Temporality and the Future of Argument https://www.semanticscholar.org/paper/Argumentation-and-the-Challenge-of-Time%3A-Perelman%2C-Scott/590819378ad16910ccc7cdeb84bd2e2009b95343 (Accessed 10th March 2020)

the implementation of apartheid laws. The BCM also addresses the imperatives of internal temporality, which (Scott, 2020) in his paper *"Argumentation and the Challenge of Time: Perelman, Temporality and the Future of Argument,"*[274] articulating Chaim Perelman's assertion of "internal temporality makes up a necessary component of argumentation as it includes speaking, listening, analysing , evaluating and related matters, which all unfold temporality."[275] The BCM is hence a proponent of internal temporality, as it defines key characteristics of consciousness, enlightenment and a sense of self, as critical for an effective process of invention in the resistance campaign, which is approached for purposes of advocating for the freedom of the black race in South Africa.

5.5 BCM and the Social Nature of Invention: Internal Dialogue, Collaborative and Collective Invention
 (LeFevre, 1987)[276] "argued for the social nature of invention, categorizing it into three types: internal dialogue, collaborative, and collective. She described internal dialogue as dialectic with another self, including internalized constructs influenced by social forces and other people, collaborative invention as the interaction of people, and collective invention as a supra-individual entity like institutions, societal prohibitions, and cultural expectations."[277] The BCM is hence postulated as a form of internal dialogue of the invention process, which is underpinned by BCM values, will lead to collaborative and collective processes of invention. These processes of invention are all undertaken as the BCM engages internal dialogue (positive sense of self), collaborative (engagement amongst like-minded individuals) and collective (engaging cultural organizations and institutions within the black community) for purposes of advocacy and activism against the apartheid apparatuses of control and fear inducing laws.

5.6 The BCM and Chaim Perelman's Community of Minds and Adherence in Argumentation
The positive consciousness and Enlightenment of Black Africans according to the BCM, would enable black people to meaningfully participate in deliberative processes, as advocates of change in their own environment. The BCM hence recognizes the importance of Chaim Perelman's rhetorical theory of argumentation, which asserts that in order for argumentation to occur, "a formulation of a community of minds must occur" and that "all argumentation aims at gaining the adherence of minds, and by the very

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[274] Argumentation and the Challenge of Time: Perelman, Temporality and the Future of Argument
https://www.semanticscholar.org/paper/Argumentation-and-the-Challenge-of-Time%3A-Perelman%2C-Scott/590819378ad16910ccc7cdeb84bd2e2009b95343 (Accessed 10th March 2020)
[275] Scott, B. D. (2020) "Argumentation and the Challenge of Time: Perelman, Temporality, and the Future of Argument", *Argumentation*, Vol 34, Issue 1, pg 25 -37
https://scholar.google.com/citations?view_op=view_citation&hl=en&user=52ru3fUAAAAJ&citation_for_view=52ru3fUAAAAJ:9yKSN-GCB0IC (Accessed 10 March 2020)
[276] LeFevre, K. (1987) Conference on College Composition and Communication (U.S.). "Invention as a Social Act." *Invention as a Social Act*. Carbondale: Southern Illinois University Press, 1987. PDF File
https://www.davidwrick.com/2014/11/17/lefevres-invention-as-a-social-act/ (Accessed 15th September 2021)
[277] Lauer, J. M. (2004)"Invention in Rhetoric and Composition"
https://wac.colostate.edu/docs/books/lauer_invention/lauer.pdf (Accessed 15 September 2021)

fact, assumes the existence of an intellectual contact and that this contact of minds creates a community of minds.[278] The BCM by its very nature, sought to formulate a community of minds and an adherence of minds, through the enlightenment enabled by the BCM principles, which Biko asserts, will enable the black race to move in concert towards the attainment of freedom and democracy. Biko's BCM hence pursues the realization of a community of minds as an underpinning factor, towards creating advocacy arguments that are not hindered by a sense of inferiority and low self-esteem. The BCM model hence asserts that in order for argumentation and advocacy to be effective, the internal dialogue of a human being must first assume a positive and enlightened state. This also impacts on the invention process, which demands that the internal dialogue must take a particular form and shape, with the BCM posture demonstrating that it is imperative to give shape to an internal understanding of "who" the individual is and "how" the individual fits into the broader structure of society.

Steve Biko hence postulates BCM is an important enabler not only of confidence for the black race in South Africa. He deliberately uses the BCM as an instrument to enable the black race to participate as activists and advocates of change in their own reality. Indeed, this school of thought is also aligned to Perelman's "Community of Minds" in argumentation, which asserts the necessity of a collective consciousness to enable adherence, which the BCM postulates as confidence and positive self-worth, to advance a common cause.

5.7 BCM Rhetoric and Kenneth Burke's Influence of Attitude and Action
(Burke, 1969) in his book "*A Rhetoric of Motives"* anchors "rhetoric as an art form that influences attitudes and action. Burke defines rhetoric as the use of language as a symbolic means of inducing cooperation in beings that by nature respond to symbols."[279] Burke's assertion of argumentation that induces cooperation, action and influencing attitudes, is precisely what Steve Biko's BCM demonstrates. Firstly, the BCM's rhetoric has influenced Africans to see themselves positively, and has induced a confidence and a militancy, particularly in young people, who effectively carried out the Soweto uprising,[280] as a result of the confidence and positive sense of self-worth and black pride induced, which demanded self-determination in education as a point of departure. What the BCM demonstrates is that activism and action and activism and advocacy, are preceded by individual and collective confidence, as a precursor for how an individual or a group will

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[278] Brockriede, W. (1982) on the New Rhetoric and Humanities: Essays on Rhetoric and its Applications, by Chaim Perelman, Philosophy and Rhetoric
http://www.msubillings.edu/commfaculty/gross/COMT%20330/Chaim_Perelman(ARV).pdf (Accessed 5th September 2021)
[279] Burke, K. (1969) "A Rhetoric of Motives"
https://books.google.co.za/books/about/A_Rhetoric_of_Motives.html?id=y44o7549eC8C&redir_esc=y (Accessed 6th September 2021)
[280] Soweto Uprising
https://en.wikipedia.org/wiki/Soweto_uprising (Accessed on 12 September 2021)

demand a shift or a change in policy and values, which cannot be activated without first believing that they are deserving. The Soweto uprising[281] more than anything else, demonstrates a positive sense of self, a radical confidence in the rights of the African collective and a belief that their collective activism would bring about the demanded change.

5.8 The BCM Appeal to Traditions

(Rybacki and Rybacki 169-170) in their book *"Advocacy and Opposition: an introduction to argumentation"* state we "normally have strong ties to tradition and that learning the historical background of a topic is a good way to prepare and further that a thorough analysis of reasons behind a tradition provides a valid basis on which to argue its future violation and veneration."

"The culture and tradition of defiance formed part of the influences that shaped and formulated BCM. "The BCM was a grassroots anti-Apartheid activist movement that emerged in South Africa in the mid-1960s out of the political vacuum created by the jailing and banning of the African National Congress and Pan Africanist Congress leadership after the Sharpeville Massacre in 1960."[282] It must also be noted that when the Freedom Charter was adopted, it activated a continuum of adherences to the Freedom Charter values, as well as a tradition of activism, which was introduced and asserted by "Dr Xuma, the President of the African National Congress, upon the adoption of the *"Atlantic Charter from an African's Point of View."[283]* The tradition of activism, although suppressed by the apartheid regime, had already been embedded as a critical mechanism for attaining freedom and democracy. Dr Xuma, President General of the African National Congress stated in 1943:

> "To the African people the declaration is a challenge to organise and unite themselves under the mass liberation movement, the African National Congress. The struggle is on right now and it must be persistent and insistent."[284]

This was a clarion call to the oppressed and marginalised, to sustain resistance until freedom was attained. The BCM can also be linked to the strongly asserted call to stand in unity for the attainment of freedom.

Below is an excerpt of Nelson Mandela's speech articulating the reasons against the *Defiance of Unjust Laws Campaign in 1952:*

> "We are opposing a system which has for years kept a vast section of the non-European people in bondage. Though it takes Us years, we are prepared to continue the Campaign until the six unjust laws we have chosen for the present

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[281] Ibid

[282] Sibeko, D. M. "The Sharpeville Massacre: Its historic significance in the struggle against apartheid" https://web.archive.org/web/20050408025334/http://www.anc.org.za/ancdocs/history/misc/sharplle.html (Accessed 12 September 2021)

[283] African National Congress 1943: Africans' Claims in South Africa, ANC Historical Documents Archive https://www.marxists.org/subject/africa/anc/1943/claims.htm (Accessed 14th September 2021)

[284] African National Congress 1943: Africans' Claims in South Africa, ANC Historical Documents Archive https://www.marxists.org/subject/africa/anc/1943/claims.htm (Accessed 14th September 2021)

phase are done away with. Even then *we shall not stop*. The struggle for the freedom and national independence of the non-European peoples shall continue as the National Planning Council sees fit."[285]

"The Leader of the Pan Africanist Congress Robert Sobukwe, who broke away from the African National Congress due to his commitment to Pan Africanist ideals,"[286] stated the following when he was on trial for defying the pass laws of the apartheid government:

> "The objective of the PAC is to draw up a programme of action which will be faithfully pursued instead of meekly reacting to the flow of white legislation from Parliament. The history of the human race has been a struggle for the removal of mental, moral and spiritual oppression, and we would have failed had we not made our contribution to the struggle. We are glad we made it." If we are sent to jail there will always be others to take our place. We are not afraid to face the consequence of our actions and it is not our intention to plead for mercy". [287]

Dr Xuma, Nelson Mandela and Robert Sobukwe are all prominent voices within the liberation movement, whose ethos can be recognised as having played a pivotal role in echoing the multi-generational call to join the liberation movement for freedom. These are all prominent voices of the liberation movement, who have spoken during turning points in the struggle history in South Africa and have impacted and shaped the posture of struggle and defiance against the apartheid laws. These postulations as asserted by influential leaders of the liberation movement, postulate key traditional and cultural values of dissidence, which shaped the thinking of dissidence during the liberation movement and they include words such as: *"Organise", "Unite", "Mass Liberation Movement."* They include phrases such as: *"Though it takes Us years, we are prepared to continue the Campaign," "We shall Not Stop"* "A *struggle for the removal of mental, moral and spiritual oppression" "there will always be other to take our place" and "we are not prepared to plead for mercy."*

These are very strong emotive words and action inducing words, articulated to present a heroic stance against the apartheid regime. These are not only words, they postulate a shift in values, solidifying the approach and posture taken by the liberation movement. This tradition and culture of defiance and dissidence, would also impact how a successive generation of liberation movement leaders would respond to oppression by the state. The BCM encapsulates all these values of advocacy and opposition. It must also be noted that Robert Sobukwe's assertions of the "struggle against mental, moral and spiritual oppression,"

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[285] Nelson Mandela Speech (August 1952) Statement of Defiance of Unjust Laws Campaign's aims by Nelson Mandela as published in *Drum Magazine*
http://www.mandela.gov.za/mandela_speeches/before/5208_campaign.htm (Accessed on 14 September 2021)
[286] Robert Sobukwe, South African History Onn Line
www.sahistoryonline.org (Accessed 14th September 2021)
[287] Benson, M. The Sun will Rise: Statements from the Dock by Southern African Political Prisoners
https://www.anc1912.org.za/the-sun-will-rise-statements-from-the-dock-by-southern-african-political-prisoners/ (Accessed on 14th September 2021)

are the key features of the BCM philosophy. Sobukwe targets an internal posture of identity and sense of self, which is also encapsulated in the BCM. In Biko's words, he defines the BCM as:

> "An attitude of mind and a way of life, the most positive call to emanate from the black world for a long time. Its essence is the realization by the black man of the need to rally with his brothers around the cause of their oppression – the blackness of their skin – and to operate as a group to rid themselves of the shackles that bind them to perpetual servitude. It is based on a self-examination which has ultimately led them to believe that by seeking to run away from themselves and emulate the white man, they are insulting the intelligence of whoever created them black."[288]

The BCM hence represents the continuation of a tradition of dissidence and defiance in pursuit of freedom and democracy, however it is anchored in the mental, moral and spiritual restoration of the African race as a necessity and precursor to engage in resistance and achieve freedom and democracy in South Africa. This demonstrates the enduring nature of argumentation, particularly as it is linked to a possible future realization, which requires both internal and externa structures of temporality to sustain. The lasting impact of emotional words postulated at significant kairos moments, entrenches perspectives in culture and tradition, which are used as conduits to transmit and sustain such values and perspectives.

(Dolamo, 2017) in his paper *"The legacy of Black Consciousness: Its continued relevance for democratic South Africa and its significance for theological education"* hence concurs that "BCM was largely a continuation of the struggle for national liberation in South Africa that had been waged by liberation movements such as the African National Congress (ANC), Pan Africanist Congress (PAC) and South African Communist Party (SACP). The difference was the approach adopted, and the methods and tactics used. Otherwise, the vision was the same, namely that the oppressed black majority were to be liberated from white supremacy."[289] (Liu, 2009) in his paper *"Cultural Factors and Rhetorical Patterns in Classical: Chinese Argumentation"* asserts that "language scholars and rhetoricians recognize the interrelationship between rhetoric and culture. (Berlin, 1998) also states that rhetoric is a social invention, one that arises out of a time and place, a peculiar social context, establishing the conditions that make a peculiar kind of communication possible in that particular time and place"[290] The BCM is hence intrinsically linked to the Freedom Charter and the culture of dissidence that it entrenched in the liberation movement. The words used to postulate not only the Freedom Charter, but the various other campaigns of the liberation movement against apartheid, created a construct of rhetorically persuasive words, which emanating from the trajectory

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[288] Dolamo, R. T. (2017) "The legacy of Black Consciousness: Its continued relevance for democratic South Africa and its significance for theological"
http://www.scielo.org.za/pdf/hts/v73n3/115.pdf (Accessed on 14th September 2021)
[289] Dolamo, R. T. (2017) "The legacy of Black Consciousness: Its continued relevance for democratic South Africa and its significance for theological education"
http://www.scielo.org.za/pdf/hts/v73n3/115.pdf (Accessed on 14th September 2021)
[290] Liu, Y. (2009) "Cultural Factors and Rhetorical Patterns in Classical: Chinese Argumentation", Texas Tech University
https://www-s3-live.kent.edu/s3fs-root/s3fs-public/file/09-Yingqin-Liu.pdf (Accessed in September 2021)

of the liberation movement and continued to shape various phases of struggle before the collapse of apartheid, including the BCM strata of struggle. The relevance of the perspectives of (Berger, 2017) in her paper *"When Less is More: An Ideological Rhetorical Analysis of Selected ABA Standards on Curricula and Faculty"* "define ideology as a collection of values, beliefs, or ethics that influence modes of behaviour for a group or culture and make up a critical set of topoi to draw from in rhetoric." [291]These articulated issues of culture, tradition, values and beliefs in ideology, are also well aligned to Perelman and Olbrects-Tyteca's external structures of temporality in argumentation, which hinge on the same variables in the characterization of external structures of temporality. (Scott, 2020) in reference to Perelman and Olbrechts-Tyteca's perspectives on external temporality, particularly in relation to historical, traditional, cultural and institutional constraints, creates intrinsic linkages between the rhetorical situation and external structures of temporality in argumentation.

5.9 External Temporality (History and Political Culture)
This activism had preceded the release of Mandela and other freedom fighters and had contributed towards acclimatizing and embedding human rights and equality perspectives within the societal psyche of all South Africans. These perspectives would allow leaders of the liberation movement in South Africa to advance the policy proposals of the Freedom Charter into the RDP, positioning the Freedom Charter as a live document that represented the hopes and aspirations of an oppressed collective.

To this end, the external features of temporality had been given full effect in that the cultural and historical construct of the country and had become the credible stock to draw from, for advancing adherence, in the fight for freedom in South Africa. These historical perspectives as well as the political culture of activism about equality, had appropriately postured the dormant Freedom Charter, as the prevailing and underpinning arguments of the RDP, post in the 1994 elections.

5.10 Internal Temporality
(Scott, 2020) in his paper *"Argumentation and the Challenge of Time: Perelman, Temporality and the Future of Argumentation"* asserts that the "internal temporality in argumentation refers to argumentation in action, implying the necessity of action to give full effect to the initial argument presented, it includes analysing and evaluating, which all takes place temporally. Scott further makes reference to Perelman's definition of argumentation, which asserts that in the Realm of Rhetoric, argumentation is defined as being for purposes of eliciting or increasing the adherence of the audience to *theses* presented for their *assent*,

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[291] Berger, L. L. (2017) 'When Less is More: An Ideological Rhetorical Analysis of Selected ABA Standards on Curricula and Faculty ABA Standards on Curricula and Faculty'
https://scholars.law.unlv.edu/cgi/viewcontent.cgi?article=2089&context=facpub (Accessed on 5th October 2021)

which in itself is not instantly measurable nor is it static, but must unfold and be implemented temporally over an extended period of time."

In any given circumstance, it may require an extended period of time to give effect to assent of initiated *theses*. Furthermore, depending on its quality and impact on the targeted audience, as well as the context into which such arguments emerge, adherence and assent to it, may require an extended, unspecified period of time, to give full effect to its intended objectives. Assent to the arguments of the Freedom Charter, as further supported by the composite arguments presented by Mandela at the Rivonia trial, activated assent responses, which were also recognizable in the political agenda of the BCM.

To this end, the above proves that both the external and internal temporality of argumentation had found expression over time, as part of the continuum of adherence activated since the imprisonment of the liberation movement leaders. These aspects of temporality in argumentation contributed towards a state of readiness for the next phase of the liberation struggle, to turn the policy proposals of the Freedom Charter into the adopted policy positions of an emerging democratic South Africa.

5.11 The Reconstruction and Development Programme

After the unbanning of the liberation movement, the three branches of rhetoric would define the posture of engagement, in order to map out a transitional trajectory into democracy for South Africa. Indeed, as Perelman Asserts, the Epideictic branch of rhetoric was postulated as the apex branch, which invoked both the judicial and deliberative braches of rhetoric, necessitating a historical analysis of the past, in order to make the best decisions for the future of South Africa. The three appeals of rhetoric were also employed in a consolidated manner, which included appeals to the emotions (pathos), supported by the character (ethos) of the freedom fighters, as well as the appeal to (reason) logos.

The three branches of rhetoric and three appeals of rhetoric also became key instruments to shape Nelson Mandela's arguments in his Reconstruction and Strategy speech, to postulate the adoption of the policy proposals of the Freedom Charter, in the RDP under a democratic government.

Delivering the key note address, Nelson Mandela, connected the ideals of the Freedom Charter to an emerging epoch of freedom and equality, at the dawn of South Africa's democracy.

This speech was also delivered at a time of great euphoria and expectation from those who had faced the onslaught of colonial and apartheid oppression. As the recognized liberator of the South African masses, Nelson Mandela took the opportunity to invoke the values of the Freedom Charter, which had transcended his 27-year prison sentence.

The RDP would give full expression to the temporal nature of argumentation, "an action that unfolds with the 'full time' of meaningful human life. It further demonstrates the solid command of adherence as an unfolding process, which does not remain in the static vacuum of demonstration, but goes beyond the present moment and further imbues a temporal reference to a possible future.

In Nelson Mandela's address to the ANC at its Reconstruction and Strategy conference in 1994, the arguments to construct the RDP are indeed based on the present, but seek to solidify values about the future, upon reflecting on the past. The below excerpt is from Nelson Mandela's speech to the African National

> Congress (ANC) National Conference on reconstruction and strategy, Johannesburg *21 January 1994:*
>
> "we, the people of South Africa, have, at last, entered our new age, during which we shall be called upon to respond to the call of history which summons us to achieve our own freedom from tyranny, from injustice, from hunger, from deprivation and from the indignity and insult of racism and apartheid. As an expression of its glorious humanism, the new age will, at the same time as it liberates the oppressed, endow the oppressor with the gift of emancipation from ignorance, from fear, and freedom from hatred and bigotry."[292]

(Tindale, 2019) in his paper "*Introduction: Of Place and Time*" further draws our attention to "the transactional nature of kairos, which demands that action be taken beyond the present moment. This kairos moment hence demands action to implement the ideals of the Freedom Charter."

Sustaining the tradition of widespread consultation, as was done with the development of the Freedom Charter, the invention process of the Reconstruction and Development Plan also drew on and imitated similar consultation processes, for endorsement and legitimacy.

To legitimize the policy propositions of the RDP, Nelson Mandela further confirmed that "the RDP document was the result of many months of consultation within the ANC, its Alliance partners and other mass organizations in the wider civil society. This consultation resulted in the policy framework contained in the Reconstruction and Development Plan. The process would be followed by the development detailed policy and legislative programme necessary to implement the RDP. He asserted the following:

> "we are building on the tradition of the Freedom Charter. In 1955, we actively involved people and their organizations in articulating their needs and aspirations. Once again we have consulted widely."[293]

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[292] Address by President Nelson Mandela to the ANC National Conference https://www.sahistory.org.za/archive/address-president-nelson-mandela-anc-national-conference-reconstruction-and-strategy-nasrec (Accessed 7th June 2021)
[293] The Reconstruction and Redevelopment Programme, A policy Framework, 1994 https://www.sahistory.org.za/sites/default/files/the_reconstruction_and_development_programm_1994.pdf (Accessed on 6th June 2021)

This is also an appeal to tradition, (Rybacki and Rybacki 94-95), where strong ties to tradition and cultural practices are deemed necessary, in order to ensure acceptance and endorsement.

5.12 The Preface of the RDP

"Nelson Mandela's inaugural address to a Joint Sitting of Parliament after the elections, introduced the RDP to both houses of parliament." [294] In his inaugural address, the speech is centrally temporal in nature, as it reflects on the historical and prevailing conditions of poverty and underdevelopment, as faced by the oppressed and marginalized at the time. It further asserts the core objective of the RDP, which was to reverse the impact of poverty, degradation and fear which was imposed by the oppressive apartheid regime, on the lived realities of black communities. For millions of South Africans this is an emotional appeal, particularly as the now newly elected President of the Republic of South Africa, makes a commitment to address entrenched social and economic ills. This is an emotional appeal because it addresses emotive issues such "freedom from want, hunger deprivation, suppression and freedom from fear."[295] The democratic order in South Africa, promises to put systems in place to eradicate the social and economic ills that are known to have been created by the apartheid regime. Considering that it was Nelson Mandela's inaugural speech, this was a euphoric time for a South Africa that had just successfully held its first democratic elections. Mandela's delivery of the speech, as the long awaited President and "perceived liberator" of the people, necessarily means that he enjoys the credibility and respect of an incoming President, but more so because of his 27-year sacrifice in prison for the people of South Africa.

