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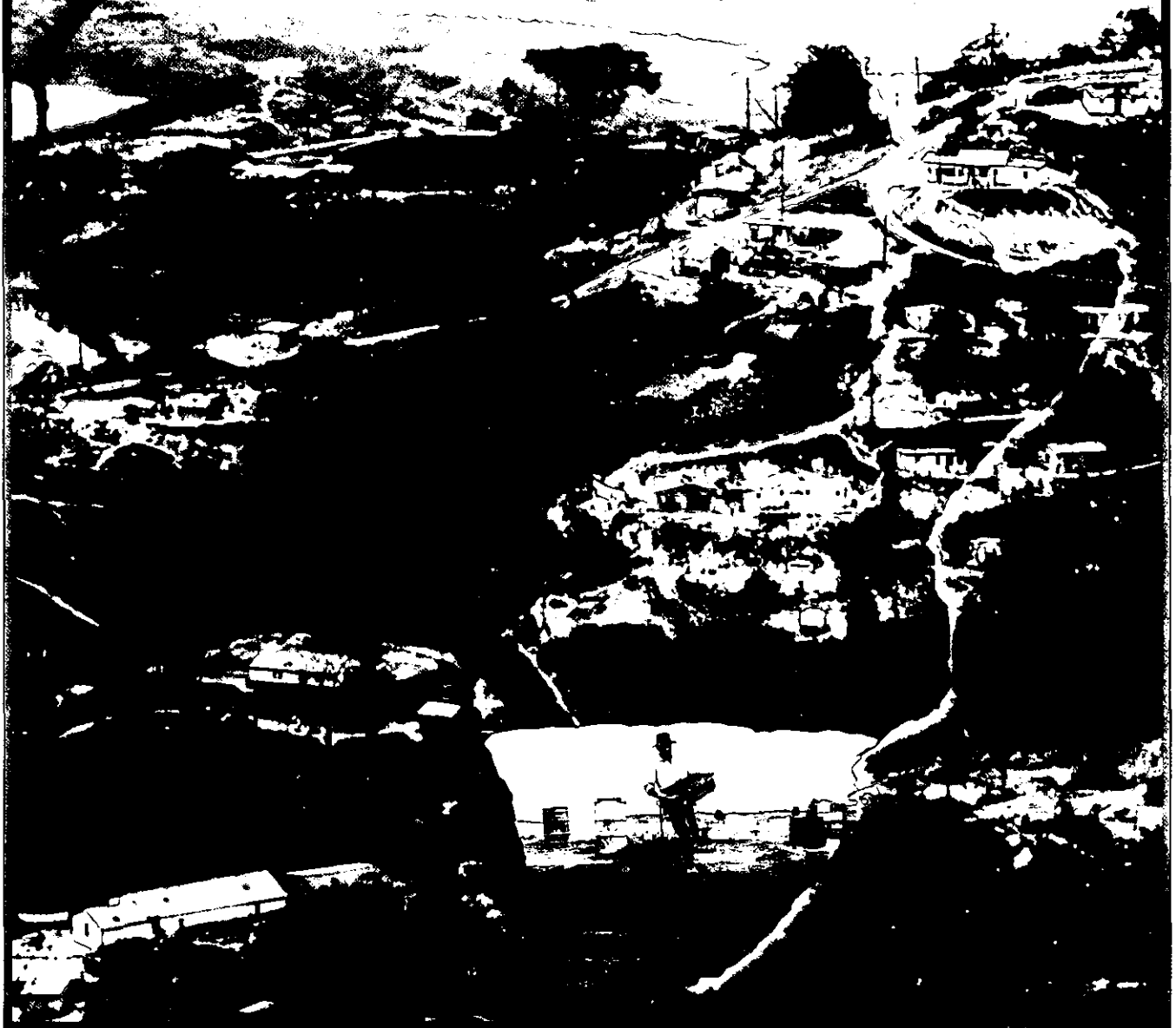
**Community News**

Vol. 4 No. 4

December 1994

**IZINDABA**

**Manje sesingazilungisela ikusasa lethu  
Now we can map out our future**



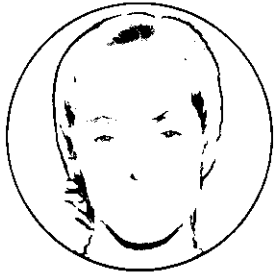
**I-RDP-YEZIDINGO EZIYISEKELO • RDP-BUILDING FOR BASIC NEEDS**

**INSELELO YESIKHATHI ESISHA • CHALLENGES OF A NEW ERA**

**UKUTHAKATHA IKUSASA LETHU • POISONING OUR FUTURE**

**NGEMPELA LUYINI UTHANDO LWEQINISO • WHAT REAL LOVE IS**

**Umthetho uqinisekisa amalungelo abasebenzi • Law guarantees labour rights**



Janine Hicks

# Inselelo yanamuhla

## Challenges of a new era

**I** Community Law Centre (CLC), imiphakathi yasemaphandleni esebenzisana nayo kanye nabobonke nje abantu baseNingizimu Afrika babhekene nenselelo ngesikhathi samanje. Isasasa lokhetho selibohlile kanti iningi labantu baseNingizimu Afrika seliyaqala ukuzwa ukumpintsheka njengoba izwe selizilungiselela umzabalazo omude wentando yeningi eqinile nentuthuko.

Kuyakhula ukunganeliswa kanye nentukuthelo kubantu abangenamakhaya abasaqhubeka nokulwela amakhaya, abangasebenzi bafuna imisebenzi. Emiphakathini yasemaphandleni ikakhulukazi, leya Ningizimu Afrika yakudala kuseyiyo ayikakaguquki nakancane. Omama abadala basabonakala bethwele izipakupaku zamanzi besuka lekude. Nokho lesi akufanele kube isikhathi sokuzikhalela. Amathuba amasha nayinselelo akhona. Imiphakathi yasemaphandleni ingazibambela mathupha entuthukweni yabo kanye nokuzibandakanya entuthukweni yezwe nje lonke.

Uhlelo lokwakha kabusha kanye nokuthuthukisa (RDP) luka Hulumeni Wobumbano (GNU) luncike ezinhlangothini ezisekwe yimiphakathi kanye nezingekho phansi kuka hulumeni, ukuze luphumelele. UMKhandlu WoMthethosisekelo osanda kubunjwa khona maduze nje uzoqonda kubantu balezwe laseNingizimu Afrika ngokubiza izigcawu ukuze uzwe ukuthi abantu bafuna kufakwe ziphi izimfuno kuMthethosisekelo wokugcina. Sekuhlongozwe iNkantolo yamacala omhlabathi ukuze ilalele izikhalo zalabo abangenazindawo abephucwa zona. Bonke abantu baseNingizimu Afrika ekugcineni sebeyakwazi ukubeka izwi labo ngabakhala ngakho, izidingo zabo kanye nezimfuno zabo.

I-CLC inikeza imiphakathi esebenzisana nayo uqeqesho lokuthi ikwazi ukuthola ukwabelwa ezithelweni ze RDP ngokuba ikwazi ukukhomba izidingo zentuthuko emiphakathini, ukufaka izicelo ezifanele kanye nokuphatha izinhlelo zentuthuko. Ngencwadi entsha, *Ukuphamba Umthethosisekelo Wakho/Creating Your Constitution*, i-CLC ichaza inhloso nokuqekethwe uMthethosisekelo wesikhashana. Yenza imiphakathi ikwazi ukuwugxeka umthethosisekelo futhi ibeke nemibono yawo efisa ifakwe ekubhalweni koMthethosisekelo wokugcina. Funda ngalokhu kanye nezinye izinhlelo zoqeqesho lwase CLC kulolushicilelo.

Sekuyisikhathi sokuzibandakanya ekwakhiweni kabusha kwezwe lethu, silibumbe ukuze lihlangabezane nezidingo zethu. Leli ithuba elingafanele likwedule lokuba uzwakale kokushoyo. Khuluma ngezwi elizwakalayo!

**T**he Community Law Centre (CLC), the rural communities it serves, and the rest of South Africa face the challenges of a new era. The excitement of the election has died down and most South Africans are feeling the pinch as the country gears itself for the long haul to sustainable democracy and development.

Dissatisfaction and frustration loom as homeless people continue to struggle for homes, jobless people for jobs. In rural communities particularly, the old South Africa beats out its familiar tune. Weary women can still be seen carrying drums of water on their heads for long distances.

Yet this is not a time for despair. New challenges and opportunities exist. Rural communities can spearhead their own development and participate in that of the country as a whole.

The Government of National Unity's Reconstruction and Development Programme (RDP) relies on community-based and non-governmental organisations for its success. The newly formed Constitutional Assembly will be approaching South African citizens through public hearings to learn what they want included in the final Constitution. A land claims court has been proposed to hear displaced people's claims to land. All South Africans are finally able to voice their concerns, needs and demands.

The CLC is providing communities with training to enable them to share in the fruits of the RDP by identifying community development needs, lodging relevant applications, and managing development projects. Through its new publication, *Creating Your Constitution*, the CLC explains the purpose and content of the Interim Constitution. It enables communities to critique the Constitution and put forward suggestions for inclusion in the final Constitution. Read about these and other training initiatives in this issue.

It is time to participate in the reconstruction of our country, to shape it to meet communities' needs. This is a golden opportunity to have your say and be heard. Speak with a big voice!

### INKULUMOMGOMO

I COMMUNITY LAW CENTRE (CLC) , isizinda esizimele esingenzi nzuzo, esixhaswe ngasese asikho phansi kukahulumeni, singaphansi kwe Yunivesithi yaseNatali. I CLC ayikhethi qembu. ICLC izimisele ekukhuthazeni nasekuzisizeni kwemiphakathi yasemaphandleni ngokuthuthukisa umthetho nokulingana phambi kwawo.

### MISSION STATEMENT OF THE CLC

THE COMMUNITY LAW CENTRE (CLC) is an independent, non-profit, privately funded non-governmental organization affiliated with the University of Natal. The CLC is non-partisan. The CLC is dedicated to the empowerment and self-sufficiency of rural communities through development of rule of law and equality before the law.



# Kulolushicilelo

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## Uyahamba uMqondisi

**UMqondisi we-CLC uCarole Baekey wethusa abasebenzi kanye nemiphakathi ngokufanayo ngenkathi ememezela ukuthi uyesula ngo Novemba 1993.**

Ekuboneni isidingo sokuthi inhlangano enjenge CLC ukuba isebenzisane ngokubambisana nemiphakathi yasemaphandleni ekusimamisweni kanye nasekuzimeleni kwayo, wafaka amandla akhe nephupho lakhe ekwenzeni i-CLC ize ibekhona futhi wayakha yaze yaba yinhlangano ezimele, uMs Baekey ubone ukuthi sekuyisikhathi manje sokuthi khumu aqhubekele phambili nokuthi inhlangano iqhubeke ngokwayo ngale kwakhe.

UMs Baekey angase aqhubeke nokusiza i-CLC njengomeluleki, kodwa uzozama kwenyane imikhakha ukuze asebenzise amakhono akhe kanye nolwazi lwakhe. Ukuzinikela kwakhe kanye nokuzimisela ngomfutho kuzokhunjulwa kakhulu yi CLC kanye nemiphakathi yasemaphandleni. Hamba kahle Carole!

### Hamba kahle Judith

UJudith Gemmell wangena e-CLC njengo Phethe Kwezabasebenzi ngo Agasti 1994. Ngemva kokusebenza e-CLC ngaphansi kwezinyanga ezimbili nje kuphela, esiza eMnyangweni wezokupahatha ihovisi emsebenzini wokukhishwa kwamaholo abasebenzi ekubeni wenziwe yi Yunivesithi yaseNatal, uJudith usifulathele wayosebenza e Newspaper House Publishing. I-CLC imfiselela inhlanhla.

### Ukwenyuka kwezikhundla

UMdidiyeli wezoqeqesho uLynn Oldacre wahlaba ikhefu eyoteta ngo Julayi 1994. Kusukela ngo mhlaka 1 Septemba 1994, uGreg Moran, obenguMdidiyeli wamacala e-CLC kusukela ngo Februari 1992, nguye owangena esikhundleni sika Lynn. UMnyango wezoqeqesho uzozuzuka kakhulu ngekho nolwazi luka Greg.

Ngokushiya kuka Greg uMnyango wezamacala, waphathwa ngu Anil Naidoo kwaze kwabekwa ngokusemthethweni uVusi Nkosi njengoMdidiyeli kusukela ngo mhlaka 1 Octoba. Ongomunye wabasebenzi bokuqala e-CLC kusukela ngo 1989 ivulwa, uVusi uke wathi shelele evinywa kwezobumeli enkampanin yakwa Shepstone & Wylie, wabuya ezosebenzela i-CLC kanye nemiphakathi yasemaphandleni.

Obesiza eemyango wezokuphathwa kwehovisi u Susan Harrison bamhlwitha wayovala



Carole A Baekey



Greg Moran



Vusi Nkosi



Nonyameko Jobela

## Director departs

**CLC Director Carole A Baekey stunned staff and communities when she announced her resignation in November 1993.**

Having perceived the need for an organisation like the CLC to work closely with rural communities towards their empowerment and self-sufficiency, Ms Baekey invested her energy and vision into bringing the CLC into existence. Having built it into a self-sustaining organisation, she felt strongly that it was time for her to move on and for the organisation to come into its own.

Ms Baekey may continue to serve the CLC indirectly as a consultant, but will be exploring numerous possibilities for channelling her skills and expertise. Her commitment and drive will be sorely missed by the CLC and rural communities. Hamba kahle Carole!

### Goodbye Judith

Judith Gemmell joined the CLC as Personnel Administrator in August 1994. After working for the CLC for less than two months, assisting the Administration Department in taking over the handling of staff salaries from the University of Natal administration, Judith left to work for Newspaper House Publishing. The CLC wishes her well.

### Promotions

CLC Training Coordinator Lynn Oldacre went on maternity leave in July. On 1 September 1994, Greg Moran, CLC Case Coordinator since February 1992, was appointed Training Coordinator in Lynn's place. The Training Department stands to benefit from Greg's considerable skills and experience.

With Greg Moran's move, the Case Department was ably managed by Acting Coordinator Anil Naidoo until the appointment of Vusi Nkosi as Coordinator on 1 October. One of the CLC's first staff members since its inception in 1989, Vusi took leave to serve his articles of clerkship with Shepstone & Wylie, returning to serve the CLC and the rural communities.

Administrative Assistant Susan Harrison was snatched to fill the gap left in Judith Gemmell's wake. Her position was filled by Nonyameko Jobela, former Case Secretary. Having mastered the skills required of the Case Secretary, Nonyameko is eager to put her financial acumen to use.

isikhala sika Judith Gemmel. Esakhe isikhala savalwa uNonyameko Jobela, obenguNobhala wezamacala. Ngemva kokuphumelela ekubeni ngunobhala wezamacala, uNonyameko ugaqele ukuzivivinya ngakwezemali.

## UDuma usukile

UDumazile Malinga wangena e-CLC ngo Agasti 1992 enguNobhala/uMemukeli. Washesha ukukhombisa ikhono eliphezulu kulomsebenzi futhi omele inselelo entsha, wasifaka isicelo sesikhala esivulekile somsebenzi kwaNobhala wamacala. UDuma waqashwa ngaso lesosikhathi kodwa abantu abaningi bazokukhumbula ukusebenza kwakhe ngobunyoinco inkuthalo nesizotha, ubungane obumangalisayo ekungeneni nje e-CLC.



Duma Malinga

## Duma's move

Dumazile Malinga joined the CLC in August 1992 as Secretary/Receptionist. She soon excelled at this job and hungry for fresh challenges, applied for the vacant position of Case Secretary. Duma was hired on the spot but many people will miss Duma's professional efficiency and calm, friendly demeanour at the CLC's front desk.

## Abeluleki benyulwe kowekhethelo

Abeluleki bezomthetho uDudu Ntshangase no Bheki Nkumbuza bakwaMpukunyoni benyulelwa umklomelo ophambili we Reebok Human Rights Award, okungowonyaka, futhi okazwelonke onikwa osebenzele kakhulu amalungelo oluntu.

Lomncintiswano wawunzima oDudu noBheki abazange bafinyelele kwabane abangene kowamanqamu, kodwa ukwenyulwa kwabo kukhombisa ukwemukelwa ezweni lonke ngegalelo labo elikhulu kwezamalungelo oluntu ngesikhathi esasilukhuni sangaphambi kokhetho KwaZulu-Natal ngo April 1994. Dudu no Bheki - i-CLC kanye nemiphakathi yasemaphandleni sinethulela isigqoko ngokuzinikela kwenu!

## USESISHIYILE

### UMnz Linda, uMnz Mkhwanazi, uMnz Mvelase

Kuyasidabukisa e-CLC ukwazisa ngokudlula kuka Mnz Linda, uMnz Mkhwanazi, noMnz Mvelase abangamalunga esikhathi eside amakomiti abeluleki bezomthetho ase Sakhamkhanya, Mpukunyoni kanye naseWeenen. UMnz Mkhwanazi wayelilunga loMkhandlu waBaphathi be-CLC, njengomunye wabathathu abakhethelwe ukumela amakomiti abeluleki. I-CLC kanye nemiphakathi balahlekelwe yilezizinsizwa ebezizinikele emakomitini.