The Preamble of the RDP White paper also directly correlates with the core messages in the Preamble of the Freedom Charter, as well as article 1 of the Freedom Charter, which assert the values of equality, non-racialism and democratic governance. While the Preamble of the Freedom Charter asserts ownership of the land by all South Africans regardless of color or creed, Article 1 of the charter asserts the supremacy and autonomy of the people to govern. This collision represents the juncture in history, where the demand document of the liberation movement, was translated into the policy manuscript of an emerging democracy.

(Tindale, 2020) postulations in his paper *"Introduction: Of Place and Time"* are also applicable in this context, where reference is made to Antonio Rossini's notion of capturing an audience's attention by drawing different temporal moments into one visual context of one space, to achieve an argument effect that might not otherwise be achieved."[296] This is an epideictic speech, which engage prevailing and current

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[294] The Reconstruction and Redevelopment Programme, A policy Framework, 1994
https://www.sahistory.org.za/sites/default/files/the_reconstruction_and_development_programm_1994.pdf (Accessed on 6th June 2021)

[295] GENERAL NOTICE – White paper on Reconstruction and Development.
https://www.gov.za/sites/default/files/governmentgazetteid16085.pdf (Accessed 1 October 2021)

[296] Tindale, C. W. (2020) "Introduction: Of Place and Time," Argumentation, *Argumentation* 34 (1):1-11
https://philpapers.org/rec/TINIOP (Accessed 6th September 2021)

circumstances, by reflecting on what the liberation movement and the people of South Africa had to overcome. By asserting the commitment to build a "*a people-centred society and to pursue goals to ensure freedom from want, freedom from hunger, freedom from deprivation, freedom from ignorance, freedom from suppression and freedom from fear*," Nelson Mandela draws on different temporal moments, to create one visual context, of the multiple facets of apartheid, which had been overcome. These are experiences that millions of South Africans may have experienced at different intervals in their lives.

This is not only "an appeal to the emotions, it is also an appeal to logos" (Lunsford at el. 40) based on the factual basis of the shared experienced of millions of South Africans and the centrality of focus to address these challenges through a democratic, socio-political order. These assertions are also made by a leader with a strong "ethical appeal" (Lunsford at el. 39), "having been incarcerated for just over 27, due to a sacrifice made for the achievement of the ideals of freedom and the rights of the oppressed masses." Importantly it was both judicial and deliberative speech, as it sought to develop strategies to deconstruct the legacy and impact of the apartheid regime policies on the lives of the liberated.

The speech also demonstrates the centrality of epideictic speech, as the root of rhetorical practice, by demonstrating that the present (epideictic speeches) are indeed premised on consolidating a value system that will impact the future (deliberative), in an effort to rectify social, economic and political challenges that emanate from the past (judicial)[297]. The transcendence of the Freedom Charter into the RDP, demonstrates how time was indeed a requisite, to begin to give effect to the ideals of the Freedom Charter. In this context, adherence again emerges as an unfolding phenomenon, demonstrating the uninterrupted continuum of time, which is a critical pillar of argumentation, adherence and implementation.

5.13 The introduction of the "Reconstruction and Development Programme"[298]

"The Reconstruction and Development Programme (RDP) is a policy framework for integrated and coherent socio-economic progress. It seeks to mobilize all our people and our country's resources toward the final eradication of the results of apartheid. Its goal is to build a democratic, non-racial and non-sexist future and it represents a vision for the fundamental transformation of South Africa by:
● developing strong and stable democratic institutions
● Ensuring Representivity and participation ensuring that our country becomes a fully democratic, non-racial and non-sexist society
● creating a sustainable and environmentally friendly growth and development path."[299]

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[297] Scott, B. D. (2019) Argumentation and the Challenge of Time: Perelman, Temporality, and the Future of Argument, http://orcid.org/0000-0002-0727-3330 (Accessed October 2021)
[298] GENERAL NOTICE – White paper on Reconstruction and Development.
https://www.gov.za/sites/default/files/governmentgazetteid16085.pdf (Accessed 1 October 2021)
[299] Reconstruction and Development programme White Paper (RDP) 1994,
https://www.gov.za/sites/default/files/governmentgazetteid16085.pdf (Accessed 1 October 2021)

By contextualizing the objectives of the RDP White Paper, as intended for "eradicating the results of apartheid," it is clear that the RDP objectives are intrinsically linked to reversing the impact of apartheid legislated policies, which could only be effected by formulating policies and legislative instruments to achieve the objectives of the RDP. The RDP White Paper hence represented a composite and consolidated response, towards repealing the legislative instruments that gave effect to the apartheid regime. While this is a deliberative excerpt, in that it articulates the policy postulations to address the challenges of the broader masses in going forward, it is also a judicial text, as it reflects on the impact of apartheid policies and legislative instrument, as a past and present phenomena. Importantly, the RDP White Paper was positioned as a policy instrument for transformation, which offered an "opportunity to bring about renewal, peace, prosperity, reconciliation, stability and equality."[300] The RDP was a product of ongoing consultations cross all key sectors of the South African populace and was adopted and supported by all political parties in the Government of National Unity and Parliament. "It was designed on the foundation of national consensus and embodied the vision of the future."[301] It articulated the policy positions of the newly, democratically elected African National Congress, which drew its policy disposition and influences from various documents of the party over the years and particularly the Freedom Charter.

5.14 Memory and the Temporal Nature of Adherence between the Freedom Charter and Reconstruction and Development Programme

(Halbwachs, 1980) in his paper "*On Collective Memory*" states that "Memory in modern rhetoric is linked to historical, social, and cultural memories, and it requires a few key things of its participants. First, they must have an understanding of language, social codes, and symbols. Secondly, they must share a background of knowledge."[302]

In seeking redress for the socio-economic injustices of the past, the Freedom Charter is not merely a document that articulated the rights based demands and agenda of the oppressed masses. It sought to create a narrative against what the apartheid regime was communicating about the identity of Africans, through its raced based agenda. It was also a manuscript of identity and self-determination, which sought to affirm the dignity of the oppressed in the face of oppression. The Freedom Charter was hence also developed as a live document that would transcend apartheid legislated oppression, in order to remind Africans of their

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[300] GENERAL NOTICE – White paper on Reconstruction and Development.
https://www.gov.za/sites/default/files/governmentgazetteid16085.pdf (Accessed 1 October 2021)
[301] Reconstruction and Development Programme (RDP) White Paper, 1994,
https://www.gov.za/sites/default/files/governmentgazetteid16085.pdf (Accessed on 2nd of April 2021)
[302] Halbwachs, M. **(1980)** *"The Collective Memory,"* New York :Harper & Row, 1980.
http://web.mit.edu/allanmc/www/hawlbachsspace.pdf (Accessed 1 October 2021)

past at the inception of democracy, as well articulating reasons for the collectively experienced inequalities and affirm the resolve to transform.

(Halbwachs, 1980) further states that "No memory is possible outside the frameworks used by people living in society to determine and retrieve their recollections." His social constructionist perspective posits memory not merely as a social process, but also as the mechanism that sustains society through what Halbwachs calls *social milieus*.[303] Indeed the Freedom Charter was the mechanism that sustained the South African society, during the turbulent times of oppression. Its symbolism, historical impact and unfolding relevance, is not only deeply embedded in the national narrative as the underpinning policy position for governance. It demands a continuous reflection, as the compass that aligns purpose to objective. The adoption of the Freedom Charter and its symbolism, is what has sustained the resolve of the liberation movement since 1955.

Where the Freedom Charter and Reconstruction and Development Programme converge in 1994, we witness an active engagement of memory, not only as trunk of memorizing speech, but furthermore as a means for those who were involved in the liberation struggle in South Africa, to assert how they, together with the previously silenced masses, experienced and remembered the oppression of the apartheid government. The intersection between the Freedom Charter and the Reconstruction and Development Programme, engages a process of retrieving active and collective memories, in order to assert and legitimize the composite policy positions of the Reconstruction and Development Programme.

Nelson Mandela's voice, as one of the most influential voices of the liberation movement, whose voice was fittingly engaged to justify the strategies of defiance and protest, would be the same voice that would be engaged to articulate the memories of oppression, which are not only told from his own experiences. These are the collective memories of a broader collective who all experienced the brute force of apartheid degradation and oppression. This is a potent invocation of the appeal to the emotions, as supported by the ethos of the "freedom-fighter" and "liberator of the people", in the person of Nelson Mandela himself. "Memory preserves the collective values that people should aspire to follow, shaping history as a teaching tool for how to live rather than as an archive of facts" (Grau, 2017).[304]

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[303] Ibid
[304] Grau, B. M, (2014) Beyond Performance: Rhetoric, Collective Memory, and the Motive of Imprinting Identity https://scholarcommons.usf.edu/cgi/viewcontent.cgi?article=6224&context=etd (Accessed 17th March 2021)

The collective values that are embedded in the Freedom Charter have been preserved in the capsule of time unfolding and etching ever closer to the realization of the ideal of an equality and democratic South Africa, which were now finding expression in the RDP.

In terms of the continuum of adherence that was activated at the adoption of the Freedom Charter, the RDP is constructed against the backdrop of the historical context and the active memory of liberated freedom fighters. The potency of the RDP as a manuscript for adherence and assent to it, hence emerges during a season of great euphoria and expectation. This further deepens the relevance and potency of the RDP, which emerges at a critical kairos moment, freeing the people from apartheid opposition.

Where the Freedom Charter and the RDP collide is not only an intersection of collective memory. It also demonstrates memory as a judicial construct of argumentation. "Forensic arguments reflect on the past, through either testimony or evidence" (Lunsford at el. 16). Indeed, the RDP White Paper relied heavily on collective consensus and collective memory, so as to adequately consider how the past weighs in on the present. However, prevailing conditions of poverty and inequality, also contributed towards shaping the policy proposals of the RDP White paper.

According (Gronbeck, 1995), in his paper *"The Rhetorics of the Past: History, Argument, and Collective Memory"* he asserts that

> "the past ought to be thought of as a prologue for varied dramas: political deliberation over future action, economic controversy over what indicators of supply affect what indexes of demand, myths of origin that ground the religious dogmatics and the collective identity of a people, and psychoanalytic analyses of the neuroses and psychoses that affect us individually."[305]

To this end, collective memory, particularly as it pertains to the collective memories that have shaped the lived realities and perspectives of a nation, are often reflected upon in order to shape the policy trajectory of a nation, through deliberative engagement. This must necessarily be reflected on as part of the adherence continuum, where judicial rhetoric necessitates a reflective process, in order to understand the present and shape decisions for the future. The continuum of time in argument is an ever present component in the unfolding process of life, which yet again asserts that the past, weighs in on the present and the future.

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[305] Gronbeck, B. E. (1995) "The Rhetorics of the Past: history, argument, and collective memory," conference on rhetorical history: "rhetoric, history, and critical interpretation: the recovery of the historical-critical praxis," 1995 https://clas.uiowa.edu/commstudies/sites/clas.uiowa.edu.commstudies/files/THE%20RHETORICS%20OF%20THE%20PAST.pdf (Accessed 2nd May 2021)

Collective memory is hence positioned as a necessary sub-construct to enable socio-political and economic redress, while enabling a nation to reframe its own story, in the "full time of meaningful human life."[306]

(Gronbeck, 1995) further asserts that "the rhetoric of the past does more than construct a history. It depends explicitly upon the appropriation of the past for presentist purposes. Such a rhetoric of the past is seen in the legal use of precedents to guide judicial decision making it is explicitly for guidance of present-day concerns or problems."[307] This aptly coincides and confirms the intersectionality of the three branches of rhetoric, which further underscores Gronbeck's position that the rhetoric of the past effectively guides present day concerns, which ultimately also impact decisions for our future.

> Gronbeck further asserts that:
>
> "collective memory is a species of epideictic, of commemorative discourse. In commemorative discourse, the past is not simply constructed or appropriated, as in the other rhetorics of the past, though of course construction and appropriation in fact are occurring. Additionally, in such discourse the past is evoked. Some present need or concern is examined by calling up a past, shaping it into a useful memory that an audience can find relevant to the present. The past thus can guide the present, but the present also is reconfiguring the past; therefore, through evocation of collective memories, past and present live in constant dialogue, even in a hermeneutic circle where neither can be comprehended without the other. This constant dialogue will also shape decision-making perspectives on the deliberative aspects of a nation. Hence, judicial, epideictic and deliberative occasions of argumentation activate one another and often co-exist in a mutually reinforcing relationship, particularly when it comes to matters of national interest such as development policies."[308]

This also reinforces the position that epideictic rhetoric is the apex branch of rhetoric, that must coexist and activate the judicial and deliberative. Hence any present and unfolding context or rhetorical situation, is incomplete without reflections of the past, impacting the present and shaping how decisions for the future are arrived at.

5.15 Traceable Correlations Between the Freedom Charter Policy Proposals and the Reconstruction and Development Programme

With its founding precepts embedded in the Freedom Charter, the Reconstruction and Development Programme White Paper is presented as emerging within the epideictic occasion of argumentation and

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[306] Ritivoi, A. D. & Walzer, A. (2019) "Chaim Perelman and Lucie Olbrechts-Tyteca: Introduction, Advances in the History of Rhetoric," 22:3, 229-231, DOI: 10.1080/15362426.2019.1671699 (Accessed 10th September 2021)

[307] Gronbeck, B. E. (1995) "The Rhetorics of the Past: history, argument, and collective memory," conference on rhetorical history: "rhetoric, history, and critical interpretation: the recovery of the historical-critical praxis," unlv, 1995 https://clas.uiowa.edu/commstudies/sites/clas.uiowa.edu.commstudies/files/THE%20RHETORICS%20OF%20THE%20PAST.pdf (Accessed 2nd May 2021)

[308] Gronbeck, B. E. (1995) "The Rhetorics of the Past: history, argument, and collective memory," conference on rhetorical history: "rhetoric, history, and critical interpretation: the recovery of the historical-critical praxis," unlv, 1995 https://clas.uiowa.edu/commstudies/sites/clas.uiowa.edu.commstudies/files/THE%20RHETORICS%20OF%20THE%20PAST.pdf (Accessed 2nd May 2021)

asserts the imperative to reflect upon the past, in order to assert policy proposals for the future. The six basic pillars of the RDP are indeed inextricably linked to the policy proposals embedded in the Freedom Charter.

Integration and Sustainability

"First, we require an integrated and sustainable programme. The legacy of apartheid cannot be overcome with piecemeal; uncoordinated policies. The RDP harnesses our resources in a coherent set of strategies which will be implemented at national, provincial and local level by the Government, parastatals and local authorities. Business and organizations within civil society all will be encouraged to work within the framework of the RDP. Due regard will be given to affordability, given our commitment to sustainability and to achievable goals."[309]

Pillar 1 of the RDP advances the imperative of developing a coherent policy compact, that would be implemented across the three spheres of government. The basis and primary objective of an integrated and coherent policy compact, was chiefly aimed at overcoming the legacy of apartheid. Perspectives shared by (Kissam, 2001) in his paper *"The Ideology of the Case Method"* are also applicable, particularly when he asserts that "one of the key functions of ideologies is that they serve an integrating function. The influential symbols and images that are created and maintained, help in forging individual and group identities and to integrate or constituting a common understanding of the world that is consistent with those identities."[310] The RDP is hence postulated as an integrating mechanism, to deconstruct the separatist apparatuses and ideological systems of the apartheid regime. Whereas the apartheid government sought to separate people based on race, the newly elected democratic system sought to integrate and unite people. The symbolic integration of the government structures, also symbolizes the government's intention, to integrate and bring together the systems of government that were separated before and expected to deliver services in a racially motivated manner. This is also an appeal to logos and pathos, as the previously oppressed and marginalized, had the experience of relegation and abandonment from the apartheid regime. This democratic government was addressing issues of disparate and racially motivated services delivery and planning by the state.

People-Driven

"Second, this programme must become a people-driven process. Our people, with their aspirations and collective determination, are our most important resource. The RDP is focused on people's immediate as well as long-term needs and it relies, in turn, on their energies. Irrespective of race or sex or age, or whether they are rural or urban, rich or poor, the people of South Africa must together shape their own future.
Development is not about the delivery of goods to a passive citizenry. It is about involvement and growing empowerment. In taking this approach the Government will build on the many forums, peace structures and negotiations that our people are involved in through the land. The Government therefore commits itself to maximum transparency and inclusivity."[311]

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[309] Reconstruction and Development programme White Paper (RDP) 1994,
https://www.gov.za/sites/default/files/governmentgazetteid16085.pdf (Accessed 3rd May 2021)
[310] Kissam, P. C. (2001) The Ideology of the Case Method/Final Examination Law School, 70 U. CIN. L. REV. 137, 142-45 (relying on PAUL RICOEUR, LECTURES ON IDEOLOGY AND UTOPIA (1986)).
[311] Reconstruction and Development programme White Paper (RDP) 1994
https://www.gov.za/sites/default/files/governmentgazetteid16085.pdf (Accessed on 16 September 2021)

Pillar 2 of the RDP echoes the precepts contained in Article 1 of the Freedom Charter, which advances a people centered approach to governance, when it proclaimed "The people shall govern!". This is an inextricable attempt to give expression to the supremacy of the people's voices, as the legitimate force to underwrite government decisions. It further asserts the imperative of multi-racialism, non-sexism and advances the equality of all South Africans. Whereas the former government only focused on the needs of the few, the incumbent democratic system was determined to eradicate the system of disparate governance, which bred and deepened inequality in South Africa.

Another critical component that is articulated in pillar two of the RDP, is "the commitment to institutionalise freedom of speech and freedom of expression," while empowering citizens to meaningfully engage as active citizens in the decision making process of the country. Bearing in minds that the apartheid regime prohibited free speech and the participation of non-whites in the decision making process of government, the democratic regime asserts a firm commitment to enable adequate participation. The RDP hence represents the deconstruction process undertaken by the democratic regime, so as to reverse the ideology and legislative commands of the apartheid regime.

Peace and Security
"The programme and the people-driven process are closely bound up with peace and security for all. Promoting peace and security will involve all people. It will build on and expand the national drive for peace and combat the endemic violence faced by communities in South Africa, with special attention to the various forms of violence to which women are subjected. To begin the process of reconstruction and development the Government will now establish security forces that reflect the national and gender character of our country.

Such forces will be non-partisan and professional; will uphold the Constitution and respect human rights. They will assist our society in developing a different, demilitarized ethic. The judicial system will reflect society's racial and gender composition, and provide fairness and equality for all before the law. Peace and political stability are also central to the Government's intention to create an enabling environment to encourage investment. The Government will not tolerate the taking of hostages nor the willful vandalization and destruction of property or the environment. Decisive action will be taken to eradicate lawlessness, drug trafficking, gun running, fraud, crime and especially the abuse of women and children."[312]

Pillar 3 of the RDP White Paper is traceable to article 5 of the Freedom Charter, which states that "All Shall Be Equal Before the Law". It also gives expression to Article 6 of the Freedom Charter, which states that "All Shall Enjoy Equal Rights".

For those who had participated in South Africa's liberation struggle, unfair judicial practices, brute force, intimidation, harassment and violence meted out by the state was the order of the day under the apartheid regime. This militarized state also created a violent society, which predominantly interacted by violent means. Fear of the state and its violent apparatus, not only created a culture of fear amongst the majority.

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[312] Reconstruction and Development programme White Paper (RDP) 1994, https://www.gov.za/sites/default/files/governmentgazetteid16085.pdf (Accessed 7th September 2021)

It forced certain sectors of society to accept violence as the only medium of communication with the apartheid government.

While Pillar 3 of the RDP sought to transform the manner in which the state advanced a human rights value system, a commitment to transform this strata of the state machinery, would evoke a strong emotional appeal, as the subject of violence and discrimination from the state was a commonly experienced occurrence by millions of Africans. Pillar three of the White Paper further seeks to ensure that the legal instruments developed under a democratic governance order, would end all violent and discriminatory practices by the state, which had consequently turned South Africa into a violent, militarized state.

Nation Building
"As peace and security are established, we will be able to embark on nation-building. The success of the electoral process and the establishment of the GNU have set us on the road to nation-building. All parties in the National Assembly have committed themselves to the RDP.

Important parties that stayed out of the election began a dialogue with the Government. All these developments are contributing to the task of nation-building. We are a single country, with a single economy, functioning within a constitutional framework that establishes provincial and local powers, respect and protection for minorities, and a process to accommodate those wishing to retain their cultural identity. It is on the basis of our unity in diversity that we will consolidate our national sovereignty."[313]

Article 10 of the Freedom Charter asserts that **"There Shall be Peace and Friendship".** From the Preamble of the Freedom Charter, non-racialism was an emphatic indicator that the divisions that were institutionalized by the apartheid government would be repealed by a democratic governance order. By dividing the South African society along racial lines and appropriating economic status and privilege to the minorities, a culture of discrimination was deepened. By seeking to advance cohesion, this Pillar of the RDP not only seeks to bring about cohesion amongst South Africans, but it seeks to bring South Africa out of isolation from the global community.

Meeting Basic Needs and Building the Infrastructure
"Nation-building links reconstruction and development. The RDP is based on the notion that reconstruction and development are parts of an integrated process. The RDP integrates growth, development, reconstruction, redistribution and reconciliation into a unified programme. The key to this link is an infrastructural programme that will provide access to modern and effective services such as electricity, water, telecommunications, transport, health, education and training for ail our people. This programme will both meet basic needs and open up previously suppressed economic and human potential in urban and rural areas. In turn, this will lead to an increased output in all sectors of the economy, and by upgrading our infrastructure and human resource development we will also enhance export capacity. For this process to be effective, attention will be paid to those economic factors inhibiting growth and investment and placing obstacles in the way of private sector expansion. Success in linking reconstruction, development and growth is essential if we are to achieve peace and security for all."[314]

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[313] Reconstruction and Development programme White Paper (RDP) 1994, https://www.gov.za/sites/default/files/governmentgazetteid16085.pdf (Accessed 6th September 2021)
[314] Reconstruction and Development programme White Paper (RDP) 1994, https://www.gov.za/sites/default/files/governmentgazetteid16085.pdf (Accessed 6th September 2021)

Article 3 of the Freedom Charter declares that "**The people shall share in the country's Wealth**" while Article 7, further declares that **"There Shall be Work and Security".** These Pillars of the RDP seek to give expression to the precepts embedded in these two articles. Apartheid policies and legislation were intentionally structured to exclude a large mass base of Africans from accessing basic needs, economic opportunities and a decent quality of life. Redress in the RDP White Paper, commits to ensuring that those who were socio-economically marginalized and excluded from accessing basic services, would now under South Africa's democratic system be enabled to access a decent quality of life. This also demonstrates integration and creating an enabling environment to unify all South African citizens.

Democratization
"A thorough-going democratization of South Africa is central to a coherent program me of reconstruction and development. Above all, the people affected must participate in decision-making. Democracy is not confined to periodic elections, but is an active process enabling everyone to contribute to reconstruction and development. The democratization of society will require a process of transformation of both the state and civil society. The Government and its institutions will be restructured to fit the priorities of the RDP. Here, especially, there is no 'business as usual."[315]

The Preamble of the Freedom Charter asserts the imperative to democratize on the basis of the will of the people. Democratization, as outlined in the preamble of the Freedom Charter and articulated in the RDP, would be underpinned by equality and the will of the people.