## Paralegals receive prestigious nomination

CLC paralegals Dudu Ntshangase and Bheki Nkumbuza of Mpukunyoni were nominated for the prestigious Reebok Human Rights Award, an annual, international award recognising human rights activists.

Competition was stiff and Dudu and Bheki were not among the four award winners, but their nomination serves as international recognition of their fearless contribution in the field of human rights during the bitter period in KwaZulu-Natal prior to the April 1994 election. Dudu and Bheki - the CLC and rural communities salute your selfless commitment!

## OBITUARY

### Mr Linda, Mr Mvelase, Mr Mkhwanazi

It is with regret that the CLC announces the deaths of Mr Linda, Mr Mvelase and Mr Mkhwanazi, longstanding members of the Sakhamkhanya, Weenen and Mpukunyoni Paralegal Committees respectively. Mr Mkhwanazi was also a member of the CLC's Board of Management, one of the three elected paralegal committee representatives.

The CLC and their communities will miss the commitment of these three committee members. The CLC offers its condolences to the families of the deceased.

## Izifiso zesikhathi sika Khisimusi

Abasebenzi base CLC bafisela bonke abafundi be-Izindaba okumhlophe ngesikhathi sikaKhisimusi. Sengathi ningasithokozela lesikhathi nabangane nemindeni yenu. Sibheke phambili kunyaka omusha onokwakha. I-CLC ifisa ukubonga abaxhasi bayo ngoxhaso lwabo oluqhubekayo nokuzinikela ekuhlomiseni imiphakathi yasemaphandleni.

## Season's greetings

Community Law Centre staff wish Izindaba readers well over the festive season. May you enjoy this time with your friends and family. We look forward to a peaceful and constructive new year. The CLC wishes to thank its funders for their ongoing support for and commitment to the CLC's rural empowerment programmes.



# Ukwabelana ngezifundo zomzabalazo

## Sharing lessons of the struggle

Ngaphambi konyaka odlule, ngathatha isinqumo esilukhuni sokwesula njengoMqondisi we-CLC, kusukela ngo mhlaka 31 Disemba 1994.

Kuyangithokozisa ukwamukela uMqondisi omusha wase-CLC uBongani Khumalo.

Ngiyethemba ukuthi imiphakathi yasemaphandleni ephansi kwe-CLC, abaxhasi abakhona nabasazobakhona, ezinye izinhlangano zasemaphandleni kanye neYunivesithi yaseNatal bazomemukela ngentokozo uBongani.

I-CLC yasungulwa cisse eminyakeni eyisithupha eyedlule, ngo mhlaka 1 Januari 1989. Kuleminyaka yokusebenza nabantu basemaphandleni eNingizimu Afrika, abantu bangfundisile ngempilo yabo, usizi olwenziwe ubandlululo, kanye nokubaluleke kunakho konke, abakufisayo ngeNingizimu Afrika entsha emva kobandlululo futhi engeyentando yeningi. Kanye nokutshelwa ngobunzima bokuthola ukudla, amanzi ahlanzekile, izinkuni, imfundo, ezempilo, izindlu, imisebenzi, izimpeshini, usizo lwezomthetho kanye nolwazi ngokusebenza kukahulumeni, ngithole ukwandisa inhlonipho ngesibindi, ubuhlakani, ukuzimisela kanye nesithunzi sabantu basemaphandleni aseNingizimu Afrika.

Kulabo benu abangimemile ukubona impilo yabo kanye namakhaya abo, bangifundisa futhi bakhetha ukungethemba mina ne-CLC, ngifisa ukubonga kakhulu. Lena kube yiminyaka engenakukhohlakala, lapho sibengofakazi bokuzalwa kabuhlungu kwentando yeningi ezweni elingakaze liyibone intando yeningi. Kungukuhlonipheka ukuthi ngibe yingxenywe yalomzabalazo nabantu basemaphandleni eNingizimu Afrika baKwaZulu Natal nabaseMpuma Koloni (okwakuyi Transkei).

Umzabalazo kawuphelanga ngokhetho luka April 1994. Empeleni kawupheli, kodwa uyaqhubeka njalo empilweni yethu kusuka esizukulwaneni kuya kwesinye. Intando yeningi ingamalungelo abantu ngokwehlukana kanye nokubhekisa nathi emphakathini wonkana, ukuqinisekisa ukuthi uhulumeni wenza lokhu esamkethela khona futhi akavunyelwa ukuthi aphinde athathe amalungelo kubantu. Uhulumeni angawaqinisekisa amalungelo ngomthetho-sisekelo, kodwa ukuqinisekisa ukuthi lawomalungelo aweqiniso kungumsebenzi wezakhamizi zezwe. Intando yeningi kanye namalungelo akukaze kuqinisekiswa ngokugcwele.

Ukhetho lokuqala olungakhethi bala, lwentando yeningi emlandweni wezwe luyiguqulile impilo eyingcosana yabantu. Kulesisifunda, abantu basabulawa. Sekuyizinyanga eziyisikhombisa abantu basemaphandleni basalinde imihlaba, amanzi ahlanzekile, ugesi, izindlu, imisebenzi kanye nezinye izinto eziningi ezathenjiswa uHulumeni woBumbano ngohlelo lokwakha nokuthu-thuka (RDP). Kusho ukuthini lokhu ngekusasa?

Zonke izinto ezathenjiswa nge RDP zibiza izimali ezishisiwe. Izindlela zemibhikisho ezazisetshenziswa ngaphambi kokhetho ngeke, ngokwazo, zilethe umhlaba,

More than a year ago, I made the difficult decision to resign as CLC Director, effective from 31 December 1994. It is my pleasure to welcome CLC's new Director, Bongani Khumalo. I hope the rural communities with which the CLC is affiliated, present and future funders, fellow non-governmental organisations and the University of Natal will give Bongani your warmest welcome.

The CLC was founded almost six years ago, on 1 January 1989. In these years of working with rural South Africans, people have taught me about their lives, the legacy of the apartheid years and, most importantly, their aspirations for the post-apartheid democratic South Africa. Along with being taught how difficult it is to get food, clean water, firewood, education, medical care, housing, jobs, pensions, legal services, and information about how government works, I have acquired increasing respect for the courage, intelligence, ambition and dignity of rural South Africans.

To those of you who have invited me into your lives and homes, taught me so much and chosen to trust me and the CLC, I offer my deepest gratitude. These have been significant years, in which we have witnessed the painful birth of democracy in a country which had never known democracy. It is an honour to have been part of this struggle with rural South Africans from KwaZulu-Natal and the Eastern Cape (formerly Transkei).

The struggle did not end with the April 1994 election. It never ends, but continues throughout our lives and from generation to generation. Democracy is about rights of individuals and our responsibilities within the larger society, ensuring that government does the job it was elected to do and is never again allowed to take away rights from its people. A government can guarantee rights through a constitution, but ensuring that those rights are a reality is the responsibility of all the country's citizens. Democracy and rights are never fully guaranteed.

The first non-racial, democratic election in the country's history has changed very few rural lives. In this region, people are still being killed. Seven months on, most rural South Africans have yet to receive land, access to clean water, electricity, housing, jobs and many other things promised under the Government of National Unity's Reconstruction and Development Programme (RDP). What does this mean for the future?

All the things promised under the RDP cost money, huge amounts of money. Protest strategies used during the pre-election years will not, by themselves, provide land, clean water, electricity and the other necessities of life, build houses and schools, or educate teachers and students. Individuals must take the responsibility for their lives, and must refuse to continue to blame everything on apartheid

amanzi ahlanzekile, ugesi nazozonke izidingo zempilo, ukwakhiwa kwezindlu nezikole, noma ukufundisa othisha kanye nabafundi. Abantu kufanele bazibambe ngokwabo impilo yabo, benqabe ukuhlale bebeka ubandlululo icala noma uhulumeni. Abantu kanye nemiphakathi kufanele bahlangane, bakhe manje ingomuso labo.

Kunenqwaba yemithetho nemitheshwana esashaywa uhulumeni ngaphandle kokuxoxa nabantu, lokhu kungaqali ngokuya emiphakathini kuqala, kuzwakale abakushoyo nokuthi bona bafunani, ngaphambi kokuthi iPhalamende liqale litshela lonke izwe ukuthi lenzeni nokuthi bazotholani abantu kuhulumeni.

Abantu kufanele bathintwe futhi banikezwe abangazikhethela khona phansi kwe RDP. Bonke abantu baseNingizimu Afrika kufanele bafune ukuthi uhulumeni abalalele, hay kuphela uma bembhikishela, kodwa ezigawini kanye nasezinhlelweni zokuhlela ngomhlaba, izindlu, imfundo, imisebenzi kanye nayoyonke imithombo ye RDP. Uhulumeni sekufanele aye kubantu manje. Izikhulu zikahulumeni kufanele zihambe imiphakathi emincane kanye nasemadolobheni, ukuze bathole ukuthi abantu bafunani kuMthethosisekelo wokugcina, ozoqedwa ngo Meyi 1996. Izikhulu ezikhethiwe kuzwelonke nasezifundeni kufanele zikhumbule ukuthi imisebenzi yazo iphephile kuphela kuze kufike ukhetho luka 1999. Kuyoyonke iNingizimu Afrika abantu kufanele balungele ukhetho lohulumeni bezindawo, olusahlelelwe u October 1995.

Bonke abantu baseNingizimu Afrika kufanele bafune ukuthi uhulumeni abasebenzele. Ngesikhathi esifanayo, kufanele sisebenze emiphakathini yethu ukuze sakhe iNingizimu Afrika. Izikhulu zikahulumeni ngeke ziyenze imisebenzi yazo ngaphandle, thina, umphakathi, siba yingxenywe yokuphatha.

Yize sengesulile ekubeni uMqondisi we CLC, ngisazohlala eNingizimu Afrika, ngeseke uMqondisi omusha we-CLC kanye nokukhula ngeqiniso kwentando yeningi. Ngibonga kakhulu ngaleminyaka eyisithupha edlule.

or the government. Individuals and communities need to come together, to build now for the future.

Too many laws and regulations are still being passed without the new government holding public hearings, that is without going to communities to see people, hear them and learn what South Africans want, before Parliament starts telling the rest of the country what to do and what they will get from government.

People must be consulted and given choices under the RDP. All South Africans must demand that government listen, not only at protest rallies or marches, but at public hearings and in local planning on land, houses, education, jobs and other resources under the RDP. Government must begin now to go to the people. Its officials must hold public hearings in the smallest communities as well as in the cities, to find out what people want in the final Constitution, to be adopted by May 1996. Elected regional and national government officials need to remember that their jobs are safe only until the next election, in 1999. Throughout South Africa, voters must prepare for the local government elections, currently scheduled for October 1995.

All South Africans must push the government to work for them. At the same time, we must work within our communities to build the new South Africa. Government officials cannot do their jobs unless we, the public, become part of the process of governing.

Although I have resigned as the CLC Director, I am remaining in South Africa, supporting the new Director and the goals of the CLC and the growth of a genuine South African democracy. Thank you all for these past six years.

Ngezansi kweso kunxele, umqondisi oshiya izintambo uCarole A Baekey.  
Ngezansi kwesokudla, umqondisi omusha uBongani Khumalo.

Below left, outgoing Director Carole A Baekey.  
Below right, new Director Bongani Khumalo.





# Uhlelo lokuqeqesha luphumelele ukuba yiDiploma

## Training programme wins diploma status

Uhlelo lokuqeqesha abeluleki bezomthetho lwase CLC, iYunivesithi yaseNatali isilemukele njengeqhuza leDiploma. Lokhu kungukwemukela uqeqesho lwabeluleki bezomthetho eCLC njengolunosizo futhi olusebenzayo ekufakeni isandla ohlelweni lomthetho eNingizimu Afrika.

Iqembu leSithathu labaphumelele oqeqeshweni lwase CLC lizokwemukela amadiploma ezifundweni zabeluleki oluqala ngo January 1995. I-CLC isaxoxisana ngokuthi abeQembu lokuQala neleSibili nabo bawathole amadiploma.

Izindaba zempumelelo yoqeqesho lwase CLC kanye nezinhlelo zayo zokuthuthukisa imiphakathi yasemaphandleni sezibhebhetheke yonke Iningizimu Afrika. Njengenhlangano engenye yeziyincosana ezisekelwe oqeqeshweni ezweni, i-CLC isibe yithuluzi elinamandla entuthukweni kanye nomthombo wethemba kwabaningi kulabo abayizigidi ezingu 22 abahlala emaphandleni. Ngokubona lokhu i-CLC isiqeqesha izinhlobonhlobo zabantu abaseceleni, abakuhulumeni kanye nabasemphakathini ukuze kufezwe izinhloso ezeseke ngabasemaphandleni ku-RDP kaHulumeni woBumbano (GNU).

UMnyango wezoqeqesho usulungise wahlela izinhlelo ezikhothekile zokuqeqesha ezakhelwe abantu bangaphandle. Uqeqesho luxila kwezomthetho, amalungelo oluntu, imfundiso ngeRDP ne NGU; ezinye izindlela zokulamula; ukuvota kanye nentando yeningi; kanye nokuphathwa kwezimali kanye nama-komiti. Isibonelo, i-CLC inikeza uqeqesho kubaqaphi be Natal Parks Board ezintweni eziningi kwezomthetho nakumalungelo oluntu, kanye nabe South African Police Services kwezamalungelo oluntu.

I-CLC iye yenze uqeqesho kuye ngokuvuma kwezezimali kanye nesikhathi kanye nokubambeka kuleyo miphakathi esebenza nayo. Lapho kwenzeka, abaqeqeshwayo baye bakhokhiswe ukuze kuvalwe izindleko zoqeqesho.

## Umgomo wabeluleki wokuthuthukisa ukufinyelela ezinkantolo

Emizamweni yokwenza imigudu yokufinyelela kwezimthetho ibengcono futhi kuncishiswe nokusalela okukhon kwezohlelo lomthetho, i-RDP incoma ukuba abeluleki bezomthetho bavunyelwe ukungena ezinkantolo zaseNingizimu Afrika.

I-CLC lesitatimende isithatha njengesithokozisayo

Diploma status has been accorded to the CLC's paralegal training programme by the University of Natal. This recognises CLC paralegal training as a valuable and effective contribution to the South African legal system.

Graduates of the CLC's Group Three training will receive diplomas in Paralegal Studies from January 1995. The CLC is negotiating the awarding of diplomas to Group One and Two graduates.

News of CLC training successes and rural empowerment programmes has spread quickly throughout South Africa. As one of the few rural-based training organisations in the country, the CLC has become a powerful development tool and source of hope for many of the 22 million people living in the countryside. Recognising this, the CLC is training a wide range of private, government and community agencies to pursue the rural-based goals outlined in the Government of National Unity's (GNU) Reconstruction and Development Programme (RDP).

The Training Department has designed and is conducting specialised training programmes for outside groups. Training focuses on legal, human rights, RDP and GNU education, alternative dispute resolution, voting and democracy education, and financial and committee management. For example, the CLC is providing Natal Parks Board game guards with

training in a variety of legal and human rights issues, and the South African Police Services in human rights issues.

The CLC undertakes training subject to funding and time constraints and commitments to target communities. Where viable, it charges organisations to help cover costs.

## Policy to improve court access

In an effort to make avenues for legal redress more accessible and to reduce the backlogs in the judicial system, the RDP recommends that paralegals be given the 'right of appearance' in South African courts.

The CLC regards this policy statement as an exciting continuation of its rural paralegal training programme. The Training Department is networking with several leading paralegal training organisations in South Africa to jointly draft, adopt and implement a national paralegal training and certification programme. The aim is to secure access to several tiers of the South African court system. This joint forum is making progress in developing a curriculum and is pursuing government funding for the training.

Izindaba zempumelelo yoqeqesho lwase CLC kanye nezinhlelo zayo zokuthuthukisa imiphakathi yasemaphandleni sezibhebhetheke yonke Iningizimu Afrika.

News of CLC training successes and rural empowerment programmes has spread quickly throughout South Africa.

ngokuqhubeka kohlelo loqeqesho lwabeluleki bezomthetho. UMnyango wezoqeqesho uxhumana nezinye izinhlangano ezingongqoshishilizi kwezoqeqesho lwabasemaphandleni eNingizimu Afrika, ukuze bahlanganyele eku-bhaleni, ekusunguleni nasekuqaleni uhlelo lokuqeqesha kanye nokukhipha izitifikethi kulolu-hlelo. Inhliso ukuhlanganisa izindlela ezehlukene zezinhlelo zezinkantolo ezehlukene eNingizimu Afrika. Lesisikhungo sesiqalile vele ukuveza izithelo ekuthuthukiseni kohlelo lokufunda kanti bazama ukuthola uxhaso lukahulumeni kuloluqeqesho.