While the first ten years of democracy focused on the project to democratize South Africa, the second decade would witness a demand from the poor for better service delivery and the demand that promises made to the electorate, be accordingly honoured by the state.

5.16 The RDP as the manifestation of Derrida's Deconstruction theory

Derrida's deconstruction is positioned in this dichotomy of ideological perspectives, as the functional, theoretical process in action, with the RDP policy construct, used as an instrument to create a democratic order, to uproot the far reaching impact of the apartheid regime. The Apartheid regime and its segregationist and restrictive policies stand in direct contrast to the emerging democratic values of equality and inclusion. South Africa's democracy and its values and principles of equality and human rights, could not have been imagined nor conceptualized, without the existence of the apartheid regime's ideological perspectives. As stated in chapter four of this body of work, (Sikirivwa, 2020) in his paper "*Deconstruction Theory and its Background"* makes reference to Jacques Derrida's perspectives in his book, *"Of Grammatology"* when he states that "we can define one of the terms of an opposition by mentioning the other term, and vice versa,

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[315] Reconstruction and Development programme White Paper (RDP) 1994,
https://www.gov.za/sites/default/files/governmentgazetteid16085.pdf

because each term contains what Derrida calls the trace of its opposite."[316] The RDP hence represents the African National Congress's deconstruction instrument, as it not only symbolizes the contrast between apartheid ideology and South Africa's democratic dispensation, it symbolizes a process of creating a new world order that stands in contrast to the old.

The RDP hence represents the action taken to effectively create a new social order, by implementing South Africa's democratic policies, which are based on freedom, equality and integration, which could never have existed or be included in the previous regime. It further demonstrates the shifted hierarchy between apartheid ideology and democratic values, with the democratic terms of the African National Congress now holding the superior and dominant place in society.

South Africa's deconstruction of the apartheid regime ideology and policies is demonstrated as unfolding process of various "actions" including: the first unbanning of the liberation movements and the release of all the freedom fighters; South Africa's first democratic elections; the adoption of the Constitution of the Republic of South Africa; and the systemic repealing of all oppressive laws, which was envisaged to lead the country to a new way of life for all South Africans based on equality and inclusion. All these processes were aimed at reconstructing a new social and political order, which stands in direct contrast and polarity to what the apartheid regime stood for.

"The rhetorical landscape also makes provision for ideological criticism, in order to unpack the impact of transcendental messages. To this end, "ideology is defined as a collection of values, beliefs, or ethics that influence modes of behaviour for a group or culture. Rhetorical scholars interested in understanding a culture's values often use ideological methods. Ideologies are complex and multifaceted, and ideological methods draw from diverse schools of thought such as Marxism, feminism, structuralism, deconstructionism, and postmodernism."[317]

Furthermore, the trajectory of South Africa's liberation movement, as vested in the key ideological messages constructed and sustained by the African National Congress, have been able to transcend decades, through varied processes of political activism, which took place in South Africa as well as outside the country's borders. The ideological ideas represented in the *Atlantic Charter from an African's Point of View* and the Freedom Charter, were amalgamated into the RDP, as a composite policy construct to create a new

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[316] Sikirivwa, M. K. (2020) "Deconstruction Theory and its Background"
https://www.ajhssr.com/wp-content/uploads/2020/03/E20444472.pdf (Accessed 2n d September 2021)
[317] Rhetorical Methodologies, Bond University
https://courses.lumenlearning.com/introductiontocommunication/chapter/qualitative-methods/ (Accessed 2nd September 2021)

life and a new world for South Africans of all races. The process of constructing the RDP can be viewed as the assimilation of a transcendental value system of the African National Congress, which emerged from within a rhetorical situation fraught by inequality and oppression.

The democratic ideology which was introduced by the liberation movement, has been sustained by various conduits of identity, unity for continuity, which made it possible for an ideological perspective to transcend decades as it moved skirmish by skirmish towards the birth of a democratic order.

5.17 The RDP as a Counterpart of the Truth and Reconciliation Commission

The Truth and Reconciliation Commission (TRC), has made a significant contribution in creating a platform for confession and sharing true stories about past transgressions, as well as the human rights abuses that took place during the apartheid era. The TRC process was hence activated to facilitate a peaceful transition into a democratic dispensation, as a mechanism to prevent violent retribution and chaos in South Africa. Distinguished Professor Phillippe-Joseph Salazar, in his timely book titled "*An African Athens: Rhetoric and the Shaping of Democracy in South Africa*, shares analytical perspectives on the role played by the TRC, in shaping and facilitating South Africa's transition into democracy.

He asserts the following:

"Apartheid was the ultimate transgression against "democracy" (the common standard). It excluded blacks from the social compact and perverted, for the whites, the social link. The resolution of such transgression can only be effected through speech, as a persuasive tool. Little attention is paid rhetorically, to the fact that as a crime against humanity, apartheid needed to be argued against, that as with all crimes, witnesses against it were required. It was the TRC's mission to bring such witnesses to the stand."[318]

Distinguished Professor Salazar postulates apartheid as a crime against humanity, which needed to be argued against. To this end, the TRC unfolds as a judicial process, which called forth witnesses, to argue against apartheid injustices. As the TRC unfolded, the RDP emerged as the counterpart of the TRC, which provided compelling arguments and proofs against apartheid. These compelling arguments, established the legitimacy of the emerging RDP, as the watershed policy construct, intended to radically shift South Africa's policy and legislative landscape.

The TRC "argument against apartheid," as the counterpart of the RDP, invoked emotional stories of loss, anguish and human rights violations, which were further confirmed by the perpetrators themselves. The TRC process hence validated the urgent need for a regime change and a regime change based on the values and policy proposals contained in the RDP.

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[318] Salazar, P. H. (2008) An Africa Athens: Rhetoric and the Shaping of Democracy in South Africa, New York, NY : Routledge

The appeal to reason was also compelling in this context, as the TRC platform validated the urgent need for a regime change and a regime change based on the values and policy propositions contained in the RDP. The confessions by perpetrators also played an important role, by exposing and confirming atrocities and crimes against humanity, on instruction by the apartheid regime. The TRC hence creates a space for atonement for those who have transgressed and a space for healing for those who needed to heal, thereby legitimising the RDP, as a compelling instrument of transition and for building a new democratic order.

5.18 GEAR as the Counterpart of the TRC's Juridification

The mid 1990s represented the turning point from apartheid to democracy in South Africa, particularly in terms of putting in place a plethora of legal instruments to give effect to the provisions of the Freedom Charter, which found expression in the RDP, including GEAR, which was adopted in 1996. GEAR can also be viewed as the TRC's Juridification, as it sought to provide legal economic access for the previously marginalised masses in South Africa, into the country's economic landscape, as an important mechanism for improving quality of life. This in turn, can also be viewed as part of the Juridification process of the TRC, which exposed large scale human rights abuses, legislated oppression and economic exclusion. As part and parcel of the process to respond effectively to the challenge of inequality by way of reparations, in order to restore the dignity of those previously marginalised, GEAR was adopted.

"In 1996 the government created a five-year plan—Growth, Employment, and Redistribution (GEAR)—that focused on privatization and the removal of exchange controls. The government also implemented new laws and programs designed to improve the economic situation of the marginalized majority."[319] To further elaborate on GEAR's place on the broader transformation policy landscape, it is imperative to further expound on how GEAR was understood to support plans towards the realization of the RDP.

The vision of the GEAR policy, as articulated in the GEAR strategy, stipulated the following:

"As South Africa moves toward the next century, we seek:
- a competitive fast-growing economy which creates sufficient jobs for all work seekers;
- a redistribution of income and opportunities in favour of the poor;
- a society in which sound health, education and other services are available to all; and
- an environment in which homes are secure and places of work are productive"[320]

The vision for the GEAR policy, as outlined in the GEAR Strategy, was hence structured to support the policy imperatives of the RDP, by articulating specifically the economic transformation agenda for South

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[319] Economy of South Africa
https://www.britannica.com/place/South-Africa/Resources-and-power (Accessed on 22 July 2022)
[320] Growth, Employment and Redistribution a Macroeconomic Strategy
http://www.treasury.gov.za/publications/other/gear/chapters.pdf (Accessed 22 July 2022)

Africa. It is hence imperative to assert that the GEAR policy vision, stands in direct contrast to the oppressive history of economic exclusion, which was legislated and implemented under the apartheid regime. As articulated in the GEAR Policy Strategy, the policy was necessitated and legitimized, as a result of the need to restore human dignity and to bring about social justice, through economic reparation and inclusion, for those who were previously excluded. Alec Erwin, former Minister of Trade and Industry, further clarified how the GEAR policy construct, was envisioned to contribute towards the policy objectives of the RDP.

> In May 2001, Alec Erwin, then Minister of Trade and Industry, said:
>
> "The need to create employment and a better life for our people is the central objective of the economic policy of this government. The Reconstruction and Development Program (RDP) remains the basic policy framework to achieve this objective. The Growth, Employment and Redistribution (GEAR) program is the associated macroeconomic strategy used. At the beginning of this year the President announced an Action Plan to Accelerate Growth. This action plan marked an increased emphasis on macroeconomic reform to further increase investment…"[321]

GEAR was hence viewed as a counterpart of the RDP, with the RDP remaining as the cornerstone and overarching policy manuscript to guide the implementation of South Africa's transformation agenda. GEAR is hence postulated as the macro-economic component of the broader policy construct, adding the economic component to the broader transformation policy position of the RDP. When viewing GEAR as the Juridification of the TRC, it is imperative to recognise that the apartheid articulated transgressions during the TRC hearings, indeed justified government's interventions to restore human dignity, so as to create a socially and economically equal society. As postulated by Blichner and Molander in their paper titled "What is Juridification," they outline five dimensions of Juridification as follows:

> "First, constitutive juridification is a process where norms constitutive for a political order are established or changed to the effect of adding to the competencies of the legal system. Second, juridification is a process through which law comes to regulate an increasing number of different activities. Third, juridification is a process whereby conflicts increasingly are being solved by or with reference to law. Fourth, juridification is a process by which the legal system and the legal profession get more power as contrasted with formal authority. Finally, juridification as legal framing is the process by which people increasingly tend to think of themselves and others as legal subjects. The establishment of a formal constitution is the most evident case of the further development of juridification A (A2). Still, constitutive norms may be articulated both inside and outside a formal constitution in the form of legal doctrines15, legal or jurisprudential regimes16 or legal paradigms."[322]

When taking cognizance of the various strata of juridification, particularly when applied to the South African context during its transition period, it is postulated that the TRC was an intervention that saw South Africa putting place norms and standards for civic engagement, so as to avert conflict. Through this process, the rule of law emerged as the basis and foundation of engagement for all citizens, who now had the legal right to engage as equal subjects before the law of the land. It is hence postulated that the GEAR policy

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[321]In May 2001, Alec Erwin, then Minister of Trade and Industry
 https://www.sahistory.org.za/archive/gear-and-neo-liberalism-part-2-thabo-mbeki-28-march-2016 (Accessed 22 July 2022)
[322] Blichner, L. C. and Molander, A. (2005) What is Juridification?
https://www.sv.uio.no/arena/english/research/publications/arena-working-papers/2001-2010/2005/wp05_14.pdf (Accessed 22 July 2022)

construct, can be viewed as the juridification of the TRC, in part because it added to the confluence of new constitutional and legislated norms and standards that emerged as part of the transition from apartheid to democracy.

Furthermore, when considering the objectives of the GEAR policy construct, the TRC can be viewed as having presented compelling arguments for reparation and transition, with GEAR articulating specifically the economic transformation agenda of the incumbent democratic government. This is also in tandem with the view that equality can only be effectively actualized through economic equality and adequate access to the resources, which give citizens the ability express and engage in their constitutional rights afforded by a democratic system.

The RDP and GEAR, as reinforced by the TRC process, hence led to the repeal and enactment of new laws, also aimed at giving effect to the will of the people, for equality and access to an economically inclusive paradigm. Importantly, the TRC created a space for a peaceful transition, in order to prevent anarchy, violent forms of retribution and lawlessness, in South Africa's transition to a democratic dispensation. The constitution and rule of law were therefore elevated, as the just and suitable instruments, to facilitate South Africa's transitional process.

6. Chapter Six

6.1 Overview of the National Development Plan - Our Future, Making it work

This chapter will provide an analysis of the NDP as follows: unpack introductory messages of the NDP based on Nelson Mandela's key messages and leadership ethos; provide an overview of the key NDP chapters as well as their key messages, focussing on economic development and a capable state (while remaining cognizant of the impact of the 2008 financial crisis). This chapter is concluded with an analysis of the African National Congress 2014 election manifesto, as a conduit to communicate key messages of the NDP.

The introduction of the NDP cites a snapshot of the RDP white paper, where President Nelson Mandela stated the following:

> "no political democracy can survive and flourish if the mass of our people remain in poverty, without land, without tangible prospects for a better life. Attacking poverty and deprivation must therefore be the first priority of a democratic government."[323]

This introductory quote of the NDP immediately establishes the association of the functional policy construct the NDP and the RDP. It clearly stipulates the intention of the NDP, which is constructed to fulfil the commitments made by Nelson Mandela in the RDP policy manuscript, which sought to address issues of poverty, landlessness and to create a better life for all. The Ethical appeal of Nelson Mandela's persona is also used as springboard to establish credibility to the NDP. It is also worth noting, that the NDP's was adopted in 2012, indicating that the commitments of the RDP had not yet been effectively implemented and that the values and policy commitments of the RDP would now be embedded in the NDP.

This opening quote also demonstrates a sustained policy trajectory, inherent in the NDP, where the development priorities of the NDP, are still influenced by the RDP, which in turn, was itself influenced by the Freedom Charter. "Ethical appeals have two facets which include audience values and authorial credibility/character, thus ethos comes down to trust."[324] The use of ethos is an "ethical appeal, which is used to describe the audience's perception of the rhetor's credibility or authority. There are two kinds of ethos which include *extrinsic* (the character, expertise, education, and experience of the rhetor, and *intrinsic* how they articulate their views."[325] Therefore, "Nelson Mandela, as the recognized liberator of the people

[323] Policy Documents 1994: The Reconstruction and Development Programme
https://www.anc1912.org.za/policy-documents-1994-the-reconstruction-and-development-programme-introduction-to-the-rdp/
(Accessed 15th September 2021)
[323]Ibid
[324]Gagich, M. and Zicke, E. (2017) A guide to Rhetoric, Genre, and Success in First Year Writing, 2017
https://pressbooks.ulib.csuohio.edu/csu-fyw-rhetoric/chapter/rhetorical-strategies-building-compelling-arguments/ (Accessed on 16th September 2021)
[325] Ethos-Pathos-Logos-The-3-Rhetorical-Appeals, G. H. Williams.
http://georgehwilliams.pbworks.com/w/page/14266873/Ethos-Pathos-Logos-The-3-Rhetorical-Appeals (Accessed 15th September 2021)

of South Africa,"[326] holds sufficient credibility to introduce the NDP as a credible document with the capacity to take the country forward and bring about the desired transformation.

The introduction of the NDP further states that:

> "the NDP aims to eliminate poverty and reduce inequality by 2030. It further stated that South Africa can realize these goals by drawing on the energies of the people, growing an inclusive economy, building capabilities, enhancing the capacity of the state and building leadership and partnership throughout society.[327]"

The introduction of the plan, immediately articulates the key objectives of the plan, as well as its accompanying goals, while stipulating completion timelines for achieving these goals. This is a clear commitment to ensure that markers are put in place for completion, which is meant to ensure accountability. This marker as stipulated in the NDP, also makes it clear that the NDP is a composite argument to advance adherence and implementation. The fact that the NDP has a completion time-line, again engages temporality in the NDP, particularly given its "temporal and telic" reference to a possible future. [328] The NDP is hence an overarching policy construct, which provides a completion time line for implementation, thereby creating expectation and certainty about when its policy commitments can be expected to be realised.

In the overview of the NDP, the plan also highlights the findings of the planning commission's diagnostic report, which importantly sites a failure to implement policies and an absence of broad partnerships as some of the main reasons for slow implementation progress."[329]

6.2 An Overview of Critical NDP Chapters: Central Features of Economic Development and Building a Capable State

Chapters one and two of the NDP provide an overview of the complexities that impact not only the process of policy formulation, but also how government's ability to advance on a linear development path is impacted by the complexities and the fluidity of the country's development landscape. Under the themes *"Policy making in a complex environment"* and *"Demographic Trends"* the South African policy

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[326] Nelson Mandela Centre of Memory
http://archive.nelsonmandela.org (Accessed 15th September 2021)
[327] The National Development Plan, Our Future, Make It Work, 2012 (introduction)
https://www.gov.za/sites/default/files/gcis_document/201409/ndp-2030-our-future-make-it-workr.pdf (Accessed on 19th September 2021)
[327] National Development Plan: Our Future, Make it Work, 2012
https://www.gov.za/sites/default/files/gcis_document/201409/ndp-2030-our-future-make-it-workr.pdf (Accessed on 19th September 2021)
[328] Blake D. Scott (2020) Argumentation and the Challenge of Time: Perelman, temporality, and the Future of Argumentation, Argumentation
http://orcid.org/0000-0002-0727-3330 (Accessed on 19th September 2021
[329] The National Development Plan, Our Future, Make It Work, 2012 (introduction)
https://www.gov.za/sites/default/files/gcis_document/201409/ndp-2030-our-future-make-it-workr.pdf (Accessed on 19th September 2021)

environment is mapped out, which articulates the reality of deep inequalities characterising South Africa's development context.[330] The first two chapters of the NDP effectively assume an epideictic posture, which presents a picture of an inherited unequal society, from the apartheid regime, with disparities that are so deeply entrenched that it will require an extraordinary and targeted approach to address existing challenges. This historical perspective speaks directly to the multidimensional layers of poverty and inequality as experienced by the vast majority of South Africans. The NDP is hence positioned as the policy construct to bring about the desired transformation and create a better life for all. However, it is also worth noting that the historical constraints articulated, are already articulated as part of the contextual framing, to indicate the difficulties lying ahead of the incumbent government, to reverse the far reaching impact of the apartheid legacy of poverty and inequality, in the process of transformation.

The below chapters of the NDP, demonstrate the dominant policy arguments in the overarching policy construct, which articulates a development approach that prioritizes economic transformation as critical for advancing the country's transformation agenda. These chapters include:

- "Chapter Three: Economy and Employment

- Chapter Four: Economy Infrastructure-The Foundation of Social and Economic Development

- Chapter Five: Environmental Sustainability-An equitable transition to a Low Carbon Economy

- Chapter Six: An Integrated and Inclusive Rural Economy

- Chapter Eight: Transforming Human Settlement and the National Space Economy

- Chapter Thirteen: Building a Capable Developmental State"[331]

These chapters have the common thread of economic transformation cutting across each critical priority area, signifying governments developmental approach, which is anchored in a posture of inclusive growth and job creation to advance South Africa's Transformation agenda. This further demonstrates government's approach to development as being intrinsically linked to widening access to economic opportunities for the previously marginalised. Chapter Three, Four, Five and Six of the NDP correlate directly to: *Article Three of the Freedom Charter which asserts: (People Shall Share in the Country's Wealth*), *Article Four (The Land Shall be Shared Amongst those who Work it), as well as Article Seven and Article Nine of the Freedom Charter which states that (There Shall be Work and Security, There Shall be Houses, Security and*

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[330] The National Development Plan, Our Future Making It Work, 2012
https://www.gov.za/sites/default/files/gcis_document/201409/ndp-2030-our-future-make-it-workr.pdf
[331] The National Development Plan, Our Future Making It Work, 2012
https://www.gov.za/sites/default/files/gcis_document/201409/ndp-2030-our-future-make-it-workr.pdf (Accessed 19th September 2021)

Comfort).[332] As articulated in the Freedom Charter, these were not only demands to share in the country's economic resources. These were demand for equal access to decent work opportunities, which are clearly articulated in Chapter Three of the NDP and further expanded in Chapters Four, Five and Six of the NDP.

Chapter Three of the NDP is framed as an Epideictic text, which reflects on judicial (historic matters), in order to assert policy proposals for the future, which are in turn addressed through a deliberative process. Under the subtheme: "*Structural features of the South African Economy*," the NDP makes the following assertions about the economic challenge:

> "The fragility of South Africa's economy lies in the distorted patters of ownership and economic exclusion created by apartheid policies. The effects of decades of racial exclusion are still evident in both employment levels and income differentials. The fault-lines of these differentials are principally racially defined but also include skills levels, gender and location. Consequently, South Africa developed into one of the most unequal societies in the world, with very high levels of poverty, carrying all the attendant risks."[333]

By articulating that South Africa's economic challenges stem from "distorted patterns of ownership" "economic exclusion" "created by apartheid policies," the NDP creates context for the social and economic challenges faced by South Africans, as a pretext for postulating the policy proposals of the NDP. By articulating the culpability of the apartheid legacy and the aftermath of its implemented policies for the prevailing distorted patterns of economic exclusion and patterns of ownership, the policy proposals of the NDP are able to emerge as credible solutions to address the far reaching impact of the implemented apartheid policies. By making reference to the *"effects of decades of racial exclusion still being evident,"* chapter three of the NDP further postulates a temporal stance in relation to the length of time required to effectively implement South Africa's transformation policies. The focus on "racial exclusion," is an evident emotive appeal, particularly due the history of the country, which enables many South Africans to relate to the deeply emotive experience of racial and economic exclusion, as implemented by the apartheid regime. The historical reflection is also temporal in nature, as it highlights the that distorted patterns of economic participation, ownership and exclusion, have their roots embedded in the oppressive history of the country. These perspectives also align with the demands for tangible access to decent employment and economic opportunities, as articulated in the *Atlantic Charter from an African's Point of View,* the *Freedom Charter and the RDP*. While these context creating postulations have been proven to be factually correct, based on the historical evidence available on poverty and inequality, the rhetorical approach employed is to shift the

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[332] The Freedom Charter, 26 June 1956
https://omalley.nelsonmandela.org/omalley/index.php/site/q/03lv01538/04lv01600/05lv01611/06lv01612.htm (Accessed 20th September 2021)
[333] The National Development Plan, Our Future Making It Work, 2012
https://www.gov.za/sites/default/files/gcis_document/201409/ndp-2030-our-future-make-it-workr.pdf (Accessed on 19th September 2021)

focus away from government's slow pace of policy implementation, despite having been in power for just over 18 years. This text is both Epideictic and Judicial[334] in nature and engages emotional and logos appeals,[335] in order to remind South Africans of the far reaching impact of the policies implemented by the apartheid regime.