## Imiphakathi iqonde ekuzimeleni

Kusukela ngoMeyi 1992, i-CLC isebenze namakomiti abeluleki bezomthetho angu 15 emiphakatini yasemaphandleni KwaZulu Natal kanese Mpuma Koloni. Iningi lalemiphakathi selenyuse izinga lobudlelwano phakathi kwabeluleki kanye nemiphakathi, baphumelela ukuziphathela amahovisi manje sebeqhakazile njengezithunywa zamalungelo oluntu emaphandleni aseNingizimu Afrika. Abanye sebekulile impela sebenemithombo yentuthuko kwezizimali kanye nenqalasisizinda.

Ekupheleni kwalonyaka, angu 14 kwangu 15 amakomiti abeluleki bezomthetho aseqede uqeqesho lweminyaka emibili e-CLC. Uhlelo loqeqesho luhlanganisa ukuqeqeshwa njalo emva kwezinyanga ezintathu eThekwini kanye noqeqesho lwananga zonke kulezondawo abakuzo. Izinhlelo zoqeqesho zigxile akulokhu:

- ukuthola izindawo ezifanele zamahovisi abeluleki bezomthetho;
- ukumemezela ngezikhala zabeluleki, ukuxoxa nabo kanye nokubaqasha;
- ukubhala izivumelwano zokuqasha;
- ukuphatha amahovisi abeluleki;
- ukubeka kanye nokubuyekeza amaholo abeluleki bezomthetho;
- ukuhlela imihlangano yokubonisa nemiphakathi;
- ukuthuthukisa ukwethembeka emiphakathini;
- ukuhlela nokuqopha imihlangano;
- ukubhekela izidingo zemiphakathi;
- ukubhala imithethosisekelo kanye nama trust enkongozelo;
- ukuthola izimali zesikhwama sentuthuko;
- ukwazisa ngamahovisi abeluleki kanye nomsebenzi we-CLC;
- ukuxhumana neminyango kahulumeni, abamabhizinisi, imigwamanda yesizwe kanye namakomiti.

Ngo Juni 1994, Umnyango woZobudlelwano nomphakathi waqala uqeqesho olukhulu lokwenza imiphakathi engu 15 ephansi kwayo ukuba izimele futhi ibe isinezimali ngo Julayi 1995. Ngokokuqala ngqa, amakomiti ezindawo ayaqeqeshwa ukuze akwazi ukuzizabalazela futhi akwazi ukuzimela. Loluhlelo loqeqesho lokuzimela lu-

## Communities move towards independence

Since May 1992, the CLC has been working with 15 paralegal committees in KwaZulu-Natal and Eastern Cape provinces. Many of these committees have enhanced relations between paralegals and communities, mastered office administration and blossomed into prominent human rights agencies in rural South Africa. Some have expanded their missions to provide human resource, financial and infrastructural development.

By the end of the year, 14 of the 15 paralegal committees should complete the CLC's two-year training programme. The programme includes quarterly weekend training conferences in Durban and monthly on-site training sessions. Training modules focus on:

- obtaining suitable premises for paralegal offices;
- advertising for, interviewing and hiring paralegals;
- drafting contracts of employment;
- administering paralegal offices;
- setting and reviewing paralegals' salaries;
- organising community workshops;
- developing accountability to communities;
- scheduling and recording meetings;
- conducting community needs assessments;
- drafting constitutions and charitable trusts;
- raising development funds;
- publicising paralegal offices and CLC work;
- networking with local government agencies, businesses, tribal authorities and committees.

In June 1994, the Community Relations Department launched a bold training package to make the 15 affiliated paralegal committees independent and financially viable by July 1995.

Umdidiyeli womnyango wezobudlelwane noMphakathi, uCharles Ndlovu, umatasatasa namakomiti abeluleki becobalalana ulwazi kwenye yezingqunquthela zezifunda.

Community Relations Coordinator Charles Ndlovu conducting a regional rural paralegal committee training conference.



gxile emaphuzwini amathathu:

- ukubumaba imithethosisekelo;
- izikhwama zenkongozelo;
- ukucelwa kwezimali, ukusetshenziswa kwazo kanye noupthathwa kwezimali.

Emakomitini angu 15 angu 13 aseymbhalile futhi ayilungisa imithethosisekelo, bebeka izinhloso zabo, izindlela zokuziphatha kanye nezakhiwo zokuphatha. Umnyango wezobudlelwano nomphakathi uyawelekelela amalunga amakomiti kuzozonke izigaba zokubhala umthethosisekelo.

Uma amakomiti abeluleki bezomthetho esephetha imithethosisekelo, ayaqeqeshwa ukubhala kanye nokubhalisa izikhwama zenkongozelo. Izikhwama zenkongozelo zenza amakomiti akwazi ukubhekana nezidingo egameni lemiphakathi. Lezikhwama zibuye zigadele imiphakathi izimali zentuthuko; umkhandlu wezithenjwa uqaphela yonke imisebenzi yemali yesikhwama futhi izimali zigcinwa ebhange ngegama lesikhwama. Amaningi alamakomiti ahlele izikhwama zawo ukuze avumeleke ukuba acele izimali futhi aziphathwe ukuze kuthuthukiswe imiphakathi, uqeqesho kanye nama-holo abeluleki.

Ingxenywe yokugcina yohlelo lokuzimela ukuthola izimali kanye nokusetshenziswa kwazo. Amakomiti aqeqeshelwa ukwazi ngokucela izimali, kuhlangele nokulolonga izinhlelo zemisebenzi, ukwenza ulwabiwo zimali, iziphakamiso kanye nokubhala izincwadi, amakhophi esikhwama kanye nomthethosisekelo, izithombe kanye nezincwadi zase-CLC.

Imiphumela esheshayo ayizange ibekhona : emva kokuqeda umthethosisekelo nokubhalisa isikhwama senko-ngo-1994 Meyi 1994, ikomiti labeluleki bakwa-Nyathikazi bathola imali engu \$8,000 (cishe uR25,00) ewusizo lwentuthuko, ya-xhasa iholo lomphakathi nenkulisa futhi bakwazi nokuxoxisana nosomabhizinisi ngomhlaba abazowuqasha (bona ekhasini 6, Izindaba Vol.4 No.3) Ikomiti konke lokhu likwenze ngokulandela imithetho kanti umphakathi liwubikele ngakho konke.

## Ukwanda kwe-CLC

Ngo Juni 1994 uMnyango wezokuxhumana nomphakathi wabanemihlangano nemiphakathi yasemaphandleni KwaZulu Natal nase Mpuma Koloni ngenhloso yokwandisa umsebenzi we CLC kweminye imiphakathi eyishumi. Lokhu kuzokwenza izibalo sabantu abasebenzisana ne CLC baye bafinyelele ezigidini ezimbili engase ingene phansi koqeqesho lwase-CLC ngo 1995: abaseMawoti, eBergville, eDoringkop, Emaphephetheni, eMbo, kwaFakazi, Inchanga, eMtubatuba nase Kosi Bay, KwaZulu Natal, kanye nase Bizana nase Riverside eMpuma Koloni.

IQembu leSithathu labaluleki bezomthetho lizoqhamba kulemiphakathi oluzoqala ngoJanuari 1995. Abaphumelele bazokwemukela amadiploma e Paralegal Studies eYunivesithi yase Natali.

For the first time, local committees are being trained to survive and thrive independently. The Independence training programme comprehensively covers three areas:

- constitution building;
- charitable trusts;
- fundraising, income generation, financial management.

Thirteen of the 15 committees have drafted and formally ratified constitutions, outlining their goals, codes of conduct and management structures. The Community Relations Department assists committee members with every phase of the constitution-building process.

When paralegal committees finalise their constitutions, they are trained to draft and register charitable trusts. Trusts enable them to address development needs on behalf of their communities and serve as financial safeguards for development. A board of trustees monitors all trust transactions and monies are held in trust banking accounts. Most paralegal committees have designed their trusts to permit them to raise and manage funds for community development, training and paralegals' wages.

The final phase of the independence programme is fundraising and income generation training. Committees are trained to master the fundraising process, including project design, developing budgets, proposal and letter writing and funder identification. Funding proposals include project designs, budgets, covering letters, copies of trust and constitution, photos and CLC publications.

Early results have been staggering: after completing its constitution and registering its trust in May 1994, the Nyathikazi Paralegal Committee raised \$8,000 (approximately R25,000) in development assistance, funded a new community hall and creche and negotiated a land lease with a local shopkeeper (see p6, *Izindaba* Vol.4 No.3).

**Izikhwama zenkongozelo zenza amakomiti akwazi ukubhekana nezidingo egameni lemiphakathi.**

**Trusts enable paralegal committees to address development needs on behalf of their communities.**

## CLC expansion

In June 1994, the Community Relations Department began holding presentations in rural communities in KwaZulu-Natal and the Eastern Cape, with a view to expanding operations into ten more areas. This will bring the population base of rural communities working with the CLC to two million. Communities being considered for inclusion in the 1995-1996 paralegal and committee training are: Amawoti, Bergville, Doringkop, Emaphephetheni, Embo, Fakazi, Inchanga, Mtubatuba and Kosi Bay, in KwaZulu-Natal, and Bizana and Riverside in the Eastern Cape.

The CLC's Group Three paralegals will come from these committees and begin training in January. Graduates will receive a University of Natal diploma in Paralegal Studies.

## Ukuthuthuka okuncane kohulumeni bezindawo

Intuthuko kohulumeni bezindawo emaphandleni KwaZulu Natal iyatotoba kakhulu. KuneziGcawu Zokuxoxisana Kohulumeni Bezindawo (Local Government Negotiating Forums) abasungulwayo eThekwini naseMgungundlovu kodwa iza- khiwo ezinjengalezi kazikho emaphandleni.

I-Durban Metropolitan Negotiating Forum yasungulwa ngo Juni 1994 ukuze ixoxe nge Transitional Metropolitan Council ukuze kubunjwe uhulumeni wasekhaya kulenda- wo kuze kufike ukhetho. Kuze kufike lesosikhathi, ohulu- meni bezindawo bazoba nabantu abayingxenywe yemikha- ndlu ebivele ikhona ('abagunyazwe umthetho') kanye nabantu ababengekho phansi kwalezizakhiwo ngaphambilini ('abangagunyaziwe umthetho'), isibonelo abamele izinhlangano zombusazwe ababengaphandle kukahulumeni phambilini kanye nabezinhlangano zemiphakathi.

Emaphandleni, kunenqu-beke- la phambili encane kakhulu ekubeni khona kohulumeni bezin- dawo besikhashana. Nokho, imiphakathi yasemaphandleni KwaXimba, Kwa-Nyuswa nase- MaQadini bafakiwe phansi kwe- migomo ethize kule-ndawo oku- thiwa iphansi kwe Durban Transitional Metro Council. Lokhu kuchaza ukuthi bazothola izinkonzo ezinjengamanzi, ugesi ukuqoqwa kwenkucunkucu nge- ndlela elinganayo nezinye izinda- wo, njengase, edolobheni lase- Thekwini phakathi. Ibalazwe liyakhombisa ukuthi iyiphi lenda- wo kahulumeni wendawo eThekwini. Kusaphezu kwezingxoxo mayelana nokufakwa kwendawo yaseMbo, kwaNgcolosi naseFolweni kulezindawo eziphansi kwe Transitional Metro Council.

Ukhetho ezindaweni zasemaphandleni kanye nase- madolobheni kungenzeka lubekhona ngo October 1995, uma kwenzeka. Inqubo yokuvota kulokhu yehlukile kule- na yangokhetho luka April lukazwelonke kanye nezifunda.

Kulolokhetho okwakufuneka kumuntu ukuze avote kwabe kuyiminyaka engu 18 kanye nobuzwe base-Ningizimu Afrika. Abantu kwakungadingekile ukuthi ba-bhalise 'ohleni lwabavoti', lokhu kusho, uhla lwamagama namakheli abavoti kuleyo naleyo ndawo. Okhethweni lohulumeni bezindawo, abantu kuyodingeka bagcwalise amaphepha ukuze babhalise njengabavoti kuleyo ndawo. Bayobe sebefakwa ohleni lwabavoti baleyondawo. Abavoti kuyodingeka babe- ngaphezu kuka 18 futhi bahlale kulelo kheli kuleyondawo lapho bebhalisa khona noma lapho bekhokhela khona izinkonzo, ezinje ngezamanzi kanye ngesi.

## Slow progress on local government

Local government developments in rural KwaZulu-Natal are progressing very slowly. Local Government Negotiating Forums are being established in the greater Durban and Pietermaritzburg areas but no such structures exist in rural areas.

The greater Durban Metropolitan Negotiating Forum was established in June 1994. Its task was to create a Transitional Metropolitan Council, which will act as Durban's local government until elections are held. Until then, local government will comprise people from existing local authorities (the 'statutory' component) and people who were excluded from these structures in the past (the non-statutory component), for example, representatives of formerly banned political parties and of community organisations such as civics.

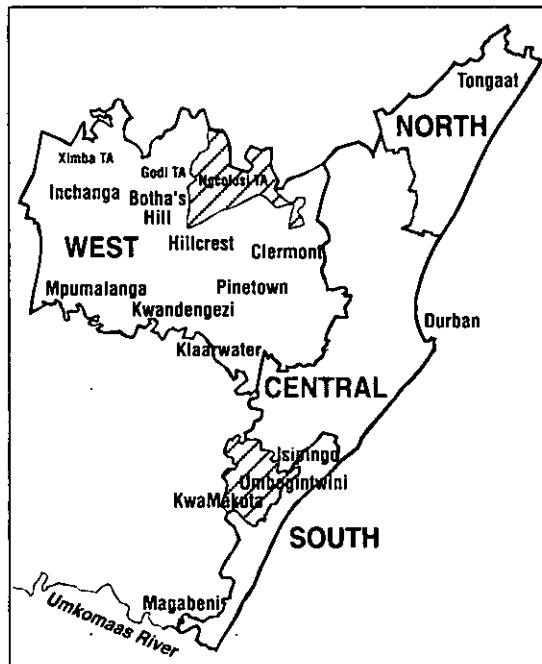
In rural areas, there has been very little progress towards democratic interim local government. However, the rural communities of KwaXimba, KwaNyuswa and Qadi have been provisionally included in the area of the proposed Durban Transitional Metro Council. This means they will be provided with services such as water, electricity and waste disposal on an equal basis with other parts of the Metropolitan area, for example the Durban City Centre.

The map shows what is effectively the area of local government for greater Durban. Negotiations

are being conducted towards including the areas of Embo, KwaNgcolosi and Folweni in the area covered by the Transitional Metro Council.

Elections for local government in urban and rural areas will probably only take place in October 1995, at the earliest. The procedure for voting is different to that for the national and provincial elections in April 1994.

The general requirement to qualify as a voter then was to be a South African citizen over 18. People did not have to register on a 'voters' roll', that is, a list of the names and addresses of voters in each area. For local government elections, people will have to fill in forms to register as voters in a specific area. They will then be placed on a voter's roll for that area. Voters will have to be over 18 and either live at an address in the area where they are registering or pay for services, such as water and electricity there.



# Intuthuko kumalungelo omhlabathi

## Land rights developments

**Ngomhlaka 17 November 1994 uHulumeni Wo-Bumbano washaya umthetho okuthiwa yi Restitution of Land Rights Act (Umthetho woku-Buyiswa kwamalungelo omhlabathi). Lomthetho kuhloswe ngawo ukubhekana nemithetho yobandlululo ngomhlabathi ngokuvumela abantu abaphucwa amalungelo omhlabathi noma nini kusu-kela ngo 1913 ukuba bayifune imihlaba yabo.**

**L**okhu akuchazi ukuthi abantu abangabanikazi bomhlabathi manje bazophucwa yona. UMongameli u Mandela ucashunwe ephepheni le *Natal Mercury* ngo mhlaka 18 November 1994 ethi "Ngeke kwenzeke ukuthi kubuyiselwe umhlabathi (kwabephucwa wona) laba abahlezi kuwo bawuthenga ngezindlela eziqondile". Uqhubekile: "ukubuyiselwa komhlabathi kungenzeka ngaphandle kokwephucwa kwalaba abanawo manje."

UMongameli uMandela ngakho-ke ubaqinisekile abalimi ngokuthi akukho isidingo sokuthi besabe. UNgqongqoshe wezemihlaba, u Derek Hanekom wengezile wathi: "amalungelo abanikazi bemihlaba ayevikelwe phansi komthethosisekelo", ngakho azohlonishwa. Kuzokwenzeka kanjani-ke ukuthi abantu abalahlekelwa amalungelo abozomhlaba phambilini bakwazi manje ukuwabuyiselwa?

Umthetho wamalungelo omhlaba usebenza kuphela kubantu abanobufakazi bokuthi bephucwa ngempela imihlaba yabo phambilini. Awuvumeli abantu abangakaze babenamalungelo omhlaba ngaphambilini ukuba bawufune manje. Usebenza kanjena lomthetho:

### 1.

Usungula amahovisi eKhomishani yaMalungelo omhlaba ezoba namahovisi ezifundazweni zonke. Lekhomishani izosetshenzelwa abantu abamele abantu baseNingizimu Afrika ngokubanzi. IKhomishani izoba nosomqulu okuzobhalwa kuwo yonke imihlaba engekahlumeni. Nokho, lezidingo ezilandelayo kufanele kuhlantsheswane nazo ngaphambi kokuthi isicelo sicutshungulwe:

- amalungelo obunikazi bomhlaba kufanele kube wephucwa wona ngemva komhlaka 19 Juni 1913;
- amalungelo obunikazi bomhlaba kufanele kube wephucwa wona phansi komthetho wobandlululo noma ngokufeza wona umthetho wobandlululo;
- ilungelo akufanele kube elathathwa phansi komthetho wokudliwa komhlaba (Expropriation Act 63 ka 1975) uma wanxeshelwa.

Uma lezidingo zifeziwe, umuntu usengasifaka isicelo kuKhomishani. Inqubo okufanele ilandelwe yile:

- abantu abafuna ukufaka isicelo kufanele bakwenze lokho eminyakeni emithathu iKhomishani isunguliwe;
- IKhomishini iyobe isicwaninga isicelo leso, ilamule kula-bo abanokungqubuzana bese izixazulula izinxushunxushu bese ibhala imibiko kulezo ezingaxazululekanga ukuze zingene eNkantolo yezikhalazo ngemihlaba.

**On 17 November 1994, the Government of National Unity passed a law called the Restitution of Land Rights Act. This law aims to redress apartheid land legislation by allowing people who were deprived of their land rights after 1913 to claim them back.**

**T**his does not mean that people who currently own land will be deprived of it. President Mandela is quoted in the *Natal Mercury* newspaper on 18 November 1994 as saying: "it would not be possible to return land subsequently (to the deprivation) bought in good faith by others". He continued: "restitution can be done without depriving people who already have property".

President Mandela therefore assured farmers that they have nothing to fear. Land Minister Derek Hanekom added that: "the rights of land owners (were) protected under the Constitution" and would therefore be respected. How then will people who lost property rights in the past be able to reclaim these?

The Restitution of Land Rights Act only applies to people who can prove they were deprived of land rights in the past. It does not allow for people who never had any land rights to claim any now. The Act works like this:

### 1.

It creates a Commission on Restitution of Land Rights with offices in each province. The Commission will be staffed by people who are broadly representative of all South Africans. It will compile a register of all state-owned land. People who lost land rights in the past must lodge claims with the Commission to have their land returned to them. However, the following requirements must be met before a claim can be considered:

- the land rights must have been taken away some time after 19 June 1913;
- the land rights must have been taken away under an apartheid law or in furtherance of a discriminatory law;
- the right must not have been taken away through the Expropriation Act 63 of 1975, if compensation was paid.

If these requirements are met, a person can lodge a claim with the Commission. The procedure to be followed is:

- people wishing to lodge a claim must do so within three years of the establishment of the Commission;
- the Commission will then investigate the claim, mediate between parties with conflicting interests and settle disputes and draw up reports on any unresolved claims for submission to the Land Claims Court.

### 2.

The Commission attempts to settle claims without having to send them to the Land Claims Court. The Commission must follow certain procedures in settling claims:

## 2.

Ikhomishani iyazama ukuxazulula izinxushunxushu ngaphandle kokuzifaka enkantolo yezikhalo ngomhlaba. IKhomishani kufanele ilandele inqubo ethize ekuxazululeni ingxabano:

- Isinyathelo sokuqala yileso sokuthi iKhomishana yazise bonke abathintekile. Kufanele imeme abantu futhi ukuthi baphendule kulesisicelo, ngokumemezela ngesikhalo leso kwabezindaba kanye nokuchoma izaziso ezindaweni zomphakathi budebuduze nendawo leyo ebangwayo.
- Ikhomishani kufanele iphenye ngesicelo, ngisho noma ngabe abamangali abakwazi ukuveza ulwazi olufunekayo. UMqondisi weKhomishani anganqumela uhulumeni ukuthi alethe amafayela nalolo lonke ulwazi olukhona ukuze kusizakale ummangali kanye nabanye abathintekile.
- IKhomishani kufanele iwuvikele lowomhlabathi kuze kuphele uphenyo ngesicelo. Uma sekukhishwe isaziso somphakathi ngesikhalo, ngeke usadayiswa ngaphandle kwemvume yoMqondisi. Umhlaba womphakathi uhlanganisa umhlaba ophansi kwabezentuthuko, imikhandlu yezindawo, ibhange lezomhlabathi, kanye nanoma iyiphi inkampani lapho uhulumeni enezabelo eziningi khona.

Uma uMqondisi esola ukuthi kungase kubekhona ukulinyazwa kwalowomhlaba, angavumela abasebenza kuyo iKhomishani ukuba bangene kulowomhlaba bayobhala konke okukuwo kanye nokuthi isimo sawosinjani. Noma ngubani ozama ukukhubaza isicelo leso angatholwa enecala lokwedelela inkantolo ngoba kungase kuthinte isinqumo esingakhishwa yiNkantolo yezikhalo ngomhlabathi.

## 3.

Lomthetho futhi usungula iNkantolo yezikhalo ngomhlabathi ukuze inqume ngezikhalo ezehlula iKhomishani ezingaxazululeki. Inqubo ethize engalandelwa:

Inkantolo yezikhalo ngomhlabathi inkantolo ebhekene nokulalela izikhalo ngomhlaba nje kuphela. Ayikakasingulwa lenkantolo, kodwa izobanamajaji ambalwa anolwazi. UNgqongqoshe wezoBulungiswa angase ameme abafuna ukuba ngabasizi. Labobasizi kufanele kube ongoti kwezemihlaba abazosiza amajaji ukuba afinyelele esinqumweni esifanele. Okungenani ngumelekeleli oyedwa oyohla la nejaji kulelo nalelo cala futhi uyoba nevoti elilinganayo nelamajaji uma kukhulunywa ngomthetho.

Uma isikhalo sithunyelwa eNkantolo yezikhalo ngomhlaba, ikhomishani kufanele ibuze kuhulumeni ukuthi lesosikhalo singesingadingidwa na.

UNgqongqoshe kufanele abhekisise ukuthi ikuphi okufanele ummngali. Ungqongqoshe akanqumi ukuthi lizobuyiselwa yini ilungelo lomhlabathi, kodwa ukuthi kungenzeka yini. Uma kungenzeka, uNgqongqoshe kufanele akhiphe isitifikethi sokuthi kungenzeka bese izizathu zakhe ezineka obala. Uma umuntu engenelisekile yisinqumo, lingedluliswa icala lingene eNkantolo yezikhalo ngomhlabathi.

- The first step is that the Commission must inform all people affected by the claim. It must also invite people to respond to the claim, by advertising through the media and displaying notices in public places near the site in question.
- The Commission must then investigate the claim, even if the people making the claims (the claimants) are unable to provide all the information. The Director of the Commission can order government files and other information, to be made available to assist claimants and other interested parties.
- The Commission must protect land subject to a claim. Once public notice has been given of a claim to any public land, it may not be sold without the consent of the Director. Public land includes land owned by development bodies, local authorities, the Land Bank, and any company in which the state is the majority or controlling shareholder.

If the Director thinks there is a risk that property, subject to a claim, may be damaged or destroyed, he or she may authorise Commission staff to enter the site and take an inventory of the property and of the condition of the land. Anyone who attempts to prejudice a claim, or interfere with the work of the Commission, will be guilty of contempt of court because they may affect the decision of the Land Claims Court.

## 3.

The Act also establishes a Land Claims Court to decide on claims that cannot be resolved by the Commission.

The Land Claims Court is a special court that will only hear land claims. The Court has not yet been established but will be made up of several experienced judges. The Minister of Justice will also invite nominations for people to be appointed to a panel of assessors. Assessors should be property experts who can assist the judges to arrive at decisions. At least one assessor will sit on each case and will have an equal vote to judges when dealing with a question of fact.

When a claim is sent to the Land Claims Court, the Commission must ask the government if the return of the land claimed is feasible or possible.

The Minister must consider what is best for the claimant. The Minister does not decide whether land rights will be



Lomndeni walomntwana wabuyela eRoosboom, eNatal, emva kweminyaka engu 20 bagudluzwa.

This child's family returned to Roosboom, Natal, 20 years after their forced removal.

## Kunini lapho amacala efakwa khona eNkantolo yezikhalo ngoMhlabathi?

- uma labo ababangayo bevumelana ngokubhala phansi ukuthi ngeke bakwazi ukuluxazulula udaba ngaphandle kwenkantolo;
- uma uMqondisi weKhomishani ethi ngeke kuphumelele ukuzama ukuthombulula ngokulamula nokuxoxisana;
- uma abamangali kanye noMqondisi bengavumelani ngokuthi singaphethwa kanjani isicelo.

## Iyosebenza kanjani iNkantolo yezikhalo ngomhlabathi?

Inqubo ngeke ibe nemicikilisho kanti imithetho yase-zinkantolo yokwethula ubufakazi ngeke isebenze. Ubufakazi kufanele bucace futhi buqonde ngqo. Izikhalo kufanele zifakwe ngokubhala kodwa ubufakazi bomlomo kanye nokubuzwa imibuzo kungase kuvunywe.

- Inkantolo kufanele icwaninge sonke isimo esiphathe-lenenodaba, kuhlange nenalokhu:
- umlando wendawo;
- umnikazi waleyondawo ngalesosikhathi wayithola kanjani yena;
- okuyizifiso zomnikazi wendawo ngalesosikhathi;
- izifiso zalowo owephucwa amalungelo akhe;
- usetshenziswa kanjani umhlabathi lona;
- ummangali athathwa kanjani amalungelo akhe; ubunzima abhekane nabo ummangali ngokwephucwa kwakhe amalungelo;
- kungabe ukubuyisela amalungelo kuzoba neqiniso nobungiswa;
- isifiso sokugwema ukuphazamiseka komphakathi;
- isinqumo seNkantolo yezikhalo zomhlabathi kufanele sibe nobungiswa nobuqotho. Inkantolo yezikhalo zomhlabathi ingahlala noma kuphi ilalele amacala ukuze abantu abathintekile bafinyelele kuyo ngokushesha.

## Yisiphi isinqumo esingakhishwa yiNkantolo yezikhalo ngomhlabathi na?

- Uma isikhalo esiphumelele kungesomhlaba ongokahulumeni, inkantolo inganquma ukuthi uhulumeni awabuyisele amalungelo noma anikeze ummangali amalungelo;
- uma umhlaba ungowomuntu nje, inkantolo inganquma ukuba uhulumeni awuthathe lowomhlaba kumnikazi wawo walesosikhathi (awudle) bese ebuyisela amalungelo kummangali;
- uma inquma ukuba umhlaba udliwe kufanele kukhokhwe isinxephezelo sikhishwe uhulumeni anikeze lowomnikazi osephucwa lokhu kwesekelewe emalini engabizwa uma idayiswa indawo;
- uma isicelo siphumelela kodwa amalungelo asekuqaleni engasenakubuyiselwa kummangali, inkantolo ingawakhokha lawomalungelo ngomunye umhlaba ongokahulumeni unikezwe ummangali noma ummangali akhokhelwe isinxephezelo;
- ingase inqume ukuthi amalungelo athi ukwehluka;
- inganquma ukuthi amalungelo kubanjiswane ngawo noma egameni labamangali, isibonelo ngesikhwama se trust.

ISinqumo seNkantolo yezikhalo ngomhlaba siyefana nse nseNkantolo yasemaJajini. Ukwedluliswa kwezinqumo zeNkantolo yezikhalo ngomhlabathi zifakwa eNkantolo yoMthethosisekelo lapho isinqumo singujuqu.

restored, only if it is possible. If it is possible, the Minister must issue a certificate of feasibility and make his reasons public. If a person is not satisfied with the decision, an appeal can be lodged with the Land Claims Court.

## When are cases referred to the Land Claims Court?

- if the people in dispute agree in writing that it is not possible to settle the dispute without a court decision;
- if the Director of the Commission says it is not feasible to attempt to resolve a dispute by mediation and negotiation;
- if claimants and the Director disagree about how the claim should be finalised.

## How will the Land Claims Court work?

The procedure will be informal and the normal rules of court evidence will not apply. Evidence must be clear and relevant. Claims must be made in writing but oral evidence and cross-examination may be allowed.

The court must consider all relevant circumstances surrounding the claim, including:

- the history of the land;
- how the current owner of the land obtained their rights;
- the interests of the current owner;
- the interests of the person whose rights were taken away;
- how the property is being used;
- how the claimant's rights were taken away;
- the hardship suffered by the claimant because of the loss of those rights;
- righting the wrongs of past human rights violations;
- whether restoring rights would be fair and just;
- the desirability of avoiding major social disruption.

An order of the Land Claims Court must be just and equitable. The Land Claims Court can hold hearings at any place it chooses so that the people involved can get there easily.

## What can the Land Claims Court order?

- If a successful land claim is made for part of the state's land, the court may order the state to restore or grant rights to the claimant;
- if the land is privately owned, the court can order the state to take the land from the current owner (expropriation) and restore rights to the claimant;
- if it orders expropriation, compensation must be paid by the government to the former owner of the land, based on the market value of the land and the way in which original land rights were taken away;
- if a claim is successful but original rights cannot be restored to the claimant, the court can order rights to alternative state-held land to be given to the claimant or that compensation be paid to the claimant;
- it can order rights to be adjusted;
- it can order rights to be held jointly or on behalf of claimants, for example by trust.

An order of the Land Claims Court has the same effect as that of the Supreme Court. Appeals against decisions of the Land Claims Court are referred to the Constitutional Court for final determination.

**"...ngeke kwe-  
nzeke ukubuyise-  
lwa komhlaba  
(emva koku-  
phucwa) uma  
uthengwe ngokwe-  
qiniso nango-  
kuthembeka"  
uMongameli  
Nelson Mandela**

It would not be possible to return land subsequently (to the deprivation) bought in good faith by others" *President Nelson Mandela*

# UHlomelikusasa ubheke phambili

## Hlomelikusasa forges ahead

**UHlomelikusasa** inhlango yomame basemaphandleni ehlanganyela kwezemfundiso yokuthuthukisa abesifazane kwezamalungelo oluntu ezweni lonke.

**U**Hlomelikusasa usekelwa abesifazane abaningi abavela emiphakathini yasemaphandleni asebenzisana ne CLC. Unekomiti elikhu-

Izethameli zengqungquthela kaHlomelikusasa zingunge isivande esitshalwe Amakhosikazi ase Ndonyane.



**H**lomelikusasa is supported by numerous women from rural communities working with the CLC. It is run by an elected steering committee.

Participants of the Hlomelikusasa training workshop gather round a self-help garden grown by the women of Ndonyane.

lu elakhethwa okuyilo eliwubambile.

I-CLC isize uHlomelikusasa ngokuwuqala nokuthuthukisa. Lolusizo uyalwehlisa kancane kancane njengoba inhlango nayo izibambela mathupha kancane kancane.

UHlomelikusasa uthole ukuxhaswa yi Friedrich Ebert Stiftung ngezimali ezabhekana nomhlango wokuqala wokuyisungula kanye nemihlango yokubonisana. Maduze nje usenze umkhankaso wokufuna izimali zokugcina ihovisi, izinhlelo zokuqeqesha zomphakathi wabesifazane emaphandleni. Inhlango ibhekene nokusimamisa abesifazane basemaphandleni ngamakhono kanye nokuzethemba ekufakeni isandla emphakathini ozinzile kwezentuthuko kanye nokuzibandakanya njengabalinganayo ekuthathweni kwezinqumo.

UHlomelikusasa uyaqhubeka nokuyidudula, unikeza uqeqesho, ubamba imihlango yokucobelelana nomphakathi futhi babuye bethamele imihlango yokubonisana ephathelene nokuthinta abesifazane basemaphandleni. UHlomelikusasa usanda kubambisana nabanye ekuhloleni uxhaxha lwemihlango yokubonisana emine kwabesifazane abakhethelwe ukuzoqeqeshwa yimiphakathi yabo. Lemihlango yanikeza lamakhono alandelayo kulabodade:

- ukuhlela kanye nokugqunguzela imihlango yokucobelelana ngolwazi;
- ukubhala izincwadi zezabelo zezimali (budget) kanye nezinhlelo zemihlango (agenda);
- ukukhongozela izimali
- ukubamba nokudidiyela izinkulamo phakathi kwabantu;
- izindlela ezakhelwe ukugqunguzela ukuzibandakanya;
- ukuzazulula izinkinga, ukuhlela kanye noku zenzela izixazululo.

Uqeqesho lwaluphethwe ngu Dr Kyra Naudascher-Schlag we

*Hlomelikusasa is a rural women's organisation participating in an international education initiative promoting women's rights as human rights.*

The CLC has assisted Hlomelikusasa by facilitating its inception and development. It is scaling down this assistance as the organisation gradually takes over this function itself.

Hlomelikusasa has received generous contributions from the Friedrich Ebert Stiftung to cover the costs of initial meetings and workshops. It will shortly be launching a drive to raise funds for an office, training programmes and community centres for rural women. The organisation's focus is on empowering rural women with skills and confidence to contribute towards sustainable community development and to participate as equals in all levels of decision-making.