Chapter Three of the NDP further places emphasis on the structural constraints in the economy, which make it difficult for the previously marginalized to participate in the mainstream economy. These constraints are also defined as inherited circumstances, which emanate from the legacy of apartheid. This can also be viewed as a praise and blame[336] posture of Chapter Three of the NDP.

Furthermore, Chapter Three of the NDP postulates the following principles that underpin and define economic transformation, which positions economic transformation as catalyst for unlocking the advancement of a wider set of transformation deliverables. Chapter Three of the NDP postulates the following about economic transformation:

> "..economic transformation is about broadening opportunities for all South Africans, particularly for the historically disadvantaged. It is about raising employment, reducing poverty and inequality and raising standards of education and living. It includes broadening ownership and control of capital accumulation. In addition, it is about broadening access to services such as banking services, mortgage loans, telecom and broadband services and reasonably priced retail services. It is about equity in life chances and encompasses an ethos that is currently missing. This includes equity in ownership of assets, income distribution and access to management, professional and skills jobs."[337]

This broad definition of economic transformation, is an all-encompassing approach South Africa's developmental approach, which positions economic transformation as central in the realization of the policy positions of the NDP. It positions economic transformation as an apex priority, upon which the transformation agenda of the country rests. This is a particularly important observation, expounding that South Africa's development policy is anchored in the standpoint that economic transformation is expected to unlock transformation across various areas of development, in order to improve the quality life of the historically marginalised. It is upon this important definition, that the NDP manuscript is premised, which is subsequently demonstrated with the remaining chapters being underpinned by the clear postulations and linkages to the concept of economic transformation.

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[334] The National Development Plan, Our Future Making It Work, 2012
https://www.gov.za/sites/default/files/gcis_document/201409/ndp-2030-our-future-make-it-workr.pdf (Accessed
[335] Ibid
[336] Ibid
[337] The National Development Plan, Our Future Making It Work, 2012
https://www.gov.za/sites/default/files/gcis_document/201409/ndp-2030-our-future-make-it-workr.pdf (Accessed
https://www.gov.za/sites/default/files/gcis_document/201409/ndp-2030-our-future-make-it-workr.pdf (Accessed on 19th
September 2021)

chapter three further postulates concrete proposals to decisively address structural constraints, in order to create tangible opportunities for those previously excluded from the mainstream economy. The plans articulated, postulate the deliberative branch of rhetoric, which focuses on policies to address challenges in the future.

The deliberative aspects of chapter three of the NDP addresses a multiplicity of issues that are intrinsically linked to the state of the economy, including addressing the skills deficit, which can be recognised as a central characteristic, entrenching the cyclical and generational nature of poverty and inequality in South Africa. Other important proposals include using fiscal policy to raise savings, investment and reduce consumption, strengthening the social wage, implementing measures to increase competition in regulated sectors and broadening price regulation in sectors that are natural monopolies. [338] These deliberative postulations, put forth concrete policy proposals, to address a wide variety of deeply entrenched socio-economic challenges.

Chapter thirteen focusses on the imperative to build a capable developmental state, which intrinsically addresses the state's capacity to implement its transformation priorities. This chapter also emphasizes the imperative of enhancing Parliament's role to play a more effective and strategic oversight role. [339] While chapter 13 focusses on state capability, it does not adequately articulate the role of the legislative sector and particularly the NCOP, as a house dealing with provincial and local government related matters. It is also important to note, that policy implementation, takes place at the sub-national level, making the NCOP an important conduit for overseeing the implementation of competencies which are classified as provincial and local government competencies or concurrent competencies. More importantly, the NCOP's interpretation and understanding of what constitutes a developmental state is quite imperative, as this represents a key enabling construct for the accelerated implementation of policies, which require the participation of the three spheres of government.

6.3 African National Congress Election Manifesto 2014 (Economic Focus)
The ANC's 2014 Elections manifesto can be regarded as an extension of the policy priorities articulated in the NDP. The 2014 manifesto emerges two years after the official launch of the NDP in 2012. It further

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[338] The National Development Plan, Our Future Making It Work, 2012
https://www.gov.za/sites/default/files/gcis_document/201409/ndp-2030-our-future-make-it-workr.pdf (Accessed on 19th September 2021)
[339] The National Development Plan, Our Future Making It Work, 2012
https://www.gov.za/sites/default/files/gcis_document/201409/ndp-2030-our-future-make-it-workr.pdf (Accessed on 19th October 2021)

confirms and legitimizes the policy positions of the NDP, which were to form the basis for government's programme of action in the fifth dispensation.

To this end, one of the key messages emerging from President Zuma's opening message in the 2014 ANC election manifesto stated the following:

> "the struggle had now reached the second phase, in which we will implement radical socio-economic transformation to meaningfully address poverty, unemployment and inequality. Far-reaching economic transformation is the central question this election must answer. In this manifesto the ANC provides clear, bold and decisive answers to this question." [340]

The 2014 election manifesto, yet again emphasizes that in order to address poverty, unemployment and inequality that economic transformation would be the central focus for an African National Congress led government. The manifesto also postulates the imperative to centrally focus on building an inclusive economy, which would enable mass employment for the previously marginalized, alongside other important priorities. This is a deliberative text, which articulates key issues to be addressed by the African National Congress government after the 2014 elections. "Deliberative rhetoric, as one of the three kinds of rhetoric as described by Aristotle, juxtaposes potential future outcomes, to communicate support or opposition for a given action or policy. Aristotle stated that deliberative rhetoric is relevant in political debate, since the "political orator is concerned with the future: it is about things to be done hereafter that he advises, for or against."[341]

Most importantly, this text also assists the process of issue identification, by defining what the African National Congress's priority policy focus will be after the 2014 national elections, which is a matter of stasis. "The *stasis element that deals with definition,* is understood to be involving the process of defining a problem, as a process of issue determination. This process focuses on *What the problem is and its meaning?*"[342] It is further defined as defining the root or nature of this problem, What kind of issue or problem is it, What are the various elements of the problem and how are they relatable?[343] This is not only a process of issues definition and defining its meaning, it is further about unpacking an issues so as to address the challenges it presents through practical action.

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[340] African National Congress Election Manifesto, 2014
https://www.politicsweb.co.za/documents/the-ancs-2014-election-manifesto (Accessed 10th March 2021)
[341] Deliberative Rhetoric
https://en.wikipedia.org/wiki/Deliberative_rhetoric (Accessed on 10th March 2021)
[342] Stasis in Invention
https://en.wikipedia.org/wiki/Inventio#Stasis (Accessed on 10th October 2021)
[343] The Use of Stasis Theory in Rhetoric
https://www.aresearchguide.com/stasis-theory-in-rhetoric.html (Accessed on 13 October 2021)

President Zuma is defining the policy focus of the African National Congress when he stated that "*Far-reaching economic transformation is the central question in this election.*" He clearly identifies what the thematic focus for the governing party will be during the sixth democratic dispensation. It is a process of issue identification, which he interlocks with the party's concept of *"radical socio-economic transformation to meaningfully address poverty, unemployment and inequality."*

It is also imperative to note that the Elections Manifesto of the African National Congress, is in itself a deliberative document, as it postulates a composite set of policy proposals for the realization of a better quality of life for all South Africans, during the fifth democratic dispensation.

President Zuma further articulated the following in relation to issue definition:

> "Within the NDP vision, critical policy instruments will continue to drive government's policy agenda. These include:
> the New Growth Path, which shifts the trajectory of economic development, the National Infrastructure Plan, which guides the roll-out of infrastructure to improve people's lives, the Industrial Policy Action Plan, which supports the re-industrialization of the economy."[344]

These policy documents, further confirm the economic policy thrust of the African National Congress, placing economic transformation at the center of South Africa's transformation agenda. These policy positions and instruments, are expected to drive the transformation trajectory and oversight content in the NCOP.

The role of the National Council of Provinces, as the second chamber that deals with all matters pertaining to the three spheres of government, hence has a strategic oversight role to play, when it comes to overseeing the implementation of strategic policy priorities of the governing party.

Before delving deeper into important details concerning the NCOP's role in overseeing the implementation of the strategic economic transformation policy priorities of the NDP, it will be imperative to outline the NCOP's constitutional mandate. To this end, it is imperative to remain fully cognizant that the NCOP's constitutional mandate was redesigned for purposes of enabling it to become an effective site for three-sphere coordination and overseeing the implementation of strategic priorities. The NCOP must hence be recognized as an apex chamber and a strategic site for adherence and the implementation of the strategic policy priorities articulated in the NDP.

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[344] African National Congress Election Manifesto, 201
https://www.politicsweb.co.za/documents/the-ancs-2014-election-manifesto (Accessed 10th March 2021)

7. Chapter Seven

7.1 The NCOP as a construct to facilitate a "Community of Minds"

The purpose of this chapter is to provide an overview of the NCOP's constitutional mandate and responsibilities, in relation to its three sphere oversight role, its three sphere coordination role to oversee the implementation of development catalysing policies, particularly as carried out by provincial and local government. Other thematic areas to be unpacked in this chapter include the following:

- the NCOP's institutional role as a construct that facilitates a community of minds, for accelerating policy implementation;
- the NCOP as a space for shared inquiry;
- the NCOP as a construct of adherence and internal temporality;
- segmenting time for adherence in the NCOP.

From a rhetorical analysis perspective, the NCOP is postulated as a platform to facilitate a "community of minds," enabling the three spheres of government to work cooperatively together, to advance policy implementation at the provincial and local government level, based on Perelman's perspectives on argumentation and a community of minds.[345] The NCOP as a site for deliberative and judicial argumentation, creates a platform for the contestation of values, which entails a reflection of past performance, through deliberative evaluation and oversight. The work of the NCOP is consistently forward gazing, as it strives to facilitate the implementation of key policy priorities, by facilitating three sphere cooperation and coordination, through a "community of minds". The NCOP is also a space for epideictic engagement and judicial reflection, which brings together all three branches of rhetoric.

7.2 The NCOP as a Space for Shared Inquiry

(Booth, 1988) asserts that "shared inquiry can be understood as the art of reasoning together about shared concerns, which are often about the future. It is shared because the judgment is discursively negotiated with reference to both the crux of the matter and in light of what is in the best interest of oneself or others and are often based on probability"[346] (1988, p. 108). The NCOP can hence be regarded as a space where collective reasoning about shared concerns takes place. It is a space that is precisely actualized for purposes of engagement about provincial and local matters, all anchored in advancing the well-being of the populace at the provincial and local level. This space for the contestation of ideas in the NCOP, particularly in relation

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[345] Wayne Brockriede, (1982) on the New Rhetoric and Humanities: Essays on Rhetoric and its Applications, by Chaim Perelman, Philosophy and Rhetoric
http://www.msubillings.edu/commfaculty/gross/COMT%20330/Chaim_Perelman(ARV).pdf (Accessed 5th September 2021)
[346] Rhetorical Reason
http://en.m.wikipedia.org/wiki/rhetorical_reason (Accessed 15th November 2021)
Rhetorical Reason: Moral Inquiry
https://en.wikipedia.org/wiki/Rhetorical_reason (Accessed on 19th October 2021)

to oversight and accountability, are put in place for purposes of enabling an exchange of ideas, about how to respond more decisively and accurately to the developmental needs of the country, particularly as they find expression at the provincial and local level. The NCOP is hence a space of shared inquiry on these matters.

"The NCOP also plays a unique role in the promotion of the principles of Cooperative Government and Intergovernmental Relations. It ensures that the three spheres of government work together in performing their unique functions in terms of the Constitution and that in doing so, they do not encroach on each other's area of competence. This enables synergy to exists between the spheres on matters of concurrent competence."[347] The NCOP is hence a platform that must give expression to the voices of the people, with provincial interests being expressed and clearly articulated on the NCOP's platform of argumentation and decision-making. The NCOP is hence also a strategic platform that is constitutionally mandated to bring together the three spheres of government, through its policy debates and argumentation. Such policy debates must necessarily be influenced by the will and the interests of the people, who reside at the provincial and local spheres. Based on (Burke, 1069) perspectives on rhetoric's influence of attitudes, actions and inducing cooperation,"[348]the NCOP must therefore also function as a platform that influences attitudes and action through policy analysis, policy decisions and policy implementation. The activated and expressed mandate of the NCOP is intrinsically aligned to Burke's viewpoints that rhetoric is about the use of language to induce cooperation (through three sphere cooperation in the context of the NCOP's mandate), which aptly defines the operating landscape of the NCOP. This house was precisely constituted to function as a national coordinating forum, in order to oversee the three-sphere work of government, which must be carried out in a cohesive and cooperative manner, in order to implement national policy priorities, for purposes of advancing the country's transformation agenda.

"The unique role of the NCOP, as the only constitutional body that can bring together the local, provincial and national spheres of government, distinctly defines the oversight role of the NCOP."[349] Its constitutional mandate makes it the cornerstone for three sphere oversight, policy implementation and coordination, which must ensure that the three spheres work cooperatively, to implement strategic policy priorities. By

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[347] The Role of the NCOP
https://www.parliament.gov.za/how-parliament-is-structured (Accessed on 20th March 2021)
[348] Kenneth Burke, (1969) "A Rhetoric of Motives"
https://books.google.co.za/books/about/A_Rhetoric_of_Motives.html?id=y44o7549eC8C&redir_esc=y (Accessed 6th September 2021)
[349] Murray, C. at al (2001) "Interim Report Speeding Transformation: NCOP's Role in the Oversight Process)
https://www.ndi.org/sites/default/files/1215_sa_ncoprole22001_5.pdf (Accessed on 25th October 2021)

effectively playing its three sphere oversight and coordination role, the NCOP is in a position to ensure that the implementation of South Africa's policy priorities, is approached in a structured and targeted manner, thereby actualizing adherence and implementation processes, in a targeted and measurable way.

7.3 The NCOP as a Construct where Adherence and Internal Temporality Collide

The NCOP's three sphere oversight responsibility, as constituted by the Constitution of the Republic of South Africa, necessarily implies that this house bears the responsibility of ensuring that policy is implemented within stipulated time frames, while keeping track of what must be implemented by which sphere of government, against clearly stipulated time lines.

Furthermore, as a second chamber, the NCOP is a platform where argumentation, as expressed through the "analysis and evaluation" of the country's affairs, represents the legally constituted platform, to agitate for the advancement of policy implementation. From a rhetorical perspective, analysis and evaluation in terms of internal temporality as articulated by (Scott, 2020) also aligns with the oversight and accountability role of the NCOP. As a second chamber, its oversight role essentially evaluates and analyses the performance of the executive, by invoking all three branches of rhetoric. The judicial branch must be invoked for purposes of analysing past performance and whether the prevailing and (epideictic/current) realities of the poor and marginalized have been positively impacted, while engaging in a forwarding gazing (deliberative discussions), in order to ensure sustained adherence to the policy programmes agreed to.

Based on the NCOP's oversight and evaluative nature, it is postulated that the NCOP represents the strategic space where continued evaluation and analysis must take place, of government's three sphere coordination and policy implementation responsibilities. This is an inherently temporal and telic space, where the NCOP must ensure that it aligns its oversight and accountability work to ensuring that the executive implements key policies within stipulated timelines. According to (Scott, 2020) internal temporality in argumentation also finds expression in the NCOP, particularly in relation to argumentation in action, which according to Scott, implies the necessity of action to give full effect to the initial argument presented, which all takes place temporally. The NCOP is also a space that oversees adherence to stipulated transformation policy positions, as guided by the NCOP's budget vote process, which positions the NCOP as a platform where adherence and internal temporality jointly find expression.

7.4 Segmenting Time for Adherence

The NCOP as a second chamber, which holds the authority to oversee the work of the three spheres of government, must necessarily ensure implementation within the parameters of specific time frames, if approached accordingly. Time, within the context of the NCOP, must necessarily be approached in a

manner that imbues the hierarchical levels of values, to measure implementation progress. Within this context, oversight and implementation coordination processes, must effectively take consideration of implementation time frames, in order to enable a degree of measurability, within the bounds of temporality, in the NCOP's policy arguments and its policy debates.

Within the context of the NCOP, as a second chamber, adherence and temporality must particularly interface, in a manner that ascertains a measurable degree of progress, over a predetermined period of time. The is particularly imperative given the three sphere oversight and accountability role of the NCOP. To further clarify, "oversight, is the proactive interaction initiated by a legislature, with the executive and administrative organs, which encourages compliance with the constitutional obligations, to ensure delivery on agreed-to objectives for the achievement of government priorities."[350] While the definition of oversight does not explicitly make reference to the shape of unfolding temporality, it does infer compliance towards the implementation of objectives that were agreed to, which must take place within a temporal landscape. It hence puts in place parameters to adherence, in relation to the implementation of specific decisions and objectives, more so given parliament's approval of the budget of the executive. To this end, the implementation of policy priorities, in the context of a constitutional democracy, which has systems of oversight and accountability in place, must necessarily create a process for adherence and implementation, within the parameters of completion time frames. The annual budget vote process, creates a platform for invoking judicial, epideictic and the deliberative branches of rhetoric, as it allows the NCOP to assess past performance and policy implementation, through budget expenditure analysis and policy implementation, while assessing improvement of quality of life based on prevailing circumstances, so as to make the best policy focus decisions for the new financial year.

To this end, the yardstick for measuring adherence, must necessarily also hinge on whether the constitutional mandate of a house such as the NCOP, is indeed clearly understood, clearly articulated and effectively actualised. Furthermore, in facilitating adherence, the NCOP must necessarily create a set of enabling institutional systems, for effective analysis, evaluation and scrutiny of executive action, which must take place within stipulated implementation time frames. The NCOP's policy debates must necessarily reflect provincial and local government priorities and the effective alignment of such annual plans to the NDP.

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[350] Oversight and Accountability: induction handbook for Members of Parliament and Provincial legislatures
A publication of the South African Legislative Sector, 2014
www.sals.gov.za (Accessed on 29th September 2021)

7.5 Intergovernmental Relations and the NCOP

The NCOP's strategic three-sphere oversight role, defines and positions it as an organ that must activate a cycle of adherence and implementation, which must be duly enabled through the NCOP's Intergovernmental Relations Machinery.

Defining Intergovernmental Relations (IGR) within the context of the NCOP

According to (Layman, 2003) "intergovernmental relations (IGR) refers to 'the complex and interdependent relations amongst the three spheres of government, as well as the implementation coordination of public policy, between national, provincial and local government."[351] "the social dialogue, oversight and mediation role of both parliament and the NCOP becomes critical. It was envisaged that the role of the NCOP may be broadened to further facilitate engagement through IGR bodies such as the Financial and Fiscal Commission (FFC) and even the Ministerial Forums (of national ministers and provincial members of executive councils (MinMECs) , in an effort to deepen local and participatory democracy."[352] However the NCOP does not participate in any of the mentioned forums, nor has it created mechanisms for accessing the discussions and resolutions of these platforms. This effectively means that the NCOP only has access to discussions and resolutions of the three spheres of government through debates, questions sessions, flagship programmes and other parliamentary platforms of the NCOP, which significantly impedes its coordination mandate beyond the parameters of Parliament.

7.6 The NCOP's Challenge of Institutional Definition

The NCOP is a realm of argumentation, where on a consistent basis, policy related arguments are engaged in, which, often have their reference points to the past, an unfolding present, with implications for the future. It is a dynamic space for argumentation, which by its very nature, is a temporal space and serves as the battle ground, for clarifying policy oversight issues, through a battle of ideas, while assessing progress made to implement policy commitments.

In seeking to re-engineer the NCOP's institutional machinery to advance assent and adherence to arguments and to give expression and impetus to the implementation of strategic priorities, the NCOP as a realm of

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[351] IGR - The implementation of the Intergovernmental Relations Framework Act AN INAUGURAL REPORT 2005/06 – 2006/07
https://www.gov.za/sites/default/files/gcis_document/201409/implementation-intergovernmental-relations-framework1.pdf
(Accessed on 20th March 2021)
[352] IGR - The implementation of the Intergovernmental Relations Framework Act AN INAUGURAL REPORT 2005/06 – 2006/07
https://www.gov.za/sites/default/files/gcis_document/201409/implementation-intergovernmental-relations-framework1.pdf
(Accessed on 20th March 2021)

decisions and argumentation, must necessarily create a dynamic platform not only for robust debate, but further to test the pace of adherence and implementation at national, provincial and local government level.

To this end, one of the key challenges that the NCOP has experienced as a second chamber in South Africa's democratic dispensation, is its inability to clearly define and embody its role within the context of South Africa's growing democracy. The NCOP is still facing a challenge of definition, particularly in regard to its constitutional role, as articulated in the Constitution of the Republic of South Africa. The NCOP's challenge of definition, is a major constraint hindering its ability to function effectively as an apex chamber and a national coordinating platform to advance policy implementation across the three spheres of government.

(Rybacki and Rybacki shed more clarity on definitional arguments)

Definitional Arguments

> "We define terms to clarify meaning. The advocate and opponent do not always agree about how the argumentative ground should be defined. When there is dis- agreement over how a term should be defined, your definition is simply a claim that must be proven. As we have suggested in this chapter, many terms do not have a single, absolute definition. You need to be prepared to defend your defini-tion as being the most appropriate or effective one for defining the argumentative ground. An argument from definition specifies how something should be classified or understood. To prove that your definition is the most appropriate or effective, you must provide a clear explanation of the contested term—make sure your definition really does clarify meaning. You must also demonstrate that your definition draws from a source of knowledge common to the field in which you are arguing." (Rybacki and Rybacki 58)

Speeches delivered by Former President Mr Thabo Mbeki, the Former Chairperson of the NCOP, Mr Musiua Lekota and Mr Pravin Gordhan, have been selected for analysis as they highlight key short comings in the NCOP's interpretation and implementation of its constitutional mandate. The speeches selected also fall within the category of definitional arguments, as they all attempt to define the role of the NCOP as a construct of the constitution of the republic of South Africa, should be defined. This interpretation and definition of the role of the NCOP, also imbues the critical imperative to outline in clear terms how the NCOP was and is envisaged to function. All speeches unpack imperative definitional matters, as they clarify meaning, they draw from sources of knowledge in the field of an emerging democratic order, with orators having participated in the process to shape the constitution of the republic of South Africa.

The speeches hence provide insights into a more accurate interpretation of the NCOP's constitutional mandate, highlighting practical ways in which the NCOP can become more effective in giving expression to its mandate. The proposals that have been postulated over the years by these prominent leaders, who were participants in the formulation of the constitution, have offered insights into how the NCOP can function better, thereby stipulating *what action can be taken* to function more effectively. Great synergies

exist between the selected speeches, as they all make clear and targeted recommendations, articulated for improving the NCOP's effectiveness.