Hlomelikusasa continues to steam ahead, providing training, holding workshops in communities and attending workshops and conferences on issues of concern to rural



uMagdalen Dladla noSaraphina Mabaso babambe iqhaza engqungqutheleni.

Magdalen Dladla and Saraphina Mabaso participate in a workshop.



Friedrich Ebert Stiftung, ongumeluleki weJamane ovela ehovisi laseJamane okuyilo elixhase loluqeqesho. Abesifazane abethamela loluqeqesho bemukeliswa izitifikethi kanye nabangakusebenzisa uma bebamba imihlangano yokubonisana kanti iningi labo selihambile layoyibamba ngempela imihlangano nemiphakathi yabo.

Izibonelo ezimbili zalemihlangano esanda kubanjwa u Felicia Sithole waseNdonyane kanye no Philippina Mabuntana wase Rietvlei. U Nkkz Sithole wayesizwa nguSihlalo we Hlomelikusasa u Saraphina Mabaso kanye neSekela lakhe u Magdalen Dladla. Ngokuhlanganyela bayethula inhlangano kaHlomelikusasa emakhosikazini aseNdonyane, bathinta izihloko ezimbalwa ezithinta impilo yabesifazane basemaphandleni. Amakhosikazi akuthokozela lokhu acula, abagixabeza ngeziphlo zamaklabishi awatshale ezivandeni zawo.

UNkkz Mabuntana yena owakhe umhlangano waheha abesifazane abaningi abavela emikhakheni eyehlukene, kusukela kwabamele inkosi, umfundisi kanye nabaluleki bezomthetho, kuya entsheni.

Umbiko ka Nkkz Mabuntana uthi: "Umhlangano wavula ngokukhulu ukuzimisela. Abesifazane abaningi babevela eRietvlei nasezindaweni eziseduzane. Sasilindele amakhosikazi angu 60 kodwa kwafika angu 51. Umfundisi Mgobhozi wawuncoma kakhulu uHlomelikusasa ngokuhlanganisa amakhosikazi ndawonye ngalesikhathi sikahluemni omusha. Wakhuthaza ukuba kushunyayelwe ubanye kanye nokuzinikela.

"Saqala ngomkhakha wokwethula inhlangano, lapho ababekhona bafunda ngabalingani babo kanye nokubethula kwabanye ababekhona. Sathola amazinga ehlukeni okuzimbandakanya komphakathi kwabesifazane abaningi. Ngabe sengethula uHlomelikusasa ngosizo luka Anna-Marie Ngubane. Sasebenzisa ubuciko esabufunda emihlanganweni yoqeqesho esaluthatha kuHlomelikusasa ukuthola okulindelwe abesifazane kanye nezinto ezibambeza ukuzimela kwabesifazane".

Lomhlangano waba ithuba labesifazane ukuthi bakhombise amakhono abo - ngemva kwesonto esasihlanganele kulo kwakugcwele izingubo, amaphinifa, amabhulukwana abantwana kanye namaqhonti konke okuthungwe yibo omame abenza izifundo zokuthunga.

UNkkz G Mjoli wase Clydsdale wakhuluma ngobumqoka bamakhono kwabesifazane. Watshela abesifazane ukuthi banamakhono ehlukeni abangawasebenzisa ngokwabelana. Lokhu kwalandelwa ukuxoxisana ngamaqenjana ngawo belu amakhono, izinkinga abahlangabezana nazo kanye nokuzama izithombululo namasu. Abesifazane, amadoda kanye nentsha ababehlanganyele ekuxoxisaneni ngamaqenjana bawemukela kahle uHlomelikusasa. Intsha yathokozisa ngomculo.

Ekupheleni komhlangano sakhapha izitifikethi semukelelisa omame abaqeda izifundo zokuthunga.

Ekuphetheni, thina besifazane baseRietvlei sithi: "Amazwi akanele ukusho ukubonga kwethu ngokuphumelela



Amakhosikazi akhombisa ukubaonga ngeziphlo zamaklabishi aphuma ezivandeni abaze nzele zona.

The women expressed their gratitude with gifts of enormous cabbages from their self-help gardens.

women. It recently co-facilitated a series of four training workshops for women selected by their communities for training. These provided women with skills in:

- planning and organising workshops;
- fundraising;
- drawing up budgets and agendas;
- chairing and facilitating group discussion;
- methodologies designed to encourage participation;
- problem solving, planning and implementing solutions.

Training was conducted by Dr Kyra Naudascher-Schlag of the Friedrich Ebert Stiftung, a German consultancy office based in Germany which funded the training. The women who attended the training were awarded

certificates and workshop kits and many have gone on to hold introductory workshops in their own communities.

Two examples are workshops held recently by Felicia Sithole of Ndonyane and Philippina Mabuntana of Rietvlei. Ms Sithole was assisted by Hlomelikusasa Chairperson Saraphina Mabaso and Vice-Chairperson Magdalen Dladla. Together they introduced Hlomelikusasa to interested women from Ndonyane, provoking a lively discussion on rural women's concerns and priorities. The women expressed their gratitude with songs and gifts of enormous cabbages from their self-help gardens.

Ms Mabuntana's workshop drew support from all sectors of her community - a representative of the *inkosi*, the local pastor and paralegal and interested young men and women.

Mrs Mabuntana reports: "The workshop started with great enthusiasm. Most women were drawn from Rietvlei and its neighbouring villages. We expected 60 women but only 51 attended the workshop. Rev. Mgobhozi praised Hlomelikusasa for organising women together during the time of new government. He encouraged participants to preach unity and enthusiasm.

"We conducted an introductory session, where participants worked in pairs, learning about their partner and introducing him or her to the rest of the participants. We discovered different levels of community involvement from different women. I then introduced Hlomelikusasa with the assistance of Anna-Marie Ngubane. We made use of techniques learned at Hlomelikusasa training workshops to map out expectations and identify associations that obstruct or hinder women's emancipation".

The workshop was an opportunity for the women to demonstrate skills - the back of the church where we met was full of dresses, pinafores, track suits and patchwork made by women who took part in a community sewing course.

Mrs G Mjoli of Clydesdale spoke of the importance of skills for women. She told women that they had different skills which they could share. This was followed by group discussion on rural women's needs for skills, the problems they encounter and on developing solutions and action plans. Women, men and youth who participated in group

kwalomhlango, ngoqeqesho esaluthola kuKyra naku Barbara base Ebert Foundation, ku Janine ngoxhaso lwakhe nakuSihlalo wethu uSaraphina Mabaso kanye nezikhulu zakhe."

Abamele uHlomekikusasa sebethamele imihlangano yokucobelelana ngolwazi kwezabesifazane kanye nezingqungquthela zokudingida ngentuthuko kwabesifazane, abesifazane namandla kanye nabesifazane neNingizimu Afrika entsha, kuya kwezohulume-ni bezindawo kanye nezidingo zoqeqesho kwabesifazane base-maphandleni.

Omele lenhlangano usanda kwethamela ingqungquthela yomame nolwazi lomthetho kwelase Tanzania, eDar Es Salaam, kanti lenhlangano ingase ithumele izithunywa ku Fourth World Conference on Women e-Beijing kwelase China.

UHlomekikusasa usanda kubhekisa kahle izinhloso zakhe kanye nokuhlelela kahle u-1995 futhi uzimisele ukukhulisa amalunga. Uzobamba umhlangano omkhulu wonyaka ngo Januari 1995, lapho bonke abesifazane basemaphandleni bemenyiwe khona. Ngolwazi oluthe xaxa, bhalelani ku:

discussions responded well to Hlomekikusasa. The youth entertained the group with music.

At the end of the workshop we handed out certificates to women who had completed the sewing course.

In conclusion, we women of Rietvlei say: "Words fail to express our thanks for being able to hold this workshop, for the training we received from Kyra and Barbara of the Ebert Foundation, to Janine for her support and to our chairperson Saraphina Mabaso and her executive."

Hlomekikusasa representatives have attended workshops and conferences on issues ranging from women in development, women and energy and women and the new South Africa, to local government and rural women's training needs.

A representative participated in the recent workshop on women and legal literacy in Dar Es Salaam, Tanzania, and the organisation may send a representative to the Fourth World Conference on Women in Beijing, China.

Hlomekikusasa has conducted an internal evaluation of its goals and planning for 1995 and is set to expand its membership. It will be holding a mass Annual General Meeting in January 1995, to which all rural women are invited. For more information, write to:



Izethameli zengqungquthela zamukela izitifikethi emuva kokuphuthula izifundo zokuthunga.

Participants of the workshop receive certificates for completing the sewing course.

Saraphina Mabaso, Chairperson,  
Hlomekikusasa  
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7th Floor Berea Centre  
249 Berea Road  
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## Wakuphinda lokho uMagdalen! / Magdalen strikes again!

Ngemva nje kokukhethwa njengoMama woNyaka ka 1994, kwa Radio Zulu, uSekela-Sihlalo ka-Hlomekikusasa, uMagdalen Dladla, wakhethwa njengongenele owamanqamu ku CCV/Community Builder of the Year.

Ngemva kokubuzwa imibuzo isikhathi eside, uMagdalen wangena kowamanqamu ngo LweSibili zingu 8 November, ngelanga okwakhethwa ophumelele emcimbini owubukhazikhazi kwaCCV eGoli. UMagdalen waba ngomunye wabathathu ababengene kowamanqamu abemukela izitifikethi. Emukela isitifikethi, wabonga umphakathi wakhe waKwaNgcolosi. Owaphumelela kwaba ngu Mama Khumalo.

Asigcinile ukubona uMagdalen komabonakude bethu - sekukhona inkampani esizwile ngempumelelo yakhe, yabe isiqoqa umbiko ophela ngo-msebenzi wakhe nomphakathi wakhe. Loludaba luyokhishwa ekuqaleni kuka Januari 1995 ku TV1. *Izindaba* zizohlala zikupotshozela!

Soon after her selection as Radio Zulu's Mother of the Year 1994, Vice-Chairperson of Hlomekikusasa, Magdalen Dladla, was selected as a finalist for the nationwide CCV/Community Builder of the Year competition.

After gruelling rounds of interviews, Magdalen reached the final round on Tuesday, 8 November, when the winner was chosen at a glittering celebration at CCV studios in Johannesburg. Magdalen was one of three finalists to receive certificates of recognition. On receiving the certificate, she thanked her community of KwaNgcolosi. The winner was Mama Khumalo.

This is not the last we will see of Magdalen on our television sets - she has been approached by a production company, who having heard of her successes, compiled an extensive feature on Magdalen and her community projects. This will be screened in early 1995 on TV1. *Izindaba* will keep you posted!



# ABASEBENZI BASEZINDLINI

## DOMESTIC DILEMMA

*U-Isabelle Robert, ofundela ubuntatheli eNatal Technikon, usinikeze lombiko ngodaba lwabasebenzi basezindlini, ogcizelela kakhulu ngalabo basemaphandleni. Lamaphuzu uwaphenye ngokusizana namakhosikazi ka Hlomelikusasa.*

**Y**ize kukhona imitheshwana ebekwayo ezosiza abasebenzi, kunamaphuzu amaningi asadinga ukuxazululwa.

Noma isimo sabasebenzi basemakhishini sesithe ukuthuthukiswa umthetho wezimo ezikahle zomsebenzi, abasebenzi basemakhishini abahlala emaphandleni basakhishwe inyumbazana ngenxa yokwe-seleka kwemfundo namathuba.



*Isabelle Robert, a journalism student from the Natal Technikon, submitted the following article on domestic workers, with particular emphasis on those living in rural communities. She researched some of these issues with women from Hlomelikusasa.*

Although domestic workers' issues have been addressed by the Basic Conditions of Employment Act, rural domestic workers remain isolated because of a lack of education and resources.

Elinye lawo lithinta umkhakha wabasebenzi basezindlini, bona yize sebevelke ngomthetho omusha, bazohlala njalo bebophekile ngenxa yokukhishwa inyumbazane kanye nokungakwazi ukufinyelela kahle kwezemfundo.

Ngenxa yokungabikhona kwemithombo yolwazi, amaphuzu athinta abasebenzi basezindlini emaphandleni akakathintwa ngokugcwele. Izichibiyelo ezenziwe ku Basic Conditions of Employment Act (BCEA), ezaqala ukusebenza ngo October 1993, zithinta abasebenzi basezindlini. Lomthetho usebenza cishe kubantu abangu 830, 000 abasebenza ezindlini, ezingadini, abashayelela abelungu kanye nalabo abagada abagulayo, asebekhulile, nabakhubazekile. Lemigomo elandelayo isebenza kulabasebenzi abalandelayo:

- amahora okusebenza angu 12 ngosuku kulabo abahlala ngaphandle nangu 14 kulabo abalala khona, kuhlangele nezikhathi zokudla nokuphumula, kanye nesikhathi sekhefu esiyimizuzu engu 30 njalo emva kwamahora amahlanu okusebenza;
- amahora angeqile kwangu-12 esikhathi esengeziwe (overtime) njalo ngeviki ngokuvumelana phakathi komqashi nomsebenzi;
- izinsuku ezingu 14 zekhefu eminyakeni emithathu yokusebenza;
- izinsuku ezingu 36 zokugula ezikhokhelwayo eminyakeni emithathu usebenza;
- inyanga eyodwa yesaziso sokuphela komsebenzi, noma kube iholo lenyanga eyodwa;
- izinyanga ezintathu zesikhathi sokuyoteta kwabesifazane abasebenza ezindlini;
- basukele kubantu abaneminyaka engu 15 abasebenza ezindlini;
- akukho sinqumo seholo eliphansi elingaholwa.

**A**lthough amendments which seek to empower workers are being made to existing labour laws, there are many issues that still need to be resolved.

One of these issues involves the domestic workers' sector, in particular those workers in rural areas who, despite being protected by new legislation, will remain marginalised because of their isolation and lack of access to proper education.

As a result of a lack of resources and information, the issues surrounding rural domestic workers have not been fully addressed. The amendments made to the Basic Conditions of Employment Act (BCEA), which came into effect in October 1993, concern domestic workers. The Act applies to almost 830 000 domestic workers, gardeners, drivers in private households, and those who care for sick, aged, frail, and disabled people. The following conditions of employment apply to these workers:

- a maximum 12-hour day for domestic workers who do not sleep in and a 14-hour day for those who do, including meal and rest times, and a break of 30 minutes after every five hours' of work;
- a maximum of 12 hours' overtime per week by mutual agreement of employers and employees;
- 14 consecutive days' paid leave per three-year cycle;
- 36 days paid sick leave per three-year cycle;
- one month's notice of termination of service, or one month's pay in lieu of notice;
- three month's maternity leave for women in domestic employment;
- a minimum age of 15 for domestic workers;
- no minimum wage.

Lena imigomo esemthethweni futhi ebophezelayo, nokho ngokusho kuka COSATU, "kuzima ukuthi abasebenzi basezindlini baqinisekise ukuthi lemigomo esemthethweni iyalandelwa ngenxa yezinga eliphansi lokujoyina izinyonyana kubasebenzi basezindlini kanye nokungahambisani nazo kwabaqashi okwande izwe lonke."

Ngaphezu kwalokho, baningi kakhulu abasebenzi basezindlini emaphandleni abangeke bahlonyiswe ngokulwela amalungelo abo ngoba kabawazi kwawona amalungelo abo. Ngakho-ke, uma abaqashi kanye nabasebenzi bengazifundisi, lemigomo yokusebenza ngeke ibasize labo okuhloswe ukuba ibasize.

Izinhlango ezinjengo South African Domestic Workers Union (SADWU) kanye ne Domestic Workers Association zihlose ukusebenzela, ukwazisa kanye nokuvikela amalunga abo kodwa kuhlala kukhona ukuthi kunzima ukuzama ukusiza umkhakha obanzi futhi ohlakazeke njengalona. Kunempikiswano ekhona yokuthi abasebenzi basezindlini kufanele bangene phansi komunye umkhakha, noma kubekhona ukuhlanganiswa kwemikhakha. Okwamanje, abasebenzi basezindlini bavimbelekile kanti izinyonyana ezinkulu kufanele zibasize.

Kukhona imibobo ethi abasebenzi basezindlini mabangene phansi kwabalungisa izindlu, njengabezinkontileka zabahlanza izindawo. Kodwa, ukwenze njalo kuyobasiza kanjani abasemaphandleni? Ipendulo kayicaci.

Ngaphandle kwenkinga yabasebenzi basezindlini basemaphandleni abangelwazi ngamalungelo abo, kunamanye amaphuzu abathintayo. Abesifazane abanengi emaphandleni bayesaba ukulwela amalungelo abo. Iminyaka eminingi imiphakathi ibabandlulula, abayeni babo kanye nomthetho, okwenza ukuthi impilo yabo ibe ngeyabasizi nje. Kuyothatha isikhathi ukuthi kugquke lokhu.