The concept of a developmental state is also important in this study, particularly due to the fact that the South Africa government defines itself as developmental state. (Fritz and Menocal, 2006) in their paper *"(Re)building Developmental States: From Theory to Practice"* provide key perspectives on rebuilding the concept of a developmental state. "Their study focuses on why some states have been more capable and more supportive of development than others. The study also focusses on the challenges besetting so-called *'hybrid regimes'* "regimes where formal transitions to democracy have taken place but where democratic structures are not consolidating."[353] According to this study, "hybrid regimes tend to be characterized by populist politics, often by strong-man leadership but at the same time by potential or real instability, a sense of collective frustration among citizens about the failure of democracy to deliver tangible economic benefits, and disillusionment about what can be achieved through formal political institutions."[354]

Over the years, South African citizens have indeed expressed a "sense of collective frustration about the failure of democracy to deliver tangible economic benefits, and a sense of disillusionment about what can be achieved through formal political institutions."[355] It is posited that South Africa does indeed present as a "hybrid democracy" with important institutions such as the NCOP, demonstrating an inability to effectively function according to their constitutional mandate. This inadvertently weakens the oversight and accountability processes of the NCOP as a second chamber. While the South African state asserts that it defines itself as a developmental state, it has not succeeded in implementing key development catalysing policies and it has failed to effectively restructure the social and economic landscape of the country, leaving millions of citizens living in abject poverty and unemployment, with very limited progress made towards bringing about economic equality. It is hence postulated that South Africa can be aligned to the concept of "hybrid regime", particularly with an important construct such as the NCOP, which in theory must exercise greater oversight and yield better implementation outcomes, still experiencing significant constraints, to not only embody its constitutional role more effectively, but has also failed to effectively coordinate policy implementation across the three spheres. With the NCOP, unable to consolidate, as a key structure of South

[353] (PDF) (Re)building Developmental States: From Theory to Practice
https://www.researchgate.net/publication/237628340_Rebuilding_Developmental_States_From_Theory_to_Practice (Accessed 1 October 2021)
[354] V. Fritz and A. Rocha Menocal (September, 2006) (Re)building Developmental States: From Theory to Practice
https://www.researchgate.net/publication/237628340_Rebuilding_Developmental_States_From_Theory_to_Practice (Accessed on 10 October 2021)
[355] V. Fritz and A. Rocha Menocal (September, 2006) (Re)building Developmental States: From Theory to Practice
https://www.researchgate.net/publication/237628340_Rebuilding_Developmental_States_From_Theory_to_Practice (Accessed on 10 October 2021)

Africa's democratic system, which is empowered with the mandate to undertake three sphere oversight and oversee the work of the Executive, the resolve to achieve the developmental commitments of the state, remains in a state of deceleration.

The NCOP's constitutionally redefined mandate through its shift from the senate to the NCOP, reshaped its role and responsibilities. The redefined mandate of the NCOP, has left the NCOP in a sustained evaluative state. In the context of the NCOP, the shift in its mandate has led to an evaluative process which continues to assess its own internal systemic and institutional weaknesses as a house.

Hence the proposals that have been postulated over the years by various prominent leaders who spoke from a knowledge vantage point, have offered insights into how the NCOP can function better, thereby stipulating *what action can be taken* to improve the effectiveness of the NCOP. It is also imperative to note that while evaluative sessions have taken place over the years, the NCOP has not succeeded in effectively implementing the recommendations postulated. The most significant drawback in this regard, has been the resultant slow pace of policy implementation, as a result of a weak system of three sphere oversight, weak three sphere policy implementation coordination, incoherent and misaligned policy implementation tracking processes and the absence of substantive impact assessment processes.

7.7 President Thabo Mbeki, 1999 Address to the NCOP:

The former President of the Republic of South Africa, Mr. Thabo Mbeki, addressed the NCOP in October 1999, just over two years after the NCOP made its transition from the Senate to the NCOP. In his first address to the NCOP, former President Mbeki proceeds to provide substantive clarity on the role that the NCOP should be playing, in coordinating the implementation of key development policies across the three spheres of government. He asserted the following:

President Thabo Mbeki, 1999 Address to the NCOP:

> "The National Council should devise ways by which it has closer interaction with the provincial legislatures, among other things to ensure that it has access to the reports which the provincial executives present to the legislatures. This would enable the National Council to get a firm grasp of the progress being made and the problems experienced in the process of governing the Provinces. Because the Council has the possibility also to interact with the national executive, it is therefore suggested that the Council would thus be in a position to contribute to ensuring better cooperation between these spheres of government."[356]

Firstly, the former President's ethos in conveying this message is clearly established, particularly due to the fact that the former President had participated in South Africa's constitution making process. The former

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[356] Address to the NCOP, President Thabo Mbeki, October 1999
http://www.dirco.gov.za/docs/speeches/1999/mbek1028.htm Accessed on 17th October 2021)

President "was also the second President of South Africa's democratic dispensation from 16 June 1999 to 24 September 2008." [357] He thus embodied the authority to speak on the institutional mechanisms of the NCOP, particularly as it related to how the NCOP was envisaged to function. "An argument from authority (argumentum ab auctoritate), also called an appeal to authority, or argumentum ad verecundiam, is a form of argument in which the opinion of an authority on a topic is used as evidence to support an argument."[358] Furthermore,"ethos, in rhetoric, refers to the character of a speaker or writer that are expressed in the attempt to persuade an audience. Ethos hence refers to the natural disposition or moral character, an abiding quality, and pathos a temporary and often emotional state. For Renaissance writers the distinction was a different one: *ethos* described character and *pathos* an emotional appeal."[359] Former President Mbeki's authority and credibility to speak on the evolution of the NCOP is established, particularly during the NCOP's formative years, when those who entered into this space would require specific constructs of speech, articulating the new ideas and principles that must constitute the basis upon which the NCOP was to function. Thabo Mbeki delivered his address to the NCOP in October 1999, a few months after becoming the President of the Republic of South Africa in June 1999, which also indicates the strategic value placed on the NCOP as a platform for three sphere policy oversight, implementation and the imperative for it to function effectively, as a platform that must yield better policy implementation outcomes.

As articulated by former President Mbeki, the NCOP was recognized as a platform where the implementation of policy can be strengthened, through closer scrutiny of provincial reports. This would give the NCOP access to critical performance information, so as to stay informed of the pace of policy implementation at provincial level.

The NCOP is positioned in Mbeki's speech, as a space to facilitate a "community of minds," and a mechanism to advance not only three sphere coordination, so as to ensure the implementation of key development policies. Further emphasis was also placed on the importance of joint action between national, provincial and local government, particularly in relation to the implementation of government's programme of action, with the NCOP's mandate placing it at the centre of these processes.

The 1999 NCOP address by former President Thabo Mbeki further stated the following:

"As we have said already, the Honourable Members will be familiar with the report the Deputy President gave at the beginning of last month on work being done to carry out the programme of action the national government announced at the opening of parliament. As you will recall, that programme included such important issues as

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[357] Mbeki, T. (October 1999) Address to the NCOP
https://en.wikipedia.org/wiki/Thabo_Mbeki (Accessed on 10th October 2021)
[358] An Argument from Authority
https://en.wikipedia.org/wiki/Argument_from_authority (Accessed on 10th October 2021)
[359] Ethos, Arts
https://www.britannica.com/art/ethos (Accessed on 10th October 2021)

integrated rural development, urban renewal, combating crime and corruption, improving the quality of our system of education and training, accelerating economic growth and development and job creation, and so on.

Suffice it for me to say that this work continues, demanding, among other things, greater coordination and joint action between national, provincial and local government that we have achieved in the past. It is my sincere wish that we see, as soon as possible, all these spheres of government in action, working together with the people, giving real impetus to our common drive towards a better life for all." [360]

As early as 1999, one of the key objectives of former President Mbeki's speech, was to give guidance on the systemic processes that must shape the NCOP's operating environment, to guide adherence and implementation. This excerpt also positions the NCOP as an apex chamber, which must begin to effectively embody its constitutional role of coordinating the work of the three spheres of government. The former President's 1999 NCOP speech, can also be classified as a deliberative speech, more so due to the fact that it speaks to the implementation of the country's strategic priorities as articulated in its programme of action, which holds a temporal link to the future. By stating that the work "*demands, among other things, greater coordination and joint action between national, provincial and local government,*" President Mbeki's speech further asserts the imperative for a "community of minds" across the three spheres of government, which can only be achieved through the effective coordination efforts of the NCOP.

In another address to the NCOP, President Mbeki further expounds key systemic and institutional issues regarding the role of NCOP, which by 2005, had still not been effectively addressed, in articulated in the excerpt below:

"As the Honourable Members are aware, the NCOP occupies a unique position within our constitutional system of governance. This derives from the fact that it is the only institution within this system that straddles all three spheres of our co-operative governance construct-the national, provincial and local. This places the NCOP in a strategic oversight position. It has the possibility and the mandate to keep a constant eye on the processes that must integrate legislative and executive decisions in all spheres of government, and ensure the practical implementation of these decisions, especially to the extent that they directly impact on the lives of the people."[361]

In the excerpt of this speech delivered by President Mbeki, which was delivered six years after his address to the NCOP in 1999, he again draws attention to the systemic and institutional mandate of the NCOP. The 2005 speech yet again articulates the imperative to facilitate a "community of minds" [362] across the three spheres, which is imperative for policy implementation. The absence of this "community of minds,"

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[360]Mbeki, T. (October 1999) Address to the NCOP
http://www.dirco.gov.za/docs/speeches/1999/mbek1028.htm (Accessed on 10th March 2021)
[361] Mbeki, T. (October 1999) Address to the NCOP
https://en.wikipedia.org/wiki/Thabo_Mbeki (Accessed on 10th October 2021)
[362] Brockriede, W. (1982) on the New Rhetoric and Humanities: Essays on Rhetoric and its Applications, by Chaim Perelman, Philosophy and Rhetoric
http://www.msubillings.edu/commfaculty/gross/COMT%20330/Chaim_Perelman(ARV).pdf (Accessed 5th September 2021)

essentially means that the three spheres would plan separately from each other and this misalignment would consequently impede effective policy implementation and diminish policy implementation outcomes.

The NCOP is constitutionally mandated to ensure that this contact of minds occurs in the work of government. This community of minds is not only a critical aspect of the NCOP's constitutional mandate. On this factor, rests government's ability to work cohesively to implement key transformation policies. If the NCOP fails to create a contact of minds across the three spheres of government, it leaves a void in the policy implementation ambit, which can only be filled by the NCOP.

President Mbeki then proceeds to make the below assertions in his 2005 speech, about the effectiveness of the NCOP when he states:

> "For this reason, I believe that the NCOP should regularly review its effectiveness with regard to the discharge of this mission, to ensure that it constantly improves its performance. This would benefit our democracy and all its institutions enormously and further strengthen our system of co-operative governance."[363]

The proposal for regular review, also postulate a proposition of value about NCOP processes. (Rybacki and Rybacki 217-218) assert that "propositions of value attempt to alter belief by dealing with our subjective reactions to things and our opinions of things. The proposition of values establishes a judgement standard, or a set of standards and applies them."[364] It is deduced from this excerpt that the NCOP, which represents a key functional segment for advancing policy implementation in South Africa, is guided by the former President to review and reflect on its ability to embody its mandate. While the former President does not prescribe in greater detail what the standard for effectiveness and excellence in the NCOP should be, he does however call the NCOP to a higher standard of performance through review and self-assessment. The audience for this excerpt are the NCOP delegates, who are petitioned and guided towards the imperative to raise the standard of operating.

Former President Mbeki concluded his 2005 speech by asserting that the focus of the second decade of South Africa's democracy, would be on the implementation of policies and programmes. He further asserts that the second decade of freedom "*must see us move forward to achieve.*" He hence asserts that an effective NCOP, will lead to better implementation outcomes, which places the NCOP at the centre of policy implementation.

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[363] Mbeki, T. (October 1999) Address to the NCOP
https://en.wikipedia.org/wiki/Thabo_Mbeki (Accessed on 10th October 2021)
[364] Rybacki, K C. & Rybacki D. J. (2004). "Advocacy and Opposition: an introduction to argumentation" Boston, MA: Allyn and Bacon
https://books.google.co.za/books/about/Advocacy_and_Opposition.html?id=xF5SOl_5Ns4C&redir_esc=y (Accessed 19th March 2021)

7.8 Mosiua Lekota 2007 Address to the NCOP Intergovernmental Relations Summit

The First Chairperson of the NCOP, Mr. Mosiua Lekota, has also shared some perspectives on the role of the NCOP, at "*the NCOP's cooperative governance and intergovernmental relations summit*" held in 2007. In his speech he reflects on his role as incumbent Chairperson of the NCOP, after its transition from the Senate to the NCOP. The excerpt below, articulates his understanding on the role of the NCOP, which is important, particularly given that fact that his assertions were presumably based on his understanding of the constitutional imperatives that underpinned the role of the NCOP. He is also part of the cohort of African National Congress leaders, who participated in the constitution making progress and is hence a credible voice in terms of expounding on the constitutional mandate of the NCOP. He postulated the following views:

M Lekota National Council of Provinces Intergovernmental Relations and Co-Operative Governance summit, 2007:

"The provinces are also an important link for Co-operative Governance. We decided that our system of governance was not to be hierarchical but that they should be one integrated unit with different parts or spheres, namely: national, provincial, and local government.

This means, therefore, that in pursuing its objectives the NCOP need to be conscious of a diverse range of activities taking place around it. Through its oversight processes it can contribute to the advancement of the above activities in those areas in which they impact on its work.
In this regard the NCOP can facilitate the effective implementation of the following:
* Influencing both provincial and local governments to adopt development
strategies, approaches and programmes, whose content and parameters are in line with the interest and aspirations of the people and which incorporate, rather than alienate, African values and economic, social, cultural, political and environmental realities.
* In fostering endogenous and people-cantered development strategies, and creating an enabling environment to facilitate broad-based participation the development process on a decentralised-basis.
* By facilitating the extension of more economic power to the people through the equitable distribution of income, support for their productive capacity through enhanced access to productive inputs, such as land, credit, technology,etc.
* Promoting sharing and dissemination of information by other spheres of government so that citizens are themselves empowered through and with that information.
* Facilitate greater participation and consensus-building in the formulation and implementation of economic and social policies at all levels, including the identification and elimination of laws and bureaucratic procedures that pose obstacles to people's participation.
* To galvanise and tap the people's energy and commitment, and to promote political accountability by the State to the people. This will render imperative that a partnership between government and the people should be achieved.
The NCOP could consider to set up consultative machinery at various levels such as the President's Council on which Premiers serve; various provincial premiers' forums; worker organisations; women's organisations; and so on. There is a need for an ongoing re-evaluation of the work of Parliament and other institutions in order to stay on course all the time. This is the opportune moment for the NCOP and all of us to:
* conduct an assessment of what weaknesses may exist
* what improvements can be effected
* how are the delegates appointed
* is the quality or calibre of representation up to standard
* are numbers of the delegates sufficient to carry out the task or is the
structure bloated
* are the provinces effective and efficient in discharging their
responsibility
* are the provinces too many and should the number be reduced (as the Minister
of Provincial and Local Government has alluded to
* should the role of provinces be re-considered, i.e. increase their powers or
curtail them?

> Indeed, the NCOP has a responsibility to consider these questions so that it can improve the structure where it may be weak or not fully achieving what it was set up to achieve."[365]

Within the broader legislative ambit, the NCOP is hence distinguishable as an organ of People's Power and must deliberately echo the voice of the people. It is an organ of people's power particularly because of its proximity to the broader citizenry, with whom it constantly has the opportunity to stay in touch with, in order to assess progress in the implementation of strategic development priorities.

Both former President Thabo Mbeki as well as the first Chairperson of the NCOP, Mr. Mosiua Lekota, assert the imperative for the NCOP to assess its efficacy to give expression to its constitutional mandate. They both make reference to identifying the weaknesses of the NCOP, in order to develop the appropriate and effective systems that would enable seamless oversight and accountability, in advancing three-sphere coordination, cooperation and ultimately, the implementation of strategic policy priorities. In his speech, Lekota also implores the NCOP to deepen efforts towards economic inclusion, as a critical priority focus for the NCOP when he states:

> "facilitating the extension of more economic power to the people through the equitable distribution of income, support for their productive capacity through enhanced access to productive inputs, such as land, credit, technology, etc." [366] He also asserts the importance of "facilitating greater participation and consensus-building in the formulation and implementation of economic and social policies at all levels."[367]

These are deliberative policy related postulations, which remind the NCOP to be targeted in its policy oversight focus, which is further indicative of the country's social democracy and democratic capitalism ideological positions. This is also an attempt to demonstrate that the invention process of NCOP deliberations, must necessarily be anchored by these policy positions, in addition to ensuring that that provinces and local issues find expression in the development plans of provinces and local government. This is also a clear indication that the NCOP does not have a mechanism to engage provinces on substantive development planning processes, as articulated by the first chairperson of the NCOP. He also speaks from a place of authority when he uses the phrase *"we decided,"* indicating the integral role that he played in the process to formulating the constitutional role of the NCOP. He also importantly asserted the importance of public participation to strengthen accountability, which is also indicative of an accountability deficit in the NCOP. He hence suggests tapping into public participation as a mechanism to hold the executive accountable.

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[365] Lekota, M. (2007) National Council of Provinces Intergovernmental Relations and Co-Operative Governance summit, 2007 https://www.gov.za/m-lekota-national-council-provinces-intergovernmental-relations-and-co-operative-governance-summit (Accessed on 12th September 2021)
[366] Ibid
[367] Ibid

Lekota has both the experience and expertise to be able to speak with authority about the shortcomings of the NCOP. Having served as Chairperson of the NCOP at the time of its inception, he is able to point out key weaknesses, which are preventing the NCOP from functioning effectively. Lekota hence exerts both extrinsic and intrinsic credibility, not only as a veteran of the African National Congress and the NCOP, but also as an individual who has led the NCOP, with first-hand knowledge of the transitional terrain and weaknesses of the NCOP.

7.9 Pravin Gordhan 2010 Address to the NCOP cooperative Governance and Intergovernmental Relations Debate

Former Minister of Finance, Pravin Gordhan also weighs in on this matter when he stated in a speech, during an NCOP Debate in 2010, which was convened under the theme: *"The role of the national council of provinces in co-operative government and intergovernmental relations: unlocking the synergy for collective effort.*"[368] He stated the following:

> "We need a more active engagement from provinces and local government on economic matters, in particular the dynamic role that provinces and municipalities can play in providing economic infrastructure and opportunities to our entrepreneurs and our unemployed youth. Fourthly, the NCOP could more critically look into whether we are building focused and resilient institutions of the developmental state appropriately. If we think that we have a developmental state, then we don't have to worry; we have the institutions. If we think that we are building a developmental state, then we need to examine more carefully each of our institutions and ask whether they are correctly focused and operating correctly."[369]

Gordhan's speech, by way of issue definition and according to Lloyd Bitzer's definition of the rhetorical situation, as being concerned with "*exigence, audience and constraints,*" [370] draws the attention of the NCOP delegates to the imperative to focus on economic development, particularly at local government level. It must be borne in mind that this debate is taking place in the "aftermath of the 2008 Global Financial Crisis,"[371] resulting in more than 1 million jobs were losing. This speech is also delivered two years before the adoption of the NDP and a few months before the release of the NPC's diagnostic report. However, the critical problem and exigence requiring intervention, is the state of the economy.

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[368] The Role Of The National Council Of Provinces
https://www.pa.org.za/hansard/2010/august/26/proceedings-of-the-national-council-of-provinces-2/the-role-of-the-national-council-of-provinces-in-c (Accessed 15th September 2021)
[369] Gordhan, P. (2010) former Minister of Finance Speech, *"The role of the national council of provinces in co-operative government and intergovernmental relations: unlocking the synergy for collective effort."*
https://www.pa.org.za/hansard/2010/august/26/proceedings-of-the-national-council-of-provinces-2/the-role-of-the-national-council-of-provinces-in-c (Accessed on15th October 2021)
[370] Bitzer, L. F. (1968) "The Rhetorical Situation" Philosophy and Rhetoric, Vol. 1, 1968 pp 1-14
http://www.arts.uwaterloo.ca/~raha/309CWeb/Bitzer(1968).pdf (Accessed on 10th October 2021)
[371] Mosley, L. (2009) Lessons and Opportunities for International Political Economy
www.tandfonline.com (Accessed 10th October 2021)

Gordhan also focusses on the imperative to build a developmental state, with resilient institutions. "A developmental state is defined as a state that brings about rapid and sustainable transformation in a country's economic and/or social conditions through active, intensive and effective intervention in the structural causes of economic or social underdevelopment. Developmental states are active. They do not simply produce regulations and legislation."[372] Again this is also an attempt to focus the NCOP on the social democratic and democratic capitalist ideologies of the state, which had to be implemented in a targeted manner, given South Africa's economic context at the time and the aftermath and impact of the 2008 Global Financial Crisis.

7.10 NCOP's Fifth Parliament Policy Debates – Contextualizing the Budget Process in the NCOP
The Republic of South Africa's Budget Manual asserts that "the budget is - or should be - tied to government's development plans, which necessitates an assessment of government's plans. This involves securing copies of such development plans and programmes, and conducting careful analysis, in order to determine their envisaged impact on the country."[373] As part of the process to ensure equitable economic redistribution in the process of resource allocation across provinces, the NCOP therefore engages in policy debates, particularly for the appropriations Bill, in order to ensure that provincial needs are met. The prescribed policy debates as per the NCOP rules, enables the NCOP to analyse development plans, with particular focus on their impact on provinces and local government. Policy debates hence focus more on policy mix and programme design, as a mechanism to ensure that the provinces will derive the best impact from the implementation of commitments made by departments through the budget vote process.

Given this background, the speeches selected for analysis in the NCOP's budget vote policy debates, include the budget vote speech delivered by the former Minister of Economic Development, Mr Ebrahim Patel, which represents the first budget vote speech on economic development during the fifth parliament, articulating the broad policy priorities, emanating from the African National Congress's election manifesto of 2014. This speech is of particular importance, because it postulates the New Growth Path, as the overarching policy position, for driving the economic transformation objectives of the NDP. The New Growth Path, must also be recognised as a multi-sectoral and multi-pronged policy instrument, as it must unlock job opportunities across all functional sectors. This speech sets the tone for the fifth democratic dispensation and must outline measures, markers and key deliverables, including their implementation time

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[372] The National Development Plan, Our Future Make it Work, 2012 (introduction)
https://www.gov.za/sites/default/files/gcis_document/201409/ndp-2030-our-future-make-it-workr.pdf (Accessed 10th March 2021)
[373] South African Parliamentary Budget Analysis Manual, 2011
https://www.parliament.gov.za/storage/app/media/BusinessPubs/BudgetAnalysisManual.pdf (Accessed 19th October 2021)

frames of key policy priorities. Importantly, this budget vote also announced and reaffirmed by New Growth Path as the operational plan for the economy of the National Development Plan.

The Speech delivered by the Mr Eddie Makue, the former Chairperson of the Select Committee on economic development, has been selected for analysis, in order to demonstrate the NCOP's oversight culture, particularly as engaged in by members of the African National Congress in the NCOP. This speech confirms a rhetoric of defence that is devoid of any oversight imperatives, which also does not articulate provincial and local issues. This speech also demonstrates the power dynamics between members of the NCOP and members of the executive, with members of the executive enjoying the upper-hand in terms of party political seniority. These power dynamics also create major constraint for policy oversight in the NCOP.

The third speech selected was delivered by former member of the Democratic Alliance in the NCOP, Ms Elizabeth Van Lingen, which demonstrates that the Democratic Alliance also engages in a national policy matters, abandoning the constitutional mandate of the NCOP to give expression to subnational issues. This effectively means that very often, provincial and local matters are not well articulated in NCOP debates, not even by the largest opposition party in parliament, which essentially creates synergies between National Assembly and NCOP debates.

The Fourth Speech selected was delivered Mr Mntomuhle Khawula, a former member of the Inkatha Freedom Party in the NCOP. This speech also does not effectively invoke the NCOP's constitutional mandate. The speeches selected for analysis, also demonstrates the culture of oversight and debate in the NCOP, which is completely disconnected from its oversight and constitutional mandate.

7.11 2015 - NCOP Policy Debate – Appropriations Bill
 (Vote no 25 – former Minister of Economic Development, Mr Ebrahim Patel, 13 May 2015)
The Parliamentary Budget Manual stipulates that "government budgets are a means of ensuring that governments are accountable to Parliament for their revenues and expenditures and serving as a measure by which governments can maintain control over development finances."[374] The former Minister of Economic Development, Mr. Ebrahim Patel, in his 2015 NCOP Policy debate speech on the Appropriations Bill, outlined five key priority areas for the 2015/16 financial-year. These areas included the following:

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[374] South African Parliament Budget Analysis Manual, 2011
https://www.parliament.gov.za/storage/app/media/BusinessPubs/BudgetAnalysisManual.pdf (Accessed 22 September 2021)

These are key focus areas as outlined by the former Minister of Economic Development, which go to the heart of what the NDP, as a development manuscript that focusses on accelerating economic transformation and redistribution across various critical sectors seeks to achieve. As articulated in the 2014 election manifesto of the African National Congress, the following policy manuscripts were postulated as the key drivers to advance South Africa's economic transformation agenda, which included: the new growth path, the national infrastructure plan and the industrial policy action plan. Patel's speech makes immediate reference to these policy manuscripts in his speech, thereby remaining consistent with the overarching economic transformation agenda of the NDP.

While Patel's speech is a deliberative speech, focussing mainly on outlining plans towards an improved future as underpinned by the new growth path policy, he's speech articulates a national perspective, which does not adequately cascade down to provincial and local areas, in order to demonstrate how ordinary South Africans are expected to benefit from the implementation of the department's plans for the ensuing financial year. The speech hence fails to give expression to the provincial mandate of the NCOP, which demands that the NCOP gives adequate expression to provincial interests in the national sphere. Patel's speech could easily have been delivered in the National Assembly, which is a platform that caters specifically to national policy matters. While the focus areas in Patel's speech could potentially serve as a critical lever to meaningfully facilitate the participation of those previously economically excluded, it fails to unpack key concepts for easier participatory access, in this important deliberative policy debate. The temporality of the NCOP is also not effectively invoked, which demands that discussions much be premised on implementation timeframes, in order to measure the impact of the implemented economic transformation plans, as well as assessing value for the budget that has been spent on approved departmental plans.

Indeed, the rhetorical aims of NDP is to ensure that it enables measurable synergies between itself as a development manuscript, through the rhetorical work of the NCOP. This process must be undertaken through deliberation and argumentation in the NCOP, in order to advance the rhetorical aims of the NDP, which is to ensure that the appropriate action is taken, within stipulated timeframes, to implement the policy provisions of the NDP, as guided by the peculiar needs of the provinces and localities.

The provocative and insightful perspectives of McCloskey, on the intersections between rhetoric and economics, are particularly relevant for this study and for further analysis of Patel's speech. McCloskey

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[375] Mr E Patel, (13 May 2015) Appropriation Bill, NCOP Policy Debate, Former Minister of Economic Development, https://pmg.org.za/hansard/22568/ (Accessed on 22 September 2021)

repositions economic engagement, including the market place, as a place for collective conversation, reasoning and social interaction. The NCOP provides the appropriate space for deliberative debates about economic transformation, which must be undertaken in an unencumbered manner, as a means of ensuring that the appropriate analysis and evaluation is undertaken, for purposes of taking South Africa's transformation agenda forward. As guided by a McCloskian perspective, the state must hence intervene in the market place, by ensuring that structural blockages in the market space, are effectively eradicated, in order to ensure that those who were previously economically excluded, can be allowed to participate in the economic activities of the country. It is also important to reiterate that the NDP, which was conceptualised for purposes of facilitating economic inclusion and economic redistribution, is meant to serve as a catalyst for advancing economic equality. Patel's speech glosses over key economic redistribution concepts such as industrialization, the retail market and monopolies in the retail industry, without facilitating easier access and engagement, to a wider audience into this important conversation.

While Patel's speech does not make use of numbers and statistics in his presentation, it does create barriers to effective participation in the debate, excluding even the broader South African populace. His budget vote commitments are also do not articulate completion time lines, particularly when recognising the NCOP as a temporal space, where the budget should intentionally yield tangible, specific and measurable deliverables, within a stipulated time frame. While (Scott, 2020) makes reference to future possibilities within the temporal space, in order realize specific objectives (referring to an unspecified completion time line), it must be reiterated that the NCOP and the broader legislative space, is irrefutably a space that is defined by measures, markers and completion timelines. Oversight and accountability are key pillars within the legislative environment, which are precisely activated to ensure the timeous implementation of key policy priorities within a stipulated time frames, to account for the budgets allocated to various line departments. Patel's speech hence demonstrates some of the key challenges that McCloskey has raised concerning rhetoric and economics, which is that rhetoric and economics must be viewed as mutually beneficial partners, whose unity can advance transformation and development.

In her book "*Knowledge and Persuasion in Economics,"* (McCloskey, 2010) makes insightful assertions about the important interplay between economics and life as we live it. She states the following:

> "Outsiders are surprised at how far economics since the 1940s has wandered away from the human conversation. The main, neoclassical conversationalists will listen to what is said among a few statisticians and a few electrical engineers; they listen intently to mathematics, when they can catch its drift, hoping to achieve the Parisian accents of Nicholas Bourbaki; they listen to the blare of the newspapers, or at least to the financial pages. But beyond these there is not much listening going on. Economists are deaf to history or philosophy; most of them yawn at geography or psychology; they do not take seriously anthropology or sociology; although they want to speak to law and political science, they do not want to listen. They ignore remoter conversations altogether, and ignore too their own past conversations. The suggestion that the study of literature or communication or even the nonliterary arts might

also speak to them would be regarded by many economists as lunacy. The deaf isolation is a pity, for both outsider and insider."[376]

McCloskey articulates the imperatives of economics in the human conversation, which inherently is about improving human living conditions. If economics shapes and informs our quality of life, then it economics does a major disservice to the human race, through its isolationist economic conversations. McCloskey highlights a critical challenge in the economics environment, when she states that "*economists ignore all remoter conversations"* about the broader factors of life and importantly that such an interplay between economics and all other socio-political aspects of life, must shape and inform the economics trajectory. This also rings true in the South African context, where the NDP is constructed to cultivate an inclusive growth trajectory, does very little to enable access to a broader market of people. Patel's speech therefore follows the same isolationist pattern of economic engagement, which McCloskey warns against, when he does not attempt to engage in an open, inclusionary conversation, thereby keeping his broader audience at the parameters of his subject matter.

Indeed, the NDP, is a posited in this study, as an economic transformation manuscript and an instrument that must enable rhetorical engagement on matters pertaining to the implementation of a just and equitable economic redistribution agenda in South Africa. The overarching mandate of the NDP is hence not only to create a community of minds, around matters of economic transformation and the equitable redistribution of resources. It must enable an inclusive market place conversation, created by political design, in order to ensure that the country's transformation trajectory, is as inclusive as possible. As mandated by the Constitution of the Republic of South Africa, the NCOP's deliberative conversations on matters pertaining to social and economic transformation and the realisation of equality, must create a space for the strategic confluence of matters pertaining to the economy and social transformation. Patel's speech tables key economic concepts, however, these concepts do not create intersections for broader deliberative engagement, by those who are representing provincial constituencies. Furthermore, the conversation excludes the envisaged beneficiaries of the economic inclusion plans.

McCloskey also holds shared perspectives with the Austrians, whose views are aligned to her own ground-breaking perspectives on rhetoric and economics. As stated by (Storr, 2008) in his book *"The market as a social space: On the meaningful extra economic conversations that can occur in markets"* he asserts that:

"For Austrians, the market has always been a central concern. And Austrians have always argued that the market is a social structure. "The market," Mises (1949: 312) has stated, "is a social body; it is the foremost social body. The market phenomena are social phenomena. They are the resultant of each individual's active contribution."

Storr further articulates Mises perspectives, (ibid.: 258) where he explained that:

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[376] McCloskey, D. N (2010) Knowledge and persuasion in economics (pp.1-Vi). Cambridge: Cambridge University Press

The market is not a place, a thing, or a collective entity. The market is a process, actuated by the interplay of the actions of the various individuals cooperating under the division of labor."[377]

Given the underpinning provisions of the NDP, it is therefore postulate that the NCOP, (based on its constitutional mandate) must facilitate a market place conversation through its deliberative policy debates. The Austrians perspectives on the market place as a social construct, speaks directly to the imperatives of ensuring that the market place be recognised as a space for social interaction, where "*various individuals cooperate under the division of labor*." Given the structural constraints in the broader South African economy and in the market place in general, deep-seated divisions limit the effective participation of emerging voices and participants. The NCOP, through targeted deliberative rhetoric, must facilitate access into the market place conversation, for those who were previously excluded, in order to give effect to the transformative agenda of economic transformation in the NDP. It must facilitate debate and conversation for economic growth where it matters most and where the people reside, which is in provinces and localities. However, given the boundaries that still exist within economic conversations, South Africa's transformation agenda will remain hamstrung, if such conversation continue to exclude the broader majority.

Patel's speech laid the foundation for the debate, which was immediately followed by Mr Eddie Makue's speech, in his capacity as the former Chairperson of the economic development select committee in the NCOP. However, before delving into an analysis of the Makue's speech, it will be necessary to contextualise the NCOP's debate platform as engaged in by African National Congress members, particularly as it pertains to the NCOP's oversight culture.

7.12 Contextualising the NCOP Debate Platform (Post Mbeki Parliament)
It is imperative to take into consideration, the African National Congress's deployments in the NCOP and how the party's political dynamics continue to influence the nature of the NCOP's oversight culture. In an effort to shed more clarity on the NCOP oversight culture and prevailing context, it is imperative to take into account how the transitional period from Thabo Mbeki into the Jacob Zuma presidencies, have significantly impacted oversight dynamics and culture in the NCOP. Susan Boosen's perspectives on the post Mbeki/Zuma transitional period, provide perspectives that shed clarity on prevailing oversight engagement practices in parliament, where the African National Congress through the Political committee and through the authority of the Chief Whip of the Majority party, who through her duly bestowed authority,

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[377] Storr, V. H. (2008) The market as a social space: On the meaningful extra economic conversations that can occur in markets http://www.ihika.org/ki/ (Accessed 22 July 2022)

exercised authority over the strategy committee of the African National Congress, which is responsible for crafting key messages for all members participating in debates. In her book titled: *The African National Congress and the Regeneration of Political Power*, Boosen states the following about the post Mbeki era impact at the Parliament of the Republic of South Africa:

> "Only a handful of committees had taken their ministers to task in the Mbeki era. Notable cases were the justice, correctional services (under Denis Bloem), and transport (under the SACP's Jeremy Cronin) portfolio committees. In the Polokwane aftermath the ANC's NEC moved in to turn Parliament in favour of Zuma. The MPs had much to win – especially promotion and 2009 ANC list positions."[378]

It is imperative to immediately note that during the Mbeki era, Parliament was subdued into a space of subservience, under the authority of the executive, which did not allow for deeper scrutiny into the work of Ministers. It is also imperative to note that a culture of muted and subjugation had been institutionalised, where effective oversight was disallowed and viewed as a form of rebellion against the authority of the party. This institutionalised culture, inadvertently also continued during President Zuma's era, with allegiance having shifted from Mbeki to Zuma,

The transitional context from the Mbeki to the Zuma Presidency, also found expression in Parliament, with the rhetoric of Parliamentary and that of NCOP debates, being informed by the party political injunctions of the African National Congress. Another important factor to consider, is the fact that oversight, particularly by African National Congress members, was not only influenced by party political power dynamics, but also by a desire for career growth and promotion within the party hierarchy. This ultimately crafts a compromised oversight process and debate outcomes, due to a lack of real accountability, thereby weakening the ability of the legislative arm to assert itself effectively. Boosen also importantly asserts, that during the Mbeki era, spirited oversight or criticism of the executive from African National Congress members in Parliament, often led to redeployment as a form of reprimand, which can also be viewed as a practice that contributed towards eroding parliamentary oversight and debate, thereby reducing parliamentary debates to a process of parliamentary endorsement of and defence of executive decisions.

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[378] Boosen, S. (2011) The African National Congress and the Regeneration of Political Power
"The ANC parliamentary caucus in the Mbeki days was compliant and subdued, mostly taking their cue from above. A tumultuous and vigilant period followed in the Mbeki-Zuma transition. A largely consensual post-2009 relationship followed, politically enforced by the ANC. When Mbeki's fortunes turned many crossed the intra-ANC line and nurtured a Prague spring of holding the executive (largely still Mbeki-ites or Mbeki appointments) to account. MPs and committee chairpersons welcomed the new oversight space, but failed to interpret it as relative to their relationships with the prevailing ANC in-group. In the Mbeki past they would have faced redeployment should they have criticised executive principals. The oversight legroom of this particular transitional period was still confined to patriotic oversight of the ANC by the ANC."
https://www.jstor.org/stable/pdf/10.18772/12011115423.13.pdf?refreqid=excelsior%3A860110abf361ba50f36f914db7a71264&ab_segments=&origin=&acceptTC=1 (Accessed 22 July 2022)

Furthermore, the African National Congress's strategy committee in Parliament, plays the important role of developing thematic areas for debate and oversees the development of key party political messages for members of the party who are selected to participate in debates. This also made it very difficult for members of the African National Congress to effectively deviate from approved thematic areas for debate. Importantly, if substantive oversight questions were going to be posed, the approach and mechanism for addressing such matters, would require the endorsement of the strategy committee, which is where the battle for advancing oversight and accountability can either be endorsed as a necessity or it can be viewed as a form of dissidence against party cohesion.

Furthermore, the following assertions are also made by Boosen about the weakening of oversight during the Mbeki era:

> Mbeki's attempted state rule over the ANC helped reduce oversight. The process is illustrated through the practice in the Mbeki days of all cabinet members not just attending the meetings of the ANC's NEC (most had NEC status), but also leading in many NEC meetings. Former ANC speaker of Parliament, Frene Ginwala, observed:

> The distinction between the party in government and the executive was blurred when it became the practice for all cabinet members to attend meetings of the ANC NEC. This devalued the contributions of the elected NEC members, gradually, policy debates were introduced and led by cabinet ministers ... (Boosen, 2022 p 365)

Boosen hence sights the Mbeki era as a major contributor towards reducing oversight, due to the imposition of sate supremacy, as positioned through Mbeki's leadership as the head of state. This inadvertently also translated into a parliamentary system, senior members of the African National Congress deployed to the position of Chief Whip of the majority party, who also traditionally presides over the strategy meetings which prepare content for parliamentary debates of the parliament. This culture of managing the oversight process, while it was rife and deeply entrenched during the Mbeki era, is not a practice that would have summarily ended with the Mbeki era. This tradition of controlled oversight was also continued during the Zuma administration era, however, it gave credence to the party perspective instead of the state and the Zuma camp, which now used their new found voice to exert oversight pressure, based on allegiance on members of the executive. It is hence argued that the invention process of the policy debates by members of the African National Congress, is largely determined by the party's internal strategy committee, which leaves very limited space for asserting, independent oversight views.

Boosen further states that:

> "The ANC parliamentary caucus in the Mbeki days was compliant and subdued, mostly taking their cue from above. A tumultuous and vigilant period followed in the Mbeki-Zuma transition. A largely consensual post-2009 relationship followed, politically enforced by the ANC. When Mbeki's fortunes turned many crossed the intra-ANC line and nurtured a Prague spring of holding the executive (largely still Mbeki-ites or Mbeki appointments) to account. MPs and committee chairpersons welcomed the new oversight space, but failed to interpret it as relative to their relationships with the prevailing ANC in-group. in the Mbeki past they would have faced redeployment should they have criticized executive principals. The oversight legroom of this particular transitional period was still confined to patriotic oversight of the ANC by the ANC. "(Boosen, 2011 p 385)

It is clear that the oversight process in parliament, post the Mbeki era, was not always driven by an authentic process to address policy implementation issues as per Parliament's mandate. It is postulated that tensions within the African National Congress, spilled over onto the legislative sector's oversight platform. This may also have created a retrogressive process within the temporal oversight and accountability space, further weakening the parliament's ability to effectively assess progress made in implementing the provisions of the country's development agenda.

Before delving into Makue's speech, it also imperative to highlight other dynamics relating to the composition of the NCOP as well as matters relating to the allegiance of African National Congress delegates to the party line, as executed on the NCOP platform. An excerpt from an article written by former Deputy Editor of the Mail and Guardian, Nic Dawes provides some perspectives on how the NCOP was perceived, in his 2007 article titled *"National Council of Pointlessness"*:

> "With one or two exceptions, the NCOP is bereft of real political talent largely because it is no place to make a name for yourself (Naledi Pandor is a striking counterfactual case). The ANC has used the National Assembly as a development league for senior government positions and deployment to business. That may have cost the legislature some of its most effective operators, but it also means that a few bright and ambitious types are still there, hoping for future preferment, or making the most of the platform. The NCOP has never offered such a pathway to promotion (except for its presiding officers), functioning instead as a parking place for politicians whose status requires recognition, but who don't have the qualities for an MEC's post or the cut-and-thrust of provincial front benches. These patronage appointments are possible because NCOP delegates are not directly elected — they are nominated by provincial legislatures. They are responsible to, and beholden to, their provincial parties."[379]

In his article, Dawes submits that the NCOP is a space for patronage appointments, rewarded by provincial party structures of the African National Congress, for members who did not secure key positions of power within the governing terrain. While this excerpt is an epideictic text, it paints a picture of a second chamber of African National Congress deployees, rewarded for allegiance, with the expectation that they would defend the party political line in the NCOP. The above excerpt also immediately denotes the diminished status of the NCOP as a chamber, which should be juxtaposed to the seniority of cabinet Ministers appearing before the NCOP, as well as the ensuing power relations between members in the chamber and senior members of the executive.

7.13 Rhetorical Analysis of Mr E Makue's NCOP Budget Vote Speech on Economic Development
Makue's policy debate speech for the year 2015, was selected because it is the first appropriations policy debate in the NCOP, where the NCOP is charged with undertaking a budget vote policy debate that is inextricably linked to the NDP's economic development and redistribution mandate. This budget vote is also selected because it falls within the temporal space of the NCOP, where policy debates must necessarily

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[379] Dawes, N. (2007) National Council of Pointlessness, Mail and Guardian
https://mg.co.za/article/2007-05-27-the-national-council-of-pointlessness/ (Accessed on 22 July 2022)

consider policy proposals contained in departmental budget proposals, which must be implemented within a stipulated time frame, finding expression across provinces, districts and localities.

Makue's speech can be viewed as a continuation of Patel's speech, which reinforces the minister's remarks when we opened the budget vote policy debate on economic development. In his opening paragraph, Makue starts by outlining the mandate of the department, highlighting its responsibility as follows:

"….promote the alignment of state activities around inclusive growth and, in particular, around job creation."

He reinforces the Minister's speech, by articulating key departmental policies and programmes, speaking instead from a departmental perspective in his key messages, in order to clarify the intentions of the departmental programme. Makue's speech further articulates the department's mandate, clarifying key issues which the Minister may not have had enough time to clarify in his speech. This speech, while it is a deliberative speech, demonstrates the dominance of the executive over the NCOP members of the African National Congress, particularly when his speech does not attempt to adopt an oversight deliberative posture. Instead, he takes up a party political position in support of the Minister's speech, without invoking the mandate of the NCOP, of scrutiny, oversight, thereby failing to effectively represent provincial interests. By defending the departmental programme for the financial year ahead, as articulated by Patel, Makue makes no attempt at deeper scrutiny, particularly in relation to tangible plans that relate amongst others, to tangible programmatic outcomes across specific provinces and importantly, including the failure to request the minister to clarify how the "*five million jobs"* would be created through the implementation of the New Growth Path Economic Policy.

Makue further states that the New Growth Path was:
"…..reaffirmed by Cabinet as the operational plan for the economy of the National Development Plan."

By confirming that the New Growth Path is the operational plan of the economy in the NDP, Makue is not only articulating a cabinet resolution, he also affirms the policy position of the African National Congress led government, which adopted and asserted the New Growth Path, as the overarching policy construct, purposed for advancing the overarching economic transformation agenda of the NDP. Makue's speech exposes a rhetoric of endorsement and a ratification of the Minister's speech, as he emphatically speaks from a departmental and government perspective, instead of a legislative posture. Makue also uses his status and authority as the Chairperson of the Committee, to reinforce Patel's departmental message, thereby abandoning the oversight and constitutional mandate of the NCOP. Makue ends his speech by asserting the following:

"We expect the department to deploy its resources in the coming year to continue to support the programme of radical economic transformation."

From a temporal perspective, the NCOP's policy debate on economic development in the consideration of the Appropriations Bill, must necessarily put measures and markers in place to ensure that sustained progress is made in implementing the key redistributive interventions of the economic development policies, as the main thrust of the NDP. Considering Makue's status as the Chairperson of the Committee, his speech is expected to provide leadership and set the tone on how the committee intends to hold the department accountable, particularly in relation to economic transformation and how it finds expression across provinces and localities. It must also be borne in mind that this Appropriations Bill, is the first budget consideration for the NCOP at the beginning of the fifth parliamentary dispensation. This economic development budget vote policy debate is crucial, as it essentially sets the tone for the rest of the year, as well as the fifth parliamentary dispensation. However, given the prevailing oversight challenges and impediments in the NCOP, Makue's speech has failed to assert its oversight authority.