UHlomekikusasa iyona nhlangano engasiza ukwazisa abasebenzi basezindlini emaphandleni. Yakhelwa ukunikeza uqeqesho kanye nokubhekana nezinkinga ezibhekene nabesifazane emaphandleni ukuze babeyingxenywe yabathatha izinqumo. Ingase ibe neqhaza ekuqinisekiseni ukuthi abasebenzi basezindlini emaphandleni bayaziswa ngamalungelo abo, bagququzelwe futhi bakhuthazwe ukuba basho okubaphethe kabi.

USaraphina Mabaso, uSihlalo we Hlomekikusasa, uyavuma ukuthi ikhona ngempela inkinga ebhekene nabasebenzi basezindlini basemaphandleni ngokuthi basele bodwa, imvamisa abafundile ngaleyondlela abanalwazi ngamalungelo abo. "Sibheke phambili ekubahlomiseni, nasekulweni ngempela", kusho yena.

Kubukeka kungekho zixazululo ngokushesha zalenkinga ebhekene nabasebenzi abasezindlini. Kuzothatha isikhathi eside ngaphambi kokuthi kubekhona isikhungo sokuxoxisana ngokuhlanganyela ngaloludaba lwalomkhakha. Kuze kube siyatholakala, umthwalo usemahlombe alabo abathintekile, umsebenzi wasendlini kanye nomqashi wakhe, ukuba babhukule bazifundise ngezinguquko zomthetho, ngokufunda, bethamele imihlangano nokulalela imisakazo.

Kufanele kubunjwe ubudlelwano obuhle phakathi kwabo bobabili, ukuze kuthuthuke umsebenzi. Uma izinyathelo ezinjena zingathathwa, kanye namaphuzu athinta lomkhakha engaxazululwa, abasebenzi basezindlini bayohlala bengabodwana nje futhi behashazwa.

These are legal and binding conditions, yet according to COSATU, "it could prove difficult for domestic workers to ensure that the provisions of the act are enforced because of the low level of unionisation among domestic workers and widespread employer resistance to them being unionised".

In addition, there are many domestic workers in rural areas who will not be equipped to fight for their rights because they are not aware of their rights. Therefore, if employers and employees do not take the responsibility to inform themselves, these conditions of employment will never benefit those they were intended to serve.

Organisations like the South African Domestic Workers' Union (SADWU) and the Domestic Workers' Association aim to serve, to inform and to protect their members, but there remains concern that such a large and unregulated sector cannot be adequately maintained. There is an ongoing debate which suggests that domestic workers should fall under the informal sector, or that there should be a joining of sectors. Meanwhile, domestic workers are semi-marginalised and broad-based industrial unions might better address their concerns.

There have been suggestions that domestic workers be linked to workers in the property services, such as contract cleaners. But, how would such an option affect workers in rural areas? The answer is unclear.

Apart from the problem of rural domestic workers not being aware of their rights, there are other issues that affect them. Many women in the rural areas are afraid to fight for their rights. For many years they have been discriminated against by their communities, their husbands and the law, so that their entire outlook on life is one of subservience. It will take a long time for this to change.

Hlomekikusasa is one organisation that could help and inform rural domestic workers. It was created to provide training and address the problems facing rural women so that they can become a part of decision-making processes. It might have a role in ensuring that domestic

workers in rural areas are informed of their rights, organised and encouraged to voice their concerns.

Saraphina Mabaso, Chairperson of Hlomekikusasa, admits that there is a real problem facing rural domestic workers in that they are isolated, often illiterate and thus unaware of their rights. "We are looking forward to empowering, pushing and kicking", she says.

There do not seem to be any immediate answers to the dilemma facing domestic workers. It is going to take a long time before the collective bargaining process can function effectively in this sector. Until it does, the responsibility lies with those concerned, the domestic worker and the employer, to take the initiative and inform themselves about changes in legislation, by reading, attending meetings and workshops and listening to the radio.

A positive relationship needs to be formed between the parties, to promote the well-being of the worker. If these steps are not taken, and issues affecting this sector are not resolved, domestic workers will remain marginalised and exploited.

**Uma abaqashi nabasebenzi bengakwenzi umthwalo wabo ukuthola ulwazi, lezizimo ezikahle zokusebenza ngeke zibazuzise labo okumele bazuze ngazo.**

**If employers and employees do not take the responsibility to inform themselves, these conditions of employment will never benefit those they were intended to serve.**

## BATHAKATHA IKUSASA LETHU

Abantu abaningi eNingizimu Afrika bacabanga ukuthi ukuvikela imvelo kuyinto yokutshuza nje esingeke sibenemali okuyenza. Iqiniso ukuthi ukwehluleka ukuvikela imvelo kuyodala ukukhathazeka nokugula okubi kanye nokusheshe sife.

Ukuvikela imvelo kusho ukuvikela imithombo yempilo esiyidingayo: amanzi ahlazekile nomoya, kokupheka nokusifudumeza, kanye nomthombo ongenakuphela wokudla.

Phansi kukahulumeni omdala, osomabhezini babevunyelwe ukwenza inzuzo yabo nokuveza umsebenzi kwabayingcosana ngokudlala ngempilo yeningi labantu. Amafektri anukubezayo kanye nezindawo zokulahla uphoyizeni ongcolile zazibekwa eduze kwemiphakathi empofu. Akuzange nakanye lezindawo zibekwe eduze kwezigwili.

Ucwaningo lwezesayense selukhombisile ukuthi abantu abaningi abahlala eduze kwalezizindawo basethubeni elingcono lokuguliswa yisifo somdlavuza noma bacinane bephathwe yiphika. Ngokunjalo ukugula okubi kanye nokuzalwa kwezidalwa kungamandla kubantu abahlala eduze kwezindawo okuchithwa kuzo lophoyizeni ovela kwamanye amazwe. Amazwe anezimboni eziningi njengo United States no Yurophu, wonke anemithetho evikela abantu bayo ezintweni ezinukubeza imvelo njengophoyizeni olahlawayo. Izinkampani ezinkulu zamakhemikhali kanye plastiki, okuyizo ezikhiqiza lophoyizeni, ziyakugwema ukubhekana nalomthetho ngokuthumela ukungcola kwazo emazweni angakathuthuki kakhulu angakawushayi lomthetho wokuvikela impilo yezakhamizi zawo.

E-Cato Ridge, indawo yokucina i mercury, okunguphoyizeni, isiveze inhlekelele: Sekushone abasebenzi ababili baseNingizimu Afrika, omunye usaqulekile, kanti u-28% wabasebenzi bakhona baguliswa ukuba nophoyizeni wemercury. Lemercury yalandwa e-United States, eNgilandi nakwamanye amazwe yalethwa lapha eNingizimu Afrika. Lento iwuphoyizeni omubi ngalendlela yokuthi uhulumeni wase United States usefakela elizodla izigidigidi enkampani yaseMelika emangalelwe ngokuthumela lophoyizeni eNingizimu Afrika. Ngapha, lohlumeni omusha akakabi nawo umthetho wokujezisa labo abalanda uphoyizeni kwamanye amazwe.

INingizimu Afrika engelinye lamazwe amabili elingakasayindi isixazululo seNhlangothi Yobumbano Lwama-Afrika (OAU) eye-

Amakhemikhali ayingozi njenge mercury alahlelwa olwandle yizinkampani okwenza ukudla esikudlayo kungenwe ubuthi.

## POISONING OUR FUTURE

Many South Africans think that protecting the environment is a luxury the country cannot afford. The reality is that failure to protect the environment will cause many people to suffer severe illness and premature death.

Protecting the environment means protecting resources that we need for life: clean water and air, fuel for cooking and heat, and a sustainable source of food.

Under the old government, businesses were allowed to make profits for themselves and jobs for a few people at the expense of the health of the majority. Polluting factories and toxic waste dump sites or incinerators were placed next to communities in which poor people lived. Never were these types of facilities placed near wealthy people's homes.

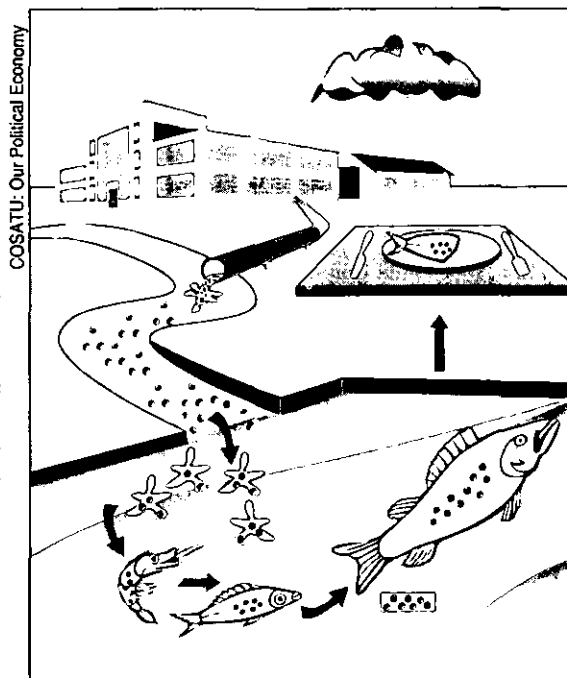
Scientific studies have shown that people living near factories are more likely to get cancer or suffer from respiratory problems, such as emphysema. Similarly, the occurrence of severe illness and birth defects is greatly increased for people living next to toxic waste dump sites or incinerators.

There is a big debate in South Africa about the dumping of toxic waste from other countries. Industrialised countries, such as the United States and the European countries, all have regulations to protect their people from the environmental hazards posed by toxic waste. The large chemical and plastics companies, which create the toxic waste, avoid dealing with these regulations by sending their waste to less developed countries that have not passed laws to protect the health of their citizens.

In Cato Ridge, the storage and incineration of mercury, a toxic substance, has had disastrous effects: two South Africans workers have died, one is in a coma, and 28% of the workforce suffer from illness due to mercury poisoning. The mercury was imported to South Africa from the United

States, England, and other countries. This substance is so poisonous that the American government is suing the American company for millions of rand for illegally exporting the mercury to South Africa. Yet, the new South African government still has no policy to punish companies that import toxic materials.

South Africa is one of only two African countries that has not signed the Organisation of African Unity (OAU) resolution condemning the import of toxic waste to Africa. The other 50 countries of the OAU realise that their citizens'



Harmful chemicals like mercury are dumped into the sea by industry, causing the food we eat to get contaminated.

nqabela ukulandwa kukaphoyizeni ulethwe e-Afrika. Amanye amazwe angu 50 e-OAU ayabona ukuthi impilo yezakhamizi zawo ibaluleke kakhulu nokuthi imisebenzana evezwa yilezonkampani ngokulanda uphoyizeni kayibalulekile kunezinkinga zempilo ezidalekayo.

Ilungelo lendawo enempilo ilungelo eliyisisekelo kumalungelo oluntu kanti likhona eSigabeni 29 soMthethosisekelo wase-Ningizimu Afrika. Kodwa ukufaka ilungelo kuMthethosisekelo akusho lutho ngaphandle uma abantu belifuna futhi lihlonishwa.

Izikhulu zikahulumeni kufanele zibathinte abantu ngaphambi kokuthi zithathe izinqumo ezithinta imiphakathi. Futhi, nabantu kufanele bathinte izikhulu zabo abazikhethile bazitshele ngokubakhathazayo.

Uma unombono ngokulethwa kukaphoyizeni noma ezinye zinto ezithinta imvelo, siza uthintane noNgqongqoshe wesifundazwe noma kazwelonke obhekene nezemvelo.

National Minister:  
Dr Dawie De Villiers  
Minister of Environmental  
Affairs and Tours  
Private Bag X883  
Pretoria, 0001

KwaZulu-Natal Minister:  
Inkosi Nyanga Ngubane  
Minister of Nature  
Conversation & Traditional  
Authorities  
Private Bag X23  
Ulundi, 3838

- Loludaba lubhalwe ngu Mike Carlson, ongumfundi wezomthetho eYunivesithi yase Baltimore, e-United States. UMike, onothando olukhulu lwezemvelo, usebenza efunda lapha e-CLC kuze kube sekuqaleni kuka Decemba 1994.

### Uhulumeni omusha wakuleli akakabi nanqubo yokujezisa izinkampani eziletha ukungcola nodoti lapha ngaphakathi.

The new South African government still has no policy to punish companies that import toxic materials.

lives are as valuable as those of the industrialised countries and that the few jobs created by importing toxic waste are not worth the health problems it will cause.

The right to a healthy environment is a basic human right and is recognised in Section 29 of the South African Constitution. But placing a right in the Constitution doesn't mean very much unless people demand that it is respected.

Government officials should contact the people before making decisions that affect communities. Also, people must contact their elected officials to tell them of their concerns.

If you have an opinion on the import of toxic wastes or any other issue affecting the environment, please contact the national or provincial minister who is responsible for environmental issues.

National Minister:  
Dr Dawie De Villiers  
Minister for Environmental  
Affairs and Tourism  
Private Bag X883  
Pretoria, 0001

KwaZulu-Natal Minister:  
Inkosi Nyanga Ngubane  
Minister of Nature  
Conservation & Traditional  
Authorities  
Private Bag X23  
Ulundi, 3838

- This article was written by Mike Carlson, a law student from the University of Maryland, Baltimore, in the US. Mike is serving as an intern with the CLC until early December 1994.

## Kuyini ukufela embhedeni? What is cot death?

Ukushonela embhedeni, okwaziwa ngokuthi yi Sudden Infant Death Syndrome, ukushona ngokushesha futhi okungenancazelo komntwana ophile kahle nje engaphansi konyaka, okuhlale kungekho ncazelo yembangela yakho. Odokotela basalwa nokuthola imbangela yalesisifo.

Ukufela embhedeni sekwenzeka iminyaka eminingi. ENingizimu Afrika kushona abantwana abangu 3,000 ngonyaka ngalesisifo. Nanka amanye amaqiniso ngalesisifo:

- ayikho indlela yokubona noma yokuvikela lesisifo okwamanje;
- iningi labantwana abashonela emibhedeni bashona belele;
- umntwana akakhali ngoba ezwa ubuhlungu ngoba ushona ngesigubhukane nje;
- akekho ongabekwa icala ngokushona komntwana ngalendlela

Kwesinye isikhathi abantu baye bacabange kabi ngalesisifo. Abantu abangazi lutho ngaso bangathi umntwana ubulewe ngezinye zalezimbangela:

- ukucinaniswa izingubo embhedeni;

Cot death, or Sudden Infant Death Syndrome, is the sudden and unexplained death of an apparently healthy infant below one year of age. Worldwide, doctors are working on finding the cause.

Cot deaths have happened for hundreds of years. In South Africa, about 3,000 babies die of cot death each year. Here are some facts about cot death:

- there is no way of predicting or preventing cot death;
- the majority of cot death babies die while sleeping;
- the baby does not scream as cot death happens so fast;
- no one is to blame for the baby's death.

Sometimes people have the wrong idea about cot death. People who do not know the facts may say that the baby died of one of the following causes:

- smothering in the bed linen;
- vomiting or choking on vomit;
- injury due to a fall or accident;
- child abuse;
- infections such as flu;

- ukuphalaza noma ukuxhilwa umphalazo;
- ukulimala ngenxa yokuwa noma ingozi;
- ukuhlukunyezwa komntwana;
- ukuhlatshwa umkhuhlane;
- izonto ezingezwani nomzimba wakhe;
- ukucindezeleka komntwana uma elele nawe embhedeni;
- ukumpintsheka.

Ukushonela embhedeni akudalwa nawokukodwa kwalokhu. Uma odokotela sebhlela isidumbu somntwana, bayebafune noma yini engaba yimbangela yokushona. Kubantwana abashone belele akukho nokukodwa okukhombisa ukuthi kwenzekeni umntwana usuke enomzimba ophile saka. Ukushona akuphutha lamuntu, akuzona izangoma, imimoya noma amadlozi. Ukufa kuhlala kungaziwa imbangela yakho. Lokhu kungazwakala kudida impela kodwa kufanele sikwemukele njengoba kunjalo kuze kutholakale imbangela. Noma ngubani uyakukhalela ukushona kwengane ngendlela ezahlukene. Omunye angathukuthela, omunye athule nje adabuke. Abanye bangayifihla imizwa yabo babonakale sengathi kabanakile nje. Bangase bangathandi nje ngisho nokukhuluma ngaleyongane. Abanye baqale bangenele utshwala noma izidakamizwa.

Kwesinye isikhathi imindeni, abangane noma omakhelwane abakuqondi lokufa. Uma befaka imibuzo eminingi, bafundise lesisihloko. Kungenzeka ufune ukuthola omunye umntwana futhi qiniseka ukuthi usukulungele ukumthola ukuze ukwazi ukumnaekela. Kungcono kwesinye isikhathi ukulinda unyaka ngaphambi kokuthi uthole omunye ukuze umzimba wakho usimame kahle ekutholeni umntwana nasekwethukeni onakho. Umntwana omusha ngeke asivale isikhala salowo oshonile. Yileyo naleyongane inhle ngokwayo nje.

Uma kudingeka ukhulume ngoku-shona kwengane yakho, xoxa nodokotela noma nosista emtholampilo. Babuze ukuthi bakhona yini abehlelwa yilomshophi endaweni yangakini ukuze ukwazi ukwabelana nabo ngalokhu. Kukhona nenhlangano okuthiwa yi Cot Death Foundation engakusiza ukuthi uqonde kahle ngalesisifo. Khumbula ukuthi ukushonela embhedeni kwenzeka kakhulu kubantwana abanenyanga kuya kweziyisithupha bezelwe. Akuhlaseli asebekhulile futhi akuthathelani noma kube ukhondolo emndenini.

Ukuze kuncishiswe izinga lokushonela embhedeni kwabantwana, landela lemibandela elandelayo:

- umntwana mulalise ngohlangothi noma ngomhlane, kodwa hayi ngesisu;
- ungasebenzisi izingubo eziningi zokumlalisa ngoba lokho kungadala ukuthi izinga lokushisa lenyuke kakhulu;
- zama ukumsusa eduze kwendawo enabantu ababhemayo;
- zama ukumncelisa ibele ikakhulukazi ezinyangeni eziyisithupha zokuqala;
- umntwana mulalise embheni wakhe omncane (cot) eduze kowakho onyakeni wokuqala;
- muhambise emtholampilo noma kudokotela umntwana uma umsola ukungaphili.

Ngolwazi oluthe xaxa, thintana: The Cot Death Foundation: South Africa, 34 Julia Street, Birchleigh North, Kempton Park, 1619. Ucingo: (011) 972 3561.

**Khumbula ukuthi ukufa ulele kwenzeka phakathi kwenyanga eyodwa kuya kweziyisithupha. Akwenzeki ezingameni esezindala, akubi okomndeni kanti futhi akuthelelani.**

**Remember that cot death happens mostly between the ages of one month and six months. It does not affect your older children, it is not a hereditary disease nor is it contagious.**

- allergies;
- rolling over your baby if he or she slept in your bed with you;
- suffocation.

Cot death is not caused by any of these things. When doctors do a post-mortem examination on a baby, they look very carefully for any clue of the cause of death. In cot death babies there is no clue - the baby has a very healthy body.

The death is not one's fault, not even witch-doctors, spirits or ancestors. The death is a medical mystery. This may be difficult to understand but we must learn to accept it until a cause is found. A baby's death is very hard on the family. Everyone mourns the loss of the baby in their own way. One person may be very angry, another person may be quiet and sad. Others might hide their feelings and seem like they do not really care. They might not want to talk about the baby anymore. Some people may start abusing alcohol or drugs.

Sometimes family, friends or neighbours do not understand this death. If they ask many questions, show them this information. You might want another baby soon but be sure that you are ready and able to care for that baby. It is usually better to wait for a year before falling pregnant, so that your body can recover from childbirth and the shock of the death. A new baby will not replace the dead baby. Every baby is a special individual.

If you need to talk about your baby's death, talk to your doctor or the clinic sister. Ask them if there are other cot death families in your area so that you can share your experience. The Cot Death Foundation is also available to help you cope with this death. Remember that cot death happens mostly between the ages of one month and six months. It does not affect your older children and is not a hereditary disease, nor is it contagious.

To reduce the risk of cot death, follow these guidelines:

- let your baby sleep on his or her side or back, but not his or her stomach;
- do not use too much bed linen, otherwise your baby may get a high temperature;
- try to keep your baby away from areas where people smoke;
- try to breastfeed your baby, especially for the first 6 months;
- let your baby sleep in a cot next to your bed for the first year;
- take your baby to the clinic if he or she seems unwell.

For further information, contact:  
The Cot Death Foundation: South Africa, 34 Julia Street, Birchleigh North, Kempton Park, 1619

Umhlaba wobuchwepheshe bezemithi usacwaninga ngensumansumane yembangela yokufa ulele.

The medical world continues to research the mysterious cause of cot death.



Yilolo nalolo shicilelo *Iwe-Izindaba* lunodaba olufishane noma inkondlo ebhalwe ilunga lomphakathi. Uma ufisa ukubona umsebenzi wakho ephepheni, uyacelwa ukuthi uwuthumele ku-Mhleli. Kulolushicilelo sithole ebhalwe ngu *Julius Bhengu*, ongumeluleki wezomthetho wase Riverview e Valley of Thousand Hills.

## LUYINI NGEMPELA UTHANDO

**N**giyacela luthando, ngitshele, ngabe uyinjabulo noma ubuhlungu? Angikwazi ukuthi uyisiphi isimo. Ezinsukwini ezimbalwa ezidlule bengeneme kakhulu. Kodwa ngomzuzwana nje yonke impilo yami isishintshile sewungenze ngaba onezinhlungu ukwedlula bonke abantu.

Ngikhala ubusuku bonke ngenxa yobuhlungu benhli-ziyo ongizwisa bona. Kwezinye izikhathi ngizwa kuthi angixume njengengane encane, ngenxa yenjabulo onginika yona.

Luthando, ngiyasangana. Angazi ukuthi ngikubize ngani. Ngingakubiza ngenjabulo, umbulali wezinhliziyo, umkhohlisi? Ngingakubiza ngobuhlungu noma injabulo?

Isilima nomkhohlisi, yilokho oyikho kimina. Uvela ngezikhumba ezimbili ezahlukene, injabulo nobuhlungu, kodwa luthando ngiyacela, vela njalo ngesikhumba senjabulo.

Ngoba uma unjalo unginika amandla nomdlandla wokulwa nezithikamezo ezima endleleni yami, ikakhlukazi ngemfudumalo nothando lwakho. Unginika umpheme wokukhosela. Ezikhathini zokwesaba nobumnyama uyangihola. Unginika idwala lokuncika. Ubuye unginike ihlombe lokuncika ezikhathini ezinzima. Luthando, ngaphandle kwakho impilo kayisho lutho.

Ngikuzonda kanjani pho uma ushqhamuka ngalesosikhumba sosizi. Ngoba ngempela ngiyehluleka ukukubekezelela. Ubanga ukuqwasha ... kanye nomfula wezinyembezi zosizi.

Ngawe nje luthando, ngingayizabalazela indlela yami ebheke emhlabeni wenjabulo. Umhlaba ongenazinhlopheko, ubuhlungu bezinhliziyo, ukukhala nokugedla kwamazinyo. Umhlaba wothando nobunye, ongenazithikamezo. Umhlaba omusha ongathikanyezwanga.

Luthando, qaphela lapho uhamba khona. Bhekisisa kuqala, uyobe sewukhululekile ukuthatha esinye isinyathelo. Ungavele uhambe njengentombi eyimpumpu. Ngiyakucela luthando, musa ukungajwayeleki kanje. Ngesinye isikhathi impilo ike ibe nzima.

Noma kunjalo, kumele sigqolozelane nayo impilo njengoba injalo, siwukhombise umhlaba wonke ukuthi singamaqhawe futhi siqine ngokwenele, njengezihlahla ezinothiswe amanzi. Akukho zivunguvungu ezingasizamazamisa.

Luthando, ungumdlalo okufanele umuntu awudlale. Uyiculo okufanele silicule. Uyinhlopheko okumele sihlangabezane nayo. Uyisano okufanele sithethelelewe. Luthando, uke ubenesihluku nobumuncu ngenye inkathi.

Luthando, uyikho konke.

Each issue of *Izindaba* contains an article, short story or poem written by a community member. If you would like to see your work published, please send it to the Editor. This issue's contribution comes from *Julius Bhengu*, a paralegal from Riverview in the Valley of a Thousand Hills.

## WHAT REAL LOVE IS

**P**lease love, tell me, are you a joy or a sorrow? I don't understand the position you hold. Just a few days ago I was the happiest soul alive. But so suddenly you have changed my whole life to make me the most sorrowful being alive.

I cry myself through the night because of the heart-break you bring upon me. Other times I feel like jumping around like a little puppy, just through some joy you have brought me.

Love, I'm stunned. I don't know what to call you. Should I call you happiness, a heartbreaker, a cheat? Should I call you bitterness or comfort?

A fool and a deceiver, that's what you really are. You appear in two different skins, happiness and bitterness, but love please, come always in a skin of happiness.

For then you provide me with the will and power to fight any obstacle that comes my way, especially with your warmth and tenderness. You provide shelter for me to hide.

In times of fear and darkness you lead me. You provide a rock for me to lean on. You also provide me with a warm shoulder to cry upon in times of adverse circumstances. Love, without you life would really be meaningless.

How I hate you love, when you come in that skin of bitterness. For I really fail to stomach your torturing qualities. You cause too many sleepless nights ... and a river of uncontrollable, bitter tears.

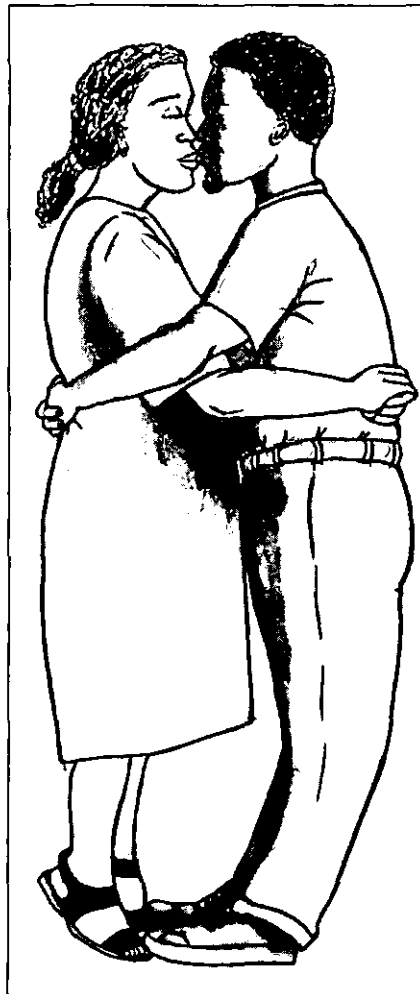
With you love, I can fight my way right through to a happy world. A world free of worries, heartaches, suffering and bitter tears. The world of love and unity, free of obstacles. A world so fresh and new.

Love, just be careful where you walk. Take a closer look first, then you are free to take a step. Don't just walk like a blind lady. Please love, don't be so strange. Sometimes life can be cruel and bitter.

Even so, we've got to face life as it is, and show the whole world that we're brave and firm enough, just like the trees that are nourished by water. No strong wind can blow us away.

Love, you're a game one has to play. You're a song one has to sing. You're a torture one has to endure. You're a sin one has to forgive. Love, you can really be cruel and sour at times.

Love, you are everything.





## Umthetho uthembisa ukuvikela

UMthethosisekelo uveza ukwesekwa kwehovisi loMvikeli woMphakathi. Ngalokho-ke, uMthethosivivinyo woMvikeli woMphakathi uzocutshungulwa yiPhalamende ngokushesha.

LoMthethosivivinyo ukhomba amahovisi oMvikeli woMphakathi azovulwa kuzozonke izifunda. Umsebenzi woMvikeli woMphakathi ukuqinisekisa ukuthi iminyango kahulumeni isebenza ngendlela efanele nanga-phandle kwemikhonyovu. Noma ngubani angafaka isikhalazo sakhe ku Mvikeli woMphakathi mayelana nokungaphathwa kahle kwamahovisi, inkohlakalo noma ukwedelela okwenziwa yizikhulu zikahulumeni noma eminyangweni. UMvikeli woMphakathi angazenzela olwakhe uphenyo ngokwakhe noma uma ethola isikhalazo elungeni loMphakathi. Uma uMthethosivivinyo usuphumelele ePhalamende namahovisi oMvikeli woMphakathi esekhona, Izindaba ziyokhipha amakheli uma esetholakala.

### Ikhomishini Yamalungelo Oluntu

UMthethosisekelo ubuye uveze nokusungulwa kweKhomishani yaMalungelo Oluntu. Amaphuzu ekhomishini ukuvikela nokuthuthukisa amalungelo oluntu ayisisekelo. Ikhomishini futhi inamandla okuhlela noma ukunikeza izimali kofaka isikhalo uma kunokulinyazwa kwamalungelo ukuqinisekisa ukuthi ummangali ulifaka enkantolo efanele icala. Izindaba zizokwazisa ngakho konke okwezekayo.

### Ukwenyuka kwezimpesheni

Kusukela ngomhlaka 1 October 1994, izimali okufanele ziholwe abadala zizokwenyuswa zisuke ku R370 ziye ku R390 ngenyanga. Izimpesheni zamasosha amadala zizokwenyuka zibe ngu R408 ngenyanga kanye nezesondlo zenyuselwe ku R390 ngenyanga kubazali kanye no R121 ngenyanga ngayinye.

Ukwenyuka kwezimali kuzoqala kuyoyonke i-KwaZulu Natal nase Mpuma Koloni, yize abaholayo KwaZulu Natal bezoqhubeka nokuhola njalo ngenyanga nalabo abahlala eMpuma Koloni behola njalo emva kwezinyanga ezimbili.



Ukulinda okude kolayini bezimpesheni sekulethe imali ethe xaxa.

A long wait in the pensions queue now yields a little more money.

## Legislation promises protection

The Constitution provides for the establishment of the office of Public Protector and a Bill to put this into effect will soon be considered by Parliament.

There will be offices of the Public Protector in each province. Their function is to ensure that government departments function effectively and without corruption. Anyone may complain to the Public Protector regarding allegations of maladministration, corruption or rudeness by government officials or departments. The Public Protector may conduct investigations on his or her own initiative or on receipt of a complaint from a member of the public.

*Izindaba* will publish details of how to approach the Public Protector when they become available.

### Human Rights Commission Bill

The Constitution also provides for the establishment of the Human Rights Commission to protect and promote fundamental human rights.

The Commission has the power to arrange for or provide financial assistance to a complainant in an alleged violation of their rights, to ensure that she or he can bring a case before a competent court. *Izindaba* will keep you updated on developments.

### Pensions increase

The pension payouts to which old age pensioners are entitled increased from R370 to R390 per month from 1 October 1994.

Pensions for war veterans increased to R408.00 per month and maintenance grants increased to R390.00 per month for parents and R121.00 per month for each child.

The increases are effective throughout KwaZulu-Natal and the Eastern Cape, although pensioners living in KwaZulu-Natal will continue to be paid monthly and those living in the Eastern Cape bi-monthly, that is every second month.

## Umthetho uqinisekisa amalungelo abasebenzi

Isigaba 27 soMthethosisekelo wesikhashana waseNingizimu Afrika uqinisekisa amalungelo obudlelwano obuqotho emsebenzini. Lokhu kuchaza ukuthi bobabili abaqashi kanye nabasebenzi amalungelo abo avikelekile.

Le lilungelo lisebenza kubobonke abasebenzi, ku-**L**hlangene nelabasebenzi basemapulazini kanye nabasezindlini, abathola ukuvikeleka okuncane kakhulu emisebenzini phambilini.

Abasebenzi banelungelo lokujoyina izinyonyana kanye nelokuteleka. Abaqashi banelungelo lokubumba nokujoyina izinhlangano zabo. Abaqashi kanye nabasebenzi banelungelo lokugqguzela kanye nomsebenzi wokuxoxisana. Isibonelo, uma kunenxushunxushu phakathi kwabasebenzi nomlimi zombili izinhlangothi kufanele bazame ukuxoxa baxazulule inkinga.

Nokho, lamalungelo asebenza kuphela enqubweni yeqotho yokusebenza. Isibonelo, abasebenzi kufanele babenezikhalo zangempela futhi kufanele balandele inqubo efanele yomthetho ngaphambi kokuthi bateleke. Lokhu kusho ukuthi lokhu okubizwa "ngeziteleka zesigubhukane" akuvikelekile kuMthethosisekelo wesikhashana.

Imithetho ebhekene nokugcinwa kwenqubo eqotho yokusebenza ebivele ikhona ngaphambi koMthethosisekelo wesikhashana isazoqhubeka nokusebenza ize ichtshiyelwe noma ichithwe umthetho omusha. Lokhu kusho ukuthi imithetho efana ne Labour Relations Act kanye ne Basic Conditions of Employment Act isazoqhubeka.

USomqulu Wamalungelo uqondisa ngqo ubudlelwane phakathi kukahulumeni kanye nabantu baseNingizimu Afrika. Lokhu kwaziwa 'njengokusebenza ngokwehla' kuka Somqulu Wamalungelo. Nokho, iphuzu 'lokusebenza ngokwehla' - ebudlelwani phakathi kwabantu base-Ningizimu Afrika bebodwa- kushikishwa namanje.

Isibonelo, ngokwesigaba 7 (1) soMthethosisekelo wesikhashana, abaqashwe kuhulumeni akufanele babandlulule abanye abasebenzi. Noma ngabe abaqashi bangaphandle kukahulumeni bayavunyelwa ekuqasheni nasekuholeleni abasebenzi kanye nemigomo yabasebenzi ayikakacaci kahle kodwa Isigaba 33 (4) sithi lomthetho ungashaywa ongavimbela lokho okubandlulula.

## Law guarantees labour rights

Section 27 of South Africa's Interim Constitution guarantees the right to fair labour relations. This means that both employers and workers have their rights protected.