The former Chairperson of the National Council of Provinces (NCOP), Ms Thandi Modise, also confirmed the distorted power relations pattern between Parliament and the Executive when she asserted the following in a speech delivered at the Annual African Network of Parliamentary Budget Offices conference, in 2017:

"unless Parliament "awakens" and wields it powers to amend the budget, South Africa will never meet the targets of the National Development Plan (NDP)."[380]

Ms Modise also called on members of parliament:

"to "utilise their power to do the right thing."[381]

Ms Modise concluded by stating that:

"We fought for Parliament to have the power to amend the budget but we are yet to see a Committee making recommendations to amend the budget. Members of Parliament, especially from the African National Congress must start utilising the power that they have in the Committees to do the right thing."[382]

It has been clearly articulated in this body of work that the NCOP is supposed to function as a space for shared inquiry, a space for deliberative engagement, an oversight and scrutiny space and at best, a space to exercise and reinforce executive accountability. It has also been articulated in this body of work that the

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[380] Speech by Ms TR Modise, Annual African Network of Parliamentary Budget Offices conference, 2017
https://www.parliament.gov.za/news/utilise-your-power-do-right-thing-thandi-modise-tells-members-parliament (Accessed on 21 August 2021)
[381] Ibid
[382] Ibid

NCOP's constitutional mandate implores it to function as a space for transformative constitutionalism, as it gives effect to its three sphere oversight and coordination mandate. The speech fails to invoke the critical underpinning elements that must define the NCOPs policy debates.

This hence also confirms the dominance of the executive over the African National Congress members of NCOP, as well as the party political hierarchy and dominance, with the invention process being informed by the position of the party and the executive, instead of the subnational (provincial views). The oversight mandate of this apex legislative house is hence eroded, while the socio-economic challenges faced by the people at the subnational level also do not find adequate expression.

As postulated by (Steytler, 1995) in this body of work, he also provides further insights regarding the power relations between Parliament and the Executive when he states that "Parliament is supreme and all powerful only in theory. In practice parliaments are overshadowed by the executive. Where there is harmony between the executive and the legislature (as is the case in parliamentary systems) parliament often becomes an appendage of the executive. The reason for this according to Steytler, is due to the emergence of mass political parties with strict discipline shifted power away from Parliament, to the party hierarchy (often outside the ruling party's caucus as well)."[383] This is also a critical consideration in the South African context, where the governing executive has acknowledged failings to implement key policies and that it lacks the bureaucratic and systemic capacity required to implement key policies. A cohesive party political and hierarchal posture of a party such as the governing African National Congress, asserts itself to ensure policy coherence and its leadership authority across the broader state machinery. However, if the implementation of policies which the governing party has assented to, are not effectively implemented, it also erodes the credibility and ethos of the governing executive to lead, particularly if it is unable to deliver through the implementation of key policy commitments. Makue's speech also demonstrates the strict party political hierarchy, which demonstrates a concentration of power in the executive, as compared to the NCOP, which effectively weakens oversight in the NCOP.

By failing to hold itself accountable through the democratic instruments available in the NCOP, an unaccountable three sphere executive, will eventually be forced to address the far reaching impact of its failures to implement key policies, through a diminishing voter base. It is hence postulated that it is in the interest of the governing executive leadership, to ensure that it creates systems of accountability, which

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[383] Steytler, N. (27 March 1995) Checks and balances: the role of the legislature with regard to the executive and the judiciary, Constitutional Assembly, Theme Committee (2) in house workshop: Checks and Balances Between Organs of Government, in Particular the Executive and Legislature (National Level)
https://www.justice.gov.za/legislation/constitution/history/REPORTS/TC227035.PDF (accessed on 20 October 2021)

address issues relating to poor policy implementation, which can still be structured through an invention process that conveys party political messages, while advancing implementation through effective oversight and accountability mechanisms. Such systems need not be adversarial nor antagonistic, but could be guided through strategically designed processes of invention.

Perspectives shared by (Fessha, 2021) indicate that the "NCOP is generally viewed as the weaker house in the bicameral Parliamentary system and is hence perceived as not being able to effectively fulfil its constitutional mandate." [384] in his paper *"Second Chamber as a Site of Legislative Intergovernmental Relations: An African Federation in Comparative Perspective" (*Fessha, 2001) makes key observations about the NCOP's deliberative agenda when he states that "the topics for debate do not reflect the NCOP's unique mandate to serve as a forum for the discussion of issues affecting the provinces. While most subjects chosen for debate were certainly of interest from the point of view of national debate, very often the NCOP topics for debate bear no clear link to provincial interests."[385] Topics and subthemes addressed in debates, are critical reflectors of the oversight and deliberative focus of the NCOP debates. Makue's speech, clearly demonstrates that the invention process is dominated by the executive's national policy perspectives and that the content of his speech, had no clear linkage to subnational issues, demonstrating a clear misalignment when it comes to the articulation of development issues emanating from all nine provinces, particularly their disconnectedness from the NDP. The deliberative agenda in Makue's speech, is demonstrated as an attempt to advance the interests of the executive, which supports an executive and party political position, but weakens the oversight agenda of the NCOP.

7.14 Elizabeth Van Lingen, Appropriations Debate Speech 2015

Mrs Van Lingen, a former Member of the NCOP representing the Democratic Alliance in the NCOP, delivered a deliberative speech, which presents arguments of fact and evaluation and makes proposals about matters relating to the advancement of inclusive economic growth. These are also "logos arguments, which provide statistics, facts and narratives based on research" (Lunsford at el.40). While these arguments are sound, they also do not engage the inter-governmental relations and corporative governance mandate of the NCOP, nor does she specifically address subnational issues. Arguments presented give a national perspective, which does not in any way address specific provincial matters, which essentially is what is required by the NCOP delegates. The cooperative governance mandate of the NCOP, necessarily demands that the NCOP delegates must approach debates in a manner that must engage three sphere coordination

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[384] Fessha, Y. T. (2021) Second chamber as a site of legislative intergovernmental relations: An African federation in comparative perspective, Regional & Federal Studies, 31:4, 495-517, DOI: 10.1080/13597566.2019.1690997 (Accessed on 17th October 2021)

[385] Ibid

issues, first by engaging on how national priorities will be cascaded to provincial level, while analysing whether specific programmes are able to target the unique challenges across provinces, districts and localities. The speech by Van Lingen also does not effectively invoke or give expression to the NCOP's constitutional mandate.

7.15 Mtomuhle Khawula, Appropriations Policy Debate Speech, 2015
In Mr Mntomuhle Khawula's speech, a former member of the Inkatha Freedom Party in the NCOP,[386] also demonstrates a lack of focus on subnational issues, when it comes to inclusive economic growth matters, particularly as they relate the policy provisions of the NDP. Khawula's speech also falls into the deliberative category, which is presented as an argument based on logos propositions: making use of facts and statistical inputs, while citing research findings to engage in the debate.

While this speech address issues of industrialization and energy infrastructure as one of the key policy issues emanating from the governing party's electoral mandate, it fails to cascade perspectives shared to the sub-national level, in order to adequately engage on how inclusive growth policy priorities, particularly industrialization and energy infrastructure, will find expression at provincial and local government level.

All three speeches delivered by the members of the NCOP, demonstrate a disconnect from the NCOP's constitutional mandate. These speeches also demonstrate a disconnect from the temporal perspective that must guide policy implementation, particularly given the fact that the Minister did not provide measures and markers for delivery and implementation. NCOP members also do not articulate how they intend on measuring progress made in implementing the undertakings made in the Minister's speech. It must also be recognised that the Minister's speech did not provide sufficient details on how key aspects of the New Growth Path as the "operational plan of economy of the NDP" (as stated by Makue), would be implemented. Patel provided broad concepts, which NCOP members were unable to substantially unpack or engage with effectively. These speeches are a representation of the deficient oversight culture of the NCOP, which is disconnected from the constitutional mandate of the NCOP.

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[386] Appropriation Bill, NCOP Economic Development Policy Debate, Former MP, Inkatha Freedom Party Member, 13 May 2015 https://pmg.org.za/hansard/22568/ (Accessed 29th September 2021)

8. Chapter Eight

8.1 Conclusion

In this study, a rhetorical analysis was undertaken in order to analyse NCOP rhetoric in the implementation of South Africa's National Development Plan. The study was undertaken in order to analyse the rhetorical communication and argumentation of NCOP debates and to identify internal and exogenous constraints that weaken the NCOP's ability to effectively oversee the implementation of the NDP.

The analysis in this body of work, firstly clarified the imperatives of rhetoric as a philosophy that enables the articulation and reshaping of power relations and has the capacity to advance the common good across free societies, without which free societies cannot function. The philosophy of Rhetoric is also positioned as a critical mechanism that enables free societies to transact, through argumentation and persuasive, as cohesion in cultural beliefs, social value systems, policies and legislative perspectives, cannot be shaped without the philosophy of rhetoric. Political rhetoric, argumentation, is recognised as the currency of human engagement, without which society cannot function.

This study was further unpacked the broader rhetorical situation, with outcomes indicating that South Africa's NDP, finds its policy origins in the Freedom Charter, which was adopted by the People's Assembly in 1955. The Freedom Charter is further postulated as the nucleus of the governing African National Congress's functional policy positions. The Freedom Charter is also postulated as the demand document of the Congress Alliance, which was led by the African National Congress during the height of the apartheid regime. The Freedom Charter served not only as a demand document at the time of its adoption in 1955, it also proceeded to postulate very clear policy proposals, arguing against the National Party ideology, which was based on apartheid and racial separatism. Given its multiracial consultative process, the Freedom Charter is hence postulated as the construct of values and policy propositions based on equality and was used as a mechanism to construct a "community of minds" in the fight against the apartheid regime.[387]

8.2 Assessing the interlinkages between Adherence and Implementation

(Scott, 2020) asserted in his interpretation of Perelman's definition of argumentation in the "*Realm of Rhetoric*" that "the aim of argumentation is to elicit or increase the adherence of the audience to theses presented for assent". Scott goes further to indicate that "adherence is the idea that a person's adherence "goes beyond the present moment", which according to Scott implies reference of its (implementation which is tied) to a possible future." The Freedom Charter is hence a microcosm of policy propositions presented for assent and future implementation, which would influence South Africa's policy positions in

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[387] Brockriede, W. (1982) on the New Rhetoric and Humanities: Essays on Rhetoric and its Applications, by Chaim Perelman, Philosophy and Rhetoric
http://www.msubillings.edu/commfaculty/gross/COMT%20330/Chaim_Perelman(ARV).pdf (Accessed 5th September 2021)

its democratic transition, demonstrating an inherent adherence to the policy propositions of the Freedom Charter, as contained in the NDP. The continuum of time that was required to fully give effect to the policy propositions of the Freedom Charter, is demonstrated by the temporal nature of argumentation, which even after the Freedom Charter had been assented to in 1955 and adhered to over decades, the values of this manuscript would still be subjected to the constraints of an evolving and fluid rhetorical situation during South Africa's democratic dispensation, creating hindrances to policy implementation. The policy proposals of the Freedom Charter were not only deliberative in nature, they sought to respond to the prevailing conditions at the time, while making reference to judicial arguments to postulate the need for a complete deconstruction of the apartheid policies and its legislative instruments.

8.3 The Freedom Charter as the Nucleus of South Africa's Development Policies
The Freedom Charter is also recognised as the base policy document and key reference point that influenced the formation of the RDP, GEAR Asgisa and the NDP. The study also found that the African National Congress still aligns itself to the ideological perspectives of a social democracy, as well as that of democratic capitalism, which are schools of thought that are anchored in socialism, but enable the redistribution of resources from capitalist and free-market gains. These ideological perspectives were formulated and embarked upon, in order to reverse the impact of apartheid policies and ideology, which further confirmed a demonstration of Jacques Derrida's deconstructionism. Derrida's deconstruction is positioned as a defining theory finding expression in this study, particularly in the dichotomy of ideological perspectives between South Africa's apartheid ideology and the emergence of South Africa's democratic and liberal ideology. Analysis further confirmed that the Freedom Charter and the RDP (as South Africa's breakthrough transformation policies) could not have been imagined nor conceptualized, without the existence of South Africa's colonial past nor the apartheid regime's ideological perspectives, which stood in direct contrast to the ideological positions of freedom and democracy.

(Sikirivwa, 2020) in his paper "*Deconstruction Theory and its Background"* makes reference to Jacques Derrida perspectives in his book, *"Of Grammatology"* when he states that "we can define one of the terms of an opposition by mentioning the other term, and vice versa, because each term contains what Derrida calls the trace of its opposite. In fact, without a trace retaining the other as other in the same, no difference would do its work and no meaning would appear. Thus, binary oppositions are dichotomies that are evaluative hierarchies. They are contrasting concepts, "each of which makes it possible for us to understand the other more fully. We are able to understand black because we understand white, noise because we know

silence."[388] It is hence established that the purpose of the Freedom Charter and the RDP was to deconstruct the apartheid ideology and system. Similarly, the NDP was constructed as a continuum of the policy proposals of the Freedom Charter, which while assented to and adhered to, had still not been effectively implemented. Just like the Freedom Charter, the NDP continues to serve the objective of deconstructing the sustained manifestations and impact of the apartheid ideology, which is expressed in the structural constraints in the economy, hindering access to those previously excluded. To this end, the NDP represents a macrocosm of an evolved Freedom Charter, which continuously attempts to create a new social, economic and political order, to facilitate the inclusion of the previously marginalized.

The study also analysed the BCM philosophy as an ideological perspective, which influenced the broader identity and consciousness of self, amongst black people during a time when the Pan African Congress and the African National Congress were banned. While the BCM also focused on a form of othering to positively redefine the identity of black people and build their confidence, the process of othering was firstly actualized by the apartheid regime based on its ideology of separatism, thereby giving way to the emergence of the BCM philosophy. The apartheid regime is hence presented as a point of exigence, which gave rise to the BCM, to re-classify all black people under a common, reimagined and positive identity. This philosophy was hence a school of thought that was constructed to revive confidence in black people, as a necessary mechanism and precursor, to challenge the oppressive laws of the land. The BCM hence represented a rhetoric of identity, which sought to enable the redefinition of black people, by black people themselves.

(Mancini, 2019) in her paper *"The rhetoric of identity in Right and Leftwing Populism"* asserts that "contemporary politics tends to rely more intensively on the logic of othering, namely a process through which the affirmation of one's own identity depends on the positioning in an opposite front compared to the one of the *different* enemy. The *us vs them* rhetoric showed itself efficient because, by simplifying public space, it allows an immediate identification of the individual with a collective front, in addition to a clear discovery of her/his political rival."[389] In the context of the BCM, its philosophy and rhetoric was mainly centred around a process of identification, where the distinct racial identity of black people was re-defined and reconstructed, based on the othering of the apartheid regime's perspectives of racial classification. This process of othering, also positioned the apartheid regime as a system that constrained the freedoms and identity of black people. Indeed, this othering, did not begin with the BCM philosophy.

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[388] Sikirivwa, M. K. (2020) "Deconstruction Theory and its Background"
https://www.ajhssr.com/wp-content/uploads/2020/03/E20444472.pdf (Accessed 2n d September 2021)
[389] Mancini, M. (2019) "The Rhetoric of Identity in Right- and Left-wing Populism: A Brief Survey"
https://nome.unak.is/wordpress/volume-14-no-2-2019/conference-proceedings-volume-14-no-2-2019/the-rhetoric-of-identity-in-right-and-left-wing-populism-a-brief-survey/ (Accessed on 30th September 2021)

It began with the apartheid regime's racial classification of South Africans, which in many ways, constructed and entrenched othering perspectives amongst all races, through the implementation of laws such as the "group areas act" and other racially anchored laws. This is an important consideration because the NCOP debates would also be defined by a rhetoric of othering, which find their origins in the apartheid ideology and policies.

The concept of the rhetorical situation was also explored as an important concept, particularly in relation to uncovering underlying reasons for policy implementation failures across South Africa's state machinery. (Bitzer, 1968) in "*the Rhetorical Situation"* asserts that "the presence of rhetorical discourse indicates the presence of a rhetorical situation. Bitzer then proceeds to define the rhetorical situation as being characterized by an exigence, an audience, and constraints. Exigence according to Bitzer refers to an urgent matter which requires a response to resolve. The audience refers to those who upon hearing, must participate in the action required to address an urgent matter. Thirdly, the constraints refer to "a set of *constraints* made up of persons, events, objects, and relations, which are parts of the situation because they have the power to constrain decisions and action needed to modify the exigence."[390] Bitzer wrote that "rhetorical discourse is called into existence by situation. He defined the rhetorical situation as "a complex of persons, events, objects, and relations presenting an actual or potential exigence which can be completely or partially removed from discourse, introduced into the situation and can so constrain human decision or action, so as to bring about the significant modification of the exigence."[391]

Bitzer's views on the rhetorical situation, particularly in relation to constraints, offered great insights in relation to how South Africa's rhetorical situation, including its historical policy trajectory, continue to impact the quality and nature of arguments presented in the NCOP on the NDP and other related policies. These constraints were identified particularly in relation to the NCOP's constitutional mandate and its inability to give full effect to its constitutional mandate.

Some of the key constraints that were identified include the following:
   a) (Steytler, 1995) who served as a technical advisor to South Africa's Constitutional Assembly, provided key perspectives on the separation of powers in Theme Committee (2) of South Africa's Constitutional Assembly. He asserts "the authority and supremacy of Parliament, as a construct of people's power and democratic legitimacy. He further asserts that "Parliament is the (foremost)

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[390] Lloyed F. Bitzer, (1968) "The Rhetorical Situation" Philosophy and Rhetoric, Vol. 1, 1968 pp 1-14
http://www.arts.uwaterloo.ca/~raha/309CWeb/Bitzer(1968).pdf (Accessed on 10th October 2021)
[391]Rhetorical Situation
https://en.wikipedia.org/wiki/Rhetorical_situation (Accessed 19th October 2021)

democratic institution of the three branches of government. In theory Parliament ought to be all powerful because of its strong democratic base, particularly because it makes laws and scrutinizes how they are executed. In practice, however, the executive has tended to be more powerful; it formulates policies which are translated into legislation, which it then executes. Furthermore, the NCOP has also been subjected to an inferior position, based on the uneven distribution of power between Parliament and the executive. This weakening of the legislative sector, has also negatively impacted the ability of the NCOP to assert itself effectively, as the executive arm continues to assert more dominance over legislatures in South Africa;

b) (Steytler, 1995) further asserts that "Parliament also defuses state power between itself and the executive, with the political agenda often determined by the executive, particularly in relation to policy proposals and legislation passed." The NCOP is also affected by this defusing of power, which essentially places the NCOP at a power disadvantage, with limited power to exercise its constitutional mandate. Furthermore, members of the NCOP are often not senior members of the African National Congress, which immediately presupposes that the party political seniority of the members of the executive, creates party political hierarchy, which also finds expression on the NCOP platform;

c) The study has also found that Party political hierarchy in the NCOP, also impacts on the oversight and accountability posture of the NCOP, which also impacts the shape and posture of NCOP arguments particularly as asserted by NCOP members of the African National Congress. Arguments in debates are therefore naturally designed to defend the policy positions and political decisions of the governing party, which effectively means that party political interests are pursued and supersede the political culture of the NCOP. This inadvertently weakens the oversight and accountability processes and systems of the NCOP;

d) NCOP members of the African National Congress, also consistently engage in a rhetoric of defence, which was also demonstrated in the 2015 budget vote and policy debate on economic development in the NCOP. This often leads to instances where African National Congress members in the NCOP, use allocated time to speak on behalf of the executive, thereby abandoning the oversight role and consequently failing to represent provincial and local interests effectively;

e) The study has also found that NCOP topics for debate often do not reflect its unique IGR mandate, nor do they reflect insights into subnational issues. The NDP, has been constructed as a national

document, with no clear indication of how these policy proposals will find expression at the subnational level. While the NCOP debates engage all three branches of rhetoric, its invention process, which is necessarily expected to reflect provincial and local government issues in relation to the NDP, indicates that the second chamber often tends to focus on national issues, thereby simulating the deliberative content of the National Assembly;

f) "The High Level Panel on the Assessment of Key legislation and the Acceleration of Fundamental Change"[392] released in 2017, also found that Parliament's narrow interpretation of its oversight and accountability responsibility mandate, also weakens the oversight processes of both houses, including the NCOP. The report which was released in 2017, had also concluded that key pieces of legislation that are necessary to advance transformation, had not been effectively implemented."[393] This clearly also indicated that by 2017, no sufficient progress had been made to implement the NDP;

g) The NCOP has also faced consistent challenges in giving effect to its constitutional mandate since its inception on 1997. In key speeches delivered by the Former President of the Republic of South Africa, Mr Thabo Mbeki; the first Chairperson of the NCOP, Mr. Mosiuwa Lekota; and Minister Pravin Gordhan between 1999 and 2010, key assertions were made in relation to the oversight role of the NCOP and how these processes could be enhanced to improve the effectiveness of the NCOP. This is also indicative of the NCOP's sustained inability to give clear expression to its national coordinating oversight mandate, which is a critical constitutional mandate assigned to the NCOP to oversee policy implementation across the three spheres of government. The recommendations that were made by these leaders mentioned in this segment, have also not been effectively implemented;

h) From a policy focus, the NDP postulates and anchors the manuscript within the economic transformation agenda of the African National Congress policies. The economic thrust of the NDP, as a key feature for policy oversight, is particularly critical for a second chamber such as the NCOP,

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[392] REPORT OF THE HIGH LEVEL PANEL ON THE ASSESSMENT OF KEY LEGISLATION AND THE ACCELERATION OF FUNDAMENTAL CHANGE
https://cisp.cachefly.net/assets/articles/attachments/72412_highlevelpanel.pdf (Accessed 22nd March 2022)
[393] HIGH LEVEL PANEL ON THE ASSESSMENT OF KEY LEGISLATION AND THE ACCELERATION OF FUNDAMENTAL CHANGE
https://www.parliament.gov.za/storage/app/media/Pages/2017/october/High_Level_Panel/HLP_Report/HLP_report.pdf (Accessed 22 March 2021)

which must constantly unpack how key policies will find expression at the subnational level. The absence of a concrete comprehension and articulation of the policy thrust driving the country's functional transformation agenda, also negatively impacts the ability of the NCOP to engage substantively on key policy issues. Effective oversight engagement requires a much deeper understanding of the key policy thrust of the NDP, which places economic development, is an apex priority nationally and at the subnational level, for the advancement of transformation;

i) Another constraint in this context is the fact that it is believed that the "NDP is a highly controversial document within the tripartite alliance. The differences run deep, and can be traced back in part to the unresolved tensions between proponents of the RDP initiative and GEAR respectively, in the 1990s."[394] "It is also asserted that the policy formulation process of GEAR led to significant fissures within the tripartite alliance, with reasons postulated being that the policy document was developed by a small group of people and lacked an inclusive articulation of the policy perspectives of the broader alliance partners. It was further asserted that the NDP, just like GEAR, seemed to predominantly articulate capitalist interests, instead of the interests of the poor and working class."[395] This is a major constraint, which also impacts the political dynamics in the African National Congress and NCOP and ensuing policy uncertainty;

j) Considering that the process to develop the NDP was commenced immediately after President Jacob Zuma took the Presidential reins in 2009, where he tasked the newly established National Planning Commission with the responsibility of diagnosing the country's underlying social and economic challenges, it postulates the NDP as an instrument of crisis management. Within this broader spectrum, (Loepp, 2008) in his paper, *"Crisis Rhetoric: A Theory of Communication in Times of Crisis"* denotes that "the notion of crisis rhetoric is nothing new, although the modern media certainly affects how it is being dispensed. In ancient Greece during the Peloponnesian War (431-404 BC), the historian Thucydides documented a speech made by the Athenian leader Pericles, who addressed the masses at a time when the defeat of Athens was impending. Pericles managed to stir their personal and national patriotism with phrases such as "the bravest are surely those who have the clearest vision of what is before them, glory and danger alike, and yet notwithstanding, go out to meet it." Even though Pericles was giving a funeral oration, his words

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[394] Morris, E. (Jun 20, 2013) The National Development Plan (NDP): The Current State of Play, Helen Suzman foundation https://hsf.org.za/publications/hsf-briefs/the-national-development-plan-ndp-the-current-state-of-play   (Accessed   on   18th September 2021)
[395] Ibid

still managed to inspire the Athenians who were listening."[396] The NDP's economic policy thrust was also somehow necessitated, due to the impact of the 2008 Global Financial Crisis, which had negatively impacted not only the South African economy, it had an equally damaging impact on the development trajectory of the country, plunging millions into deeper levels of poverty and inequality. The NDP sought to embolden a sense of patriotism, in order to unite the nation, around a common enemy, which included the apartheid legacy and the impact of the Global Financial Crisis.

k) The constitutional mandate conferred upon the NCOP to approach its oversight work as guided by cooperative governance and intergovernmental relations precepts in the current Constitution of the Republic of South Africa, positions the NCOP as the only house in the legislative sector with the powers to undertake a three sphere oversight and three sphere coordination role. The NCOP had until the end of the fifth Parliament, not succeeded in playing the critical role required to ensure the three spheres of government work cohesively and effectively together, to implement key policies and key legislation;

l) Chaim Perelman asserts that in order for argumentation to occur, " a formulation of a community of minds must occur" and that "all argumentation aims at gaining the adherence of minds, and by the very fact, assumes the existence of an intellectual contact and that this contact of minds creates a community of minds."[397] The NCOP is hence postulated as an apex chamber that is expected to enable a community of minds through effective coordination, so as to enable the seamless implementation of key policies. However, its inability to create the appropriate systemic, institutional machinery to give effect to its constitutional mandate (creating a community of minds through three sphere coordination), subsequently means that the NCOP is unable to effectively enable the formulation of a community of minds, to advance policy implementation;

m) The NCOP as the most appropriate supporting democratic construct (as defined by its constitutional mandate), has been mandated to play an enabling, three sphere oversight and coordination role, to embolden three sphere coordination and policy implementation. Given its IGR mandate and cooperative governance responsibility, the NCOP is the only constitutional construct within the broader state machinery, whose mandate straddles the three spheres of government. The NCOP is hence postulated as an apex chamber, which must undertake strategic three sphere oversight, in

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[396] Ibid
[397] Brockriede, W. (1982) on the New Rhetoric and Humanities: Essays on Rhetoric and its Applications, by Chaim Perelman, Philosophy and Rhetoric
http://www.msubillings.edu/commfaculty/gross/COMT%20330/Chaim_Perelman(ARV).pdf (Accessed 5th September 2021)

order to embolden the three spheres to work better together, for the acceleration of policy implementation. However, the NCOP has not been able to give full effect to its three sphere coordination and IGR mandate. While it implements programmes such as Taking Parliament to the People, Provincial week and Local Government Week, these programmes take place at specific intervals annually and often in an adhoc manner. These programmes often do not yield measurable implementation deliverables, because they lack substantive follow-up and effective tracking processes. Furthermore, the NCOP also does not measure the impact of its work annually, by assessing the impact of every debate, questions sessions and budget vote policy debates, so as to ensure that the work of the NCOP leads to policy implementation across provinces and localities.

n) (Scott, 2020) in his interpretation of Perelman's definition of argumentation in the "*Realm of Rhetoric"* states that "adherence is the idea that a person's adherence "goes beyond the present moment", which according to Scott implies reference of its (implementation which is tied) to a possible future. Scott also states that "adherence cannot be understood independently of its past and future" and further articulates Chaim Perelman's perspectives on the centrality of Epideictic Rhetoric, as the causal and defining branch of Rhetoric, which activates both the judicial (past) and deliberative (future) branches of Rhetoric."[398] This also aligns to the argumentation trajectory of the Freedom Charter, the RDP, GEAR, Asgisa and the NDP, which over time have been sustained by adherence, which since its adoption in 1955. While adherence has been sustained since the adoption of the Freedom Charter and the NDP, which postulate similar values and policies, these promises have not been realized, due to the various constraints exogenous and internal constraints that still persist. It is therefore postulated that assent to thesis and adherence to the underlying policy proposals presented, must be followed by a structured process that will ensure implementation and underpinned by clear implementation timelines, for purposes of structured temporality. Indeed, Bitzer's conception of constraints in the rhetorical situation, is an important process for identifying and eliminating constraints, which must also be addressed as points of exigence, because they will consistently hinder effective implementation and leave policy proposals that's are assented to in the realm of "*a possible future"*;

o) In his analysis of Perelman and Olbrechts-Tyteca's work of "*The New Rhetoric",* (Scott, 2020) presents a possible reason for the challenges in adherence and implementation, when he articulates

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[398] Blake D Scott (2020) "Argumentation and the Challenge of Time: Perelman, Temporality, and the Future of Argument", *Argumentation*, Vol 34, Issue 1, pg 25 -37 https://scholar.google.com/citations?view_op=view_citation&hl=en&user=52ru3fUAAAAJ&citation_for_view=52ru3fUAAAAJ:9yKSN-GCB0IC (Accessed 10 March 2020)

that "the fluidity and shifting context within which arguments emerge, may not always be favourable to effectively support the kind of adherence that leads to action, implementation and the realization of a promised and intended policy priority."[399] "Perelman and Olbrechts-Tyteca to this end assert that the realm of values is a site of "intense activity" that is constantly being recast and remodelled. "First there is a level of particular values to which one adheres to with some degree of intensity. The second level deals with the hierarchy of values, to which one also adheres to with some degree of intensity at each level."[400] This presents the challenge of the hierarchy of values adhered to along the continuum of time, particularly in the context of debates in the NCOP as a second chamber, where the fluidity of the argumentation landscape must be acknowledged. While it is acceded that the hierarchy of values is a significant contributor impacting adherence, assent and implementation, this hierarchy must also be guided by the development agenda of the NDP, which places key policy positions at the top of that hierarchy. Furthermore, while this fluidity is recognised, it is imperative that the NCOP strategically determines its oversight agenda based on key priorities that's are postulated in the NDP, in order to ensure policy priorities that hold the potential to accelerate development and transformation, consistently find expression in the oversight work of the NCOP. This process can also make room for the contestation of values, while retaining a delineated space for key development priorities of the NDP;

p) The concept of political economy, which within the broader context of a developmental state, represents an important process that enables the contestation of ideas and strategies for the welfare and greater good of society. These are issues which are intrinsically linked to the principles of rhetoric. Aristotle aptly asserts in his "*Nicomachean Ethics" (H. Rackam ed)* that "we deliberate not about ends, but about means."[401] (Rybacki and Rybacki 13-14) on the other hand assert in their book *"Advocacy and Opposition: an introduction to argumentation"* on ethical standards of argumentation "that standards for argumentation are devised in one of two ways which includes that *Teleological ethics* are based on the outcomes or end of communicating, the purpose you achieve rather than the means you use to communicate."[402] The NCOP is also a platform that must

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[399] Blake D Scott (2020) "Argumentation and the Challenge of Time: Perelman, Temporality, and the Future of Argument", *Argumentation*, Vol 34, Issue 1, pg 25 -37
https://scholar.google.com/citations?view_op=view_citation&hl=en&user=52ru3fUAAAAJ&citation_for_view=52ru3fUAAAAJ:9yKSN-GCB0IC (Accessed 10 March 2020)
[400] Blake D Scott, 2019 Argumentation and the Challenge of Time: Perelman, Temporality and the Future of Argument
[401] H. Rackham, Ed. Aristotle, *Nicomachean Ethics*
http://www.perseus.tufts.edu/hopper/text?doc=Perseus%3Atext%3A1999.01.0054%3Abekker+page%3D1112b (Accessed 15th October 2021)
[402] Rybacki, K C. & Rybacki D. J. (2004). "Advocacy and Opposition: an introduction to argumentation" Boston, MA: Allyn and Bacon

be used chiefly, to consider the best mechanisms available, to ensure that the key development policies, as contained in the NDP, are implemented. The NCOP hence represents a platform for arriving at the best outcomes to achieve the country's development goals. However, this platform often does not serve its intended purpose, as the NCOP's political agenda is often defined by exogenous issues and processes. NCOP oversight processes often do not effectively interrogate implementation mechanisms, policy design as well as the design of strategic programs and their impact, in order to participate effectively in the process of deliberating for purposes of ensuring that the best implementation mechanisms are developed and adhered to;

q) (Samuels at el, 2007) in his book the legal economic Nexus, Samuels positions the concept of reconstruction within the legal economic nexus, for purposes of addressing distributional and structural changes. The South African historical context frames the necessity for wealth redistribution, which is centred on the macro-economic strategy and development objectives of the country. In this context, the needs and preferences of the poor, remain central, as guided by the imperative to bring about transformation through the appropriate reconstruction project.

Furthermore, the economic development policy thrust of the NDP, necessitated a qualitative focus on the interrelations between the NDP as a legal manuscript and a policy document, as well as how it is processed through the polity processes of the NCOP and furthermore, including how it affects decisions relating to the economy and related areas of development. However, the NCOP did not demonstrate a deeper appreciation for the economic policy thrust of the NDP, not did it shape its oversight and policy debates in a manner that enabled a targeted focus on the key priorities

r) "In the *Rhetoric*, Aristotle observes that enthymemes are "the substance of rhetorical persuasion,"[403] "Enthymemes are usually developed from premises that accord with the audience's view of the world and what is taken to be common sense."[404] To this end, South Africa's struggle for freedom and democracy, was based on a set of globally accepted values and norms of an open and free society, where human rights are accepted as universal and applicable to the human race in its entirety. The quest for a developing and democratic country such as South Africa, to decisively address structural social and economic constraints, is postulated as an important

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https://books.google.co.za/books/about/Advocacy_and_Opposition.html?id=xF5SOl_5Ns4C&redir_esc=y (Accessed 19th March 2021)

[403]Enthymeme-definition and example
https://www.thoughtco.com/what-is-an-enthymeme-in-rhetoric-1690654 (Accessed 23 July 2022)
[404] Enthymeme
https://en.wikipedia.org/wiki/Enthymeme (Accessed 23 July 2022)

objective, to achieve transformation. The challenge to achieve transformation in South Africa, is indeed multifaceted, however it is based on an unspoken but common understanding that the attainment of social and economic equality are universally accepted values, which enjoy the support of a free global community.

8.4 NCOP Debate Topics: 2014 to 2017

Based on the NCOP's midterm review report, the NCOP focussed predominantly on social issues, with little or no debates focussing on the economic development issues as outlined in the NDP. According to NCOP records, the following was reported:

> "The NCOP held a total of 37 sittings in 2014 (of which seven were Joint Sittings with the National Assembly), 57 in 2015 (of which 10 were Joint Sittings), 43 in 2016 (of which five were Joint Sittings and 51 in 2017 to date (of which four were Joint Sitting. Most topics for debate in the NCOP focussed on social issues that were deemed topical at a particular time including the following: the impact of crime in SA, addressing the spate of rapes of learners in schools, anti-racism and racial prejudice and finding a lasting solution to the financial assistance for needy students at higher education level to name but a few."[405]

This disjuncture between NCOP debates and the NDP, is a clear indication that the NCOP did not effectively align its house plenaries topics for debate towards conducting structured oversight to oversee the implementation of the NDP, particularly the economic development priorities of the plan. The NCOP's topics of debate also did not necessarily align to the policy priorities as set out in the NDP, particularly in a sector specific manner, in order to ensure that topics of debate are effectively aligned to the NDP. It is also imperative to consider that the development landscape across provinces are often completely disparate, which requires a more strategic approach in framing topics for debate, so as to ensure that the most pressing development issues are debated, while aligning these topics to key aspects of the NDP. Another very important observation is the fact that NCOP topics for debate, are also not structured in a manner that enables a poverty mapping analysis, so as to ensure that the most pressing development issues are debated concerning the nine provinces.

8.5 NCOP House Resolutions

According to the NCOP's fifth Parliament Midterm Review Report "during 2014 and 2017, a total of 199 resolutions were passed by the NCOP during the 5th Parliament, of which only 11 responses were received from the Executive by 2017."[406] This also confirms that the NCOP lacks sufficient authority or supporting mechanisms to compel members of the executive to respond to and implement NCOP house resolutions. The fact that very little responses were received during the time under review, is also indicative of the fact

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[405] NCOP Midterm Review Internal Report, (2017), National Parliament of the Republic of South Africa
[406] Ibid

that power and authority is still concentrated in the executive. This is a clear indication of the systemic design challenges, system design inadequacies and unequal power relations between the NCOP and the executive.

8.6 The NCOP's Midterm Review Report also asserts that:

> "most resolutions that present themselves for adoption before the House are not aligned with the NDP or SDGs. The resolutions speak more to actual observations by an entity rather than speaking to the future and the attainment of the goals set out in the NDP. A large number of resolutions are suggestive or investigative in nature rather than requiring a specific action to be taken."[407]

This is also a clear indication of resolutions that are misaligned to the implementation processes and timelines of the NDP. This is also clearly indicating that the NCOP debates are not effectively targeted and anchored in the development provisions of the NDP. By 2017, the NCOP had already conceded that its house resolutions were not aligned to the NDP, which effectively meant that since the adoption of the NDP in 2012, no substantive oversight and accountability systems had been put in place to ensure that topics for debate and house resolutions emanating from committee reports were in line with the NDP. The NCOP had essentially been ineffective in exercising oversight over the implementation of the NDP, particularly in relation to its economic development policy priorities.

8.7 Confirmed Slow Pace of Economic Development in South Africa

In a report compiled by South Africa's National Treasury titled *"Economic transformation, inclusive growth, and competitiveness: Towards an Economic Strategy for South Africa"* published in 2019, it reported on a number of findings regarding inclusive growth in South Africa. A number of key findings were made, which chiefly amongst others, confirmed that South Africa had made very little progress in realizing the inclusive growth objectives of the NDP between 2015 and 2019. The report asserts the following:

> "The economic structure in South Africa, is characterized in part by extremely high levels of concentration, which has not changed much in the past two decades. A lack of progress in tackling entrenched dominance, which presents a significant barrier to entry in several sectors, continues to hinder greater participation in the economy. Barriers to entry distort the market structure and typically reduce the incentives for productivity and innovation. A lack of competition and product market dynamism is directly inhibiting growth prospects. Large and old firms continue to dominate the economy as well as employment dynamics."[408]

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[407] NCOP Midterm Review Internal Report, (2017), National Parliament of the Republic of South Africa

[408] National Treasury, (2019) "Economic transformation, inclusive growth, and competitiveness: Towards an Economic Strategy for South Africa"
http://www.treasury.gov.za/comm_media/press/2019/Towards%20an%20Economic%20Strategy%20for%20SA.pdf (Accessed on 22nd October 2021)

The report findings also clearly indicate that distorted patterns of economic concentration, had largely remained intact between 2015 and 2019. This further indicates that the NCOP's unique constitutional role, did not contribute as intended, to creating better three-sphere coordination processes to advance the implementation of the NDP.

This thesis is concluded with the assertions made by Albertyn & Goldblatt in chapter one of this body of work, where they articulate that achieving transformation in South Africa will:

> "require a complete reconstruction of the state and society, including a redistribution of power and resources along egalitarian lines. The challenge of achieving equality within this transformation project involves the eradication of systemic forms of domination and material disadvantage based on race, gender, class and other grounds of inequality. It also entails the development of opportunities which allow people to realise their full human potential within positive social relationships."[409]

The constitutional mandate of the NCOP, is hence positioned as a key driver and enabling instrument for the realization of transformation, through the effective implementation of the NDP and related policies. Based on Justice Langa's interpretation of the concept of "transformative constitutionalism," the NCOP must strive to mature as an important construct of transformative constitutionalism. This mandate can only find adequate expression through strategic rhetorical debates in the NCOP, as well as strategic reasoning, in the pursuit of truth and transformation.

8.8 Recommendations:
  a) That the NCOP develops the appropriate three-sphere oversight and accountability mechanisms in line with its constitutional mandate, to enable it to conduct effective three sphere oversight, over the implementation of the NDP and related policies. This will enable the NCOP to ensure an integrated planning, budgeting and implementation process, while further ensuring that the three spheres of government wok cohesively together to realize transformation;

  b) That the NCOP, functioning as a realm of speech, argumentation and debate, should perform its constitutional functions, by appropriately shaping policy oversight debates, arguments, language-use and its rhetoric, "in a manner that is consistent with the mandate conferred upon it by the constitution of the Republic of South Africa."[410] This would require an oversight process over the integrated planning systems across the three spheres of government, in order to ensure better oversight deliverables and outcomes;

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[409] Albertyn & Goldblatt "Facing the Challenge of Transformation: Difficulties in the Development of an Indigenous Jurisprudence of Equality" 1998 14 *SAJHR* 248 249.
[410] The Constitution of the Republic of South Africa, Act 108 of 1996

c) That the NCOP effectively aligns its oversight agenda to government's appropriately integrated three sphere integrated plans as aligned to the NDP, in order to shape its plenary debates, questions, committee oversight programmes, including statements and motions;

d) That the NCOP frames its year-long institutional programme in a manner that is responsive to the electoral mandate, the State of the Nation Address commitments, State of the Province Addresses and State of the Metro, District addresses and Local Municipal address, so as to play a more effective oversight role to advance oversight and accountability in a targeted manner and for better oversight outcomes and deliverables;

e) In its Handover report in 2015, the NPC observed that "Many actions in the MTSF relate to developing strategies, legislation, and policies, with insufficient attention to actions that will immediately affect the delivery of programmes, which will in particular make an impact on poverty and inequality. An evaluation of the MTSF by the Department of Planning of Planning, Monitoring and Evaluation, which is the custodian of the tool, concluded among others that it included too many government priorities which were accorded equal weighting and status, and thus slowed the implementation and progress of the NDP."[411]

The NCOP must therefore develop an oversight and accountability programme, which is effectively aligned to a targeted and narrowed down set of development catalysing priorities, in order to ensure that the budget is spent on priorities that can potentially accelerate transformation, through the implementation of key policies, key legislation, projects and programmes;

f) The NPC also observed that "the NDP actions which require cooperation across multiple departments, spheres of government or non-governmental stakeholders, showed poor implementation. In addition, resources were thinly spread given the economic environment. There were also inadequate information systems in government to track progress towards the NDP's 2030 goals."[412]

The NCOP should identify key development programmes, particularly programmes that are of concurrent nature, which require cooperation across multiple departments and spheres. That the NCOP must develop the appropriate tracking and monitoring tools, to coordinate implementation

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411 A Review of the National Development Plan
https://www.nationalplanningcommission.org.za/assets/Documents/NDP%20REVIEW.pdf (Accessed on 28 October 2021)
412 Ibid

processes focussing on development catalysing and transformation projects, thereby giving expression to the NCOP's three sphere coordination constitutional mandate.

g) The current NPC's assessment of the 2014-2019 MTSF concluded that "its use of 1151 indicators render the tool unwieldy, and conflates activities, outputs and impact in a manner that makes measuring implementation and progress difficult (NPC, 2018), Implementation and Measurement Report, unpublished). The report emphasised the importance of focusing on a few key priorities, objectives and indicators to ensure that these are tracked and measured accurately."[413]

The NCOP should therefore ensure that it meaningfully participates in processes to ensure a targeted reduction and narrowing down of the NDP indicators, which will result in a seamless oversight and tracking process.

The NCOP should further create strategic tracking mechanisms and tools, for purposes of ensuring that it accurately monitors the implementation of strategic policy priorities, particularly as they relate to the cascaded plans emanating from the State of the Nation Address, the Budget Vote Process, as well as the undertakings that are made at the provincial and local sphere of government, in line with the NCOP's three sphere oversight mandate;

h) That the NCOP creates targeted three-sphere scrutiny, coordination, cooperative governance and intergovernmental relations tracking mechanisms, to enable it to function as an apex chamber within South Africa's legislative sector, so as to effectively oversee the implementation of key policy priorities;

i) That the NCOP considers the development landscape and poverty mapping perspectives across all provinces and localities in its planning processes, for better framing of arguments and content in NCOP debates;

j) That the NCOP infuses a spatial/geographical dimension into its oversight processes, particularly for impact assessment and for tracking progress made in implementing NDP commitments;

k) That the NCOP develops the appropriate systems to ensure that resolutions of the house are in fact aligned to action based deliverables to be implemented across the three spheres;

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[413] Ibid

l) That the NCOP assesses the geographical reach and impact of all oversight processes as implemented across the NCOP's institutional machinery;

m) That the NCOP redefines power-relations between itself and the executive and puts systems in place to institutionalize outcome based and impact based oversight, over the implementation of the NDP priorities;

n) That the NCOP, taking cognizance of matters relating to party political hierarchy in the NCOP, creates a matrix of development priorities that are mandatory to report on by the executive and includes such policy priorities in the rules of the council and further appropriately frames how such matters will be followed up and reported on. This will ensure that critical development priorities, remain central in government's implementation plans as well as the NCOPs oversight agenda, including particularly issues such as economic transformation priorities, economic inclusion priorities and inclusive growth plans. Such transformation priorities, must also be subjected to clear implementation timelines to ensure sustained progress.

o) AS indicated earlier in this body of work, "it was envisaged that the role of the NCOP may be broadened to further facilitate engagement through IGR bodies such as the Financial and Fiscal Commission (FFC) and even the Ministerial Forums (of national ministers and provincial members of executive councils (MinMECs) , in an effort to deepen local and participatory democracy."[414]

That the NCOP must hence create the appropriate mechanisms to improve its ability to effectively oversee the implementation and coordination of public policies between national, provincial and local government. The NCOP must further broaden its role by facilitating engagement with IGR bodies, Ministerial Forums and MinMecs

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[414] IGR - The implementation of the Intergovernmental Relations Framework Act AN INAUGURAL REPORT 2005/06 – 2006/07
https://www.gov.za/sites/default/files/gcis_document/201409/implementation-intergovernmental-relations-framework1.pdf
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