**T**his right applies to all workers, including farmworkers and domestic workers, who received very little protection in the workplace in the past.

Workers have the right to form and join trade unions and to strike. Employers have the right to form and join employers' organisations. Employers and workers have the right to organise and a duty to bargain collectively. For example, if there is a dispute between workers and a farmer, both sides must attempt to find a solution.

However, these rights only apply to fair labour practices. For example, workers must have legitimate grievances and must follow the correct legal procedure before they can go on strike. This means that so-called "wildcat strikes" are not protected by the Interim Constitution.

Laws promoting fair labour practices that existed before the Interim Constitution will remain in place until they are amended or set aside by new legislation. This means that laws like the Labour Relations Act and the Basic Conditions of Employment Act remain in force.

The Bill of Rights clearly regulates relations between the government and the people of South Africa. This is known as the 'vertical application' of the Bill of Rights. However, the question of 'horizontal application' - to relations between South Africans - is still hotly debated.

For example, in terms of Section 7 (1) of the Interim Constitution, government employers cannot discriminate against their workers. Whether private employers are allowed to discriminate in their hiring and paying of workers and provision of working conditions is not yet clear but Section 33 (4) says that laws can be passed to prohibit such discrimination.

Whether private employers are allowed to discriminate in their hiring and paying of workers and provision of working conditions is not yet clear but Section 33 (4) says that laws can be passed to prohibit such discrimination.

Ilungelo lokubhikisha livikelekile kumthetho sisekelo.

The right to strike is now protected under South Africa's Interim Constitution.



# Inkantolo ezobaneso kuhulumeni

## A court to keep government in check

**UMthethosisekelo wesikhashana waseNingizimu Afrika ubeka Inkantolo yoMthethosisekelo umsebenzi wayo okunguku qaphela ukulinyazwa kwamalungelo.**

UMthethosisekelo ungumthetho ophezu konke ezweni, noma isiphi isenzo sikahulumeni, kuhlangele nokushaywa kwemithetho, okungahambisani noMthethosisekelo ngeke kuvunyelwe.

Uma isenzo kutholakala ukuthi siphambana nomthethosisekelo, kufanele siyekwe noma siguqulwe ukuze sihambisane noMthethosisekelo. Isibonelo, uma iPhala-mende lishaya umthetho othi kufanele kubekhona iqembu elilodwa lezombusazwe eNingizimu Afrika, izinkantolo ziyobanamandla okuthi kawukho lowomthetho phansi kwesigaba 21 soMthethosisekelo, oqinisekisa wonke umuntu ilungelo lokubumba inhlango yezombusazwe. Amandla ezinkantolo okunquma ngokuthi isenzo kasikho emthethweni kuthatha wonke amandla kuhulumeni okuzishayela imithetho engenaginiso elimaza amalungelo abantu.

INkantolo yoMthethosisekelo yiyo engu juqu ngokuchazwa uMthethosisekelo kanye nokuthi isenzo siyahambisana yini nawo. Isinqumo sawo kufanele silandelwe yiwowonke amatsha namazinga kahulumeni - abashayimthetho, izikhulu, kanye nezinkantolo.

Lenkantolo iyinkantolo yamacala adluliswayo, ezobuyekeza izinqumo ezithathwe izinkantolo zasemajini ezindaweni nasezifundeni. Nokho, zimbili izinhlobo zamacala ezingase zithethwe yinkantolo yomthethosisekelo.

- amacala lapho ukuhambisana nomthethosisekelo komthethosivivinywa ohlongozwa yiPhalamende ubekwa ezithebeni zenkantolo;
- ukungqubuzana ngomthethosisekelo phakathi kukahulumeni omkhulu kanye nabezifunda noma abezindawo.

Izinkantolo ezincane, njengezoMantshi azinamandla okuthetha amacala athinta umthethosisekelo, kodwa kufanele amaphuzu anjalo, ziwavumele edlulele eNkantolo yoMthethosisekelo.

Amandla amakhulu anikezwe iNkantolo yoMthethosisekelo ayenza ikwazi ukuqaphela uhulumeni. Ngaso lesosikhathi, kufanele iNkantolo yoMthethosisekelo ingavuni hlangothi futhi ingaseki okufunwa uhulumeni noma yeseke iqembu lezombusazwe. Nokho, kufanele imele zonke izinhlobo zokufiswa abantu baseNingizimu Afrika. Labo abakhonjwe ukuba baphathe iNkantolo yoMthethosisekelo bamele zonke izigaba zabantu baseNingizimu Afrika bahlanganise abehluleli besilisa nabesifazane, abamnyama nabamhlophe.

**The South African Interim Constitution sets up a Constitutional Court whose only function is to guard against violations of our rights.**

The Constitution is the supreme law of the land, so any action by the state, including the passing of laws, that is not in line with the Constitution will not be accepted.

If an action is found to be unconstitutional, it must be stopped or changed so that it is consistent with the Constitution. For example, if Parliament passed a law saying that only one political party was permitted in South Africa, the courts would have the power to declare this law invalid under Section 21 of the Constitution, which guarantees everyone the right to form political parties. The ability of the courts to stop an action takes away the power of the government arbitrarily to make laws that don't respect people's rights.

The Constitutional Court has the final say on what the Constitution means and whether an action is in line with it. Its decision must be followed by all levels and branches of government—legislatures, agencies, and courts.

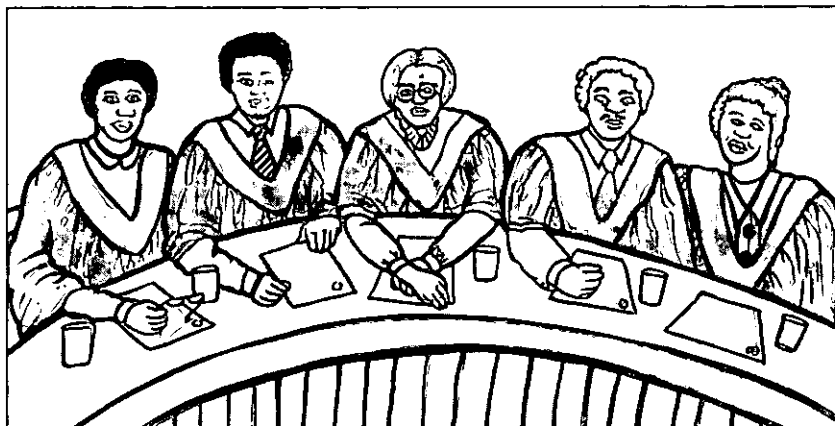
The Court is largely an appeals court, meaning it will review constitutional decisions passed by the local and provincial Supreme Courts. However, two types of cases must go straight to the Constitutional Court:

- cases in which the constitutionality of an Act of Parliament, or a Bill, is brought into question;
- constitutional disputes between national government and a provincial or local government.

The lower courts, such as the magistrates' courts have no power to hear constitutional issues, but must allow these issues to be referred to a higher court.

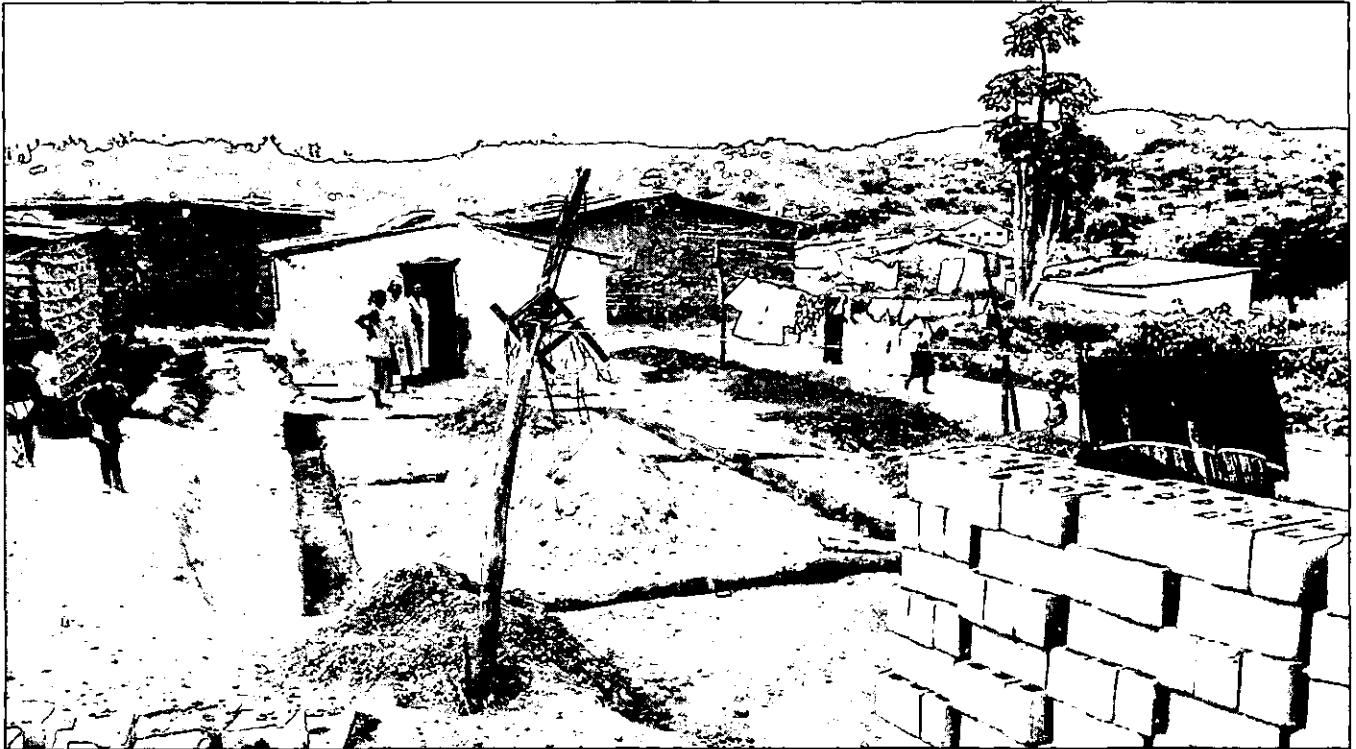
The broad power given to the Constitutional Court allows it to act as a watchdog over government. At the same time, the Constitutional Court must be unbiased and cannot promote government interests or support any political party. Rather, it should represent the broad range of interests and rights that are important to South Africans.

Those appointed to serve on the Constitutional Court represent a cross-section of South African society and include male, female, black and white judges.



Inkantolo yomthethosisekelo yenzelwe ukuvikela amalungelo ezakhamizi zakuleli.

The Constitutional Court was created specially to protect the rights of South Africans.



IRDP yenzelwe ukwakha kabusha ithuthukise imiphakathi yakuleli, ikakhulukazi imiphakathi engakaze ikubone lokhu.

The RDP is designed to reconstruct and develop South African communities, especially the disadvantaged communities..

## I-RDP - UHLAKA LOKUHLANGABEZANA NEZIDINGO EZIYISEKELO

### Iyini i-RDP?

I-RDP uhlaka oluhlanganisiwe lwabunjwa olungumgomo wenhlalo nomnotho wezwe, elenzelwe ukuhlangabezana nokwenelisa izidingo zenhlalo yomphakathi umnotho kanye nezombusazwe kuntando yeningi kuNingizimu Afrika entsha nabantu bayo. I-RDP ihlose ukuba yindlela elula yokubhekana nokungalingani okwabangwa ubandlululo ibuye yakhe kabusha futhi ithuthukise imiphakathi yaseNingizimu Afrika, ikakhulukazi leyomiphakathi eyayincishwe amathuba.

### Olukabani loluhlelo?

I-RDP uhlelo lukahulumeni. Lwaqalwa lwabhalwa yi African National Congress (ANC) labuye lemukelwa ngu Hulumeni WoBumbano (wonke amaqembu). Manje uhulumeni uthi i-RDP akuyona eyakhe kodwa uhlelo lwabantu qobo lwabo.

### Imigomo ye RDP

I-RDP ihlanganisa ndawonye amasu okufanele aqalwe emazingeni kahulumeni omkhulu, kazwelonke kanye nabezindawo. Ngaleyondlela iwuhlelo oludidiyelwe.

I-RDP ngeke isebenze ngaphandle kokuzimba-ndakanya komphakathi ngalokho iwuhlelo oluphethwe abantu. Futhi ihlose ukukhuthaza uxolo nokuzinza, ngoba ilapho kunokuthula khona lapho kuyoba khona ukwakha kabusha nentuthuko. Ukwakhiwa kwezwe futhi kunge-minye yemigomo ye -RDP.

## THE RDP - A FRAMEWORK FOR MEETING BASIC NEEDS

### What is the RDP?

The RDP is an integrated and consolidated socio-economic policy framework, geared to meet and satisfy the social, economic and political needs of a new democratic South Africa and its people. The RDP aims to address, in a more simple way, the imbalances caused by apartheid and in turn reconstruct and develop South African communities, especially the disadvantaged communities.

### Whose programme is it?

The RDP is a government programme. It was initially drafted by the African National Congress (ANC) and later adopted by the Government of National Unity (all parties). The government is now saying the RDP is not its programme but the programme for the people themselves.

### Principles of the RDP

The RDP brings together strategies for implementation at national, provincial and local government level. In this way it is a coordinated programme.

The RDP will not work without the communities' active involvement and thus it is a people-driven process. It also aims at promoting peace and stability, for it is only when there is peace that there will be development and reconstruction. Nation-building is also one of the basic principles of the RDP.

Ukwakhiwa kabusha okusukunyelwe uhulumeni kufanele kubhekane nokuthuthkisa imiphakathi. Uma ukuthuthukisa nokwakha kabusha kuhlenganiswa ndawonye, iNingizimu Afrika kufanele ibe ngeyentando yenengi. Lokhu kusho ukuthi bonke abantu abathintekile kufanele bazimbandakanye ekuthathweni kwezinqumo.

## Izinhlalo ezimqoka ze-RDP

Izinhlalo ezinhlanu okuyizona ziphambili ku-RDP yilezi:

- ukuhlangabezana nezidingo eziyisisekelo;
- ukuthuthukisa imithombo yosizo kubantu;
- ukubumba umnotho;
- ukwenza umbuso ube ngowentando yeningi;
- ukususa i-RDP.

Iphuzu elimqoka kuhulumeni ukuhlangabezana nezidingo eziyisisekelo, ezinjengezezindlu, amanzi, ugesi, imisebenzi, umhlaba, ukuxhumana, ezempilo kanye nezenhlahakahle.

Kuyabonakala ukuthi akukho kulokhu osekulanga-tshezwene nakho, ikakhulukazi emaphandleni. Uhulumeni ukugcizelele ukuthi i-RDP kufanele iqalwe emazingeni emiphakathi kanti okusemqoka kakhulu kulokhu ukhetho lohulumeni bezindawo.

UNgqongqoshe uJay Naidoo, ku Non-Governmental Organisation Summit eyayingomhlaka 20 August 1994, wathi ohulumeni bezindawo "bayizandla nezinyawo" ze-RDP. UNgqongqoshe Naidoo waphinda wahlaba ikhwela ezinhlanganweni ezingekho phansi kukahulumeni ukuthi mazibumbane ukuze zisize uhulumeni ekuqaleni loluhlelo.

Ngomhlaka 29-30 October 1994, izinhlangano ezingekho phansi kuka hulumeni zahlangana zaxoxa ngezindlela zokubumbana zakhe isakhiwo sama NGO KwaZulu-Natal.

I-RDP ngeke ivele inikeze abantu izidingo nabantu kufanele bakwazi lokhu. Imiphakathi qobo lwayo kufanele ibumbane ukuze ikwazi ukuqala i-RDP. Kufanele iqale yakhe izakhiwo ze -RDP. Kufanele iqale ukubumba izakhiwo ze-RDP bese ibeka izidingo eziphambili ukuze izinhlelo ze-RDP ziqale ezindaweni zabo.

UNgqongqoshe wezoMnotho nokuvakasha KwaZulu Natal, u Jacob Zuma, kanye noNdunankulu uDr Frank Mdlalose ngenkathi kune KwaZulu Natal Economic Workshop e Thekwini, baziqinisekisa izinhlangano zemiphakathi (NGO) ngendawo yazo ku RDP Council. Ngemva kokuthola igunya emiphakathini, ama-NGO azokwethula lokho ku RDP Council ukuze kudingidwe bese kwenziwa.

IRDP iqonde ukuhlangabezana nezidingo zempilo njengogesi, imitho-lampilo, ezokuxhumana namanzi.

The RDP sets out to meet basic needs like electricity, health care, telecommunications and water.

The reconstruction that is undertaken by the government should aim at developing the communities. When reconstruction and development has been linked together, South Africa should be democratised. This means all people affected must participate in the decision-making processes.

## Key programmes of the RDP

The five major programmes of the RDP are:

- meeting basic needs;
- developing human resources;
- building the economy;
- democratising the state;
- implementing the RDP.

The first priority of the government is to meet basic needs, like housing, water, electricity, jobs, land, telecommunications, health care and social welfare.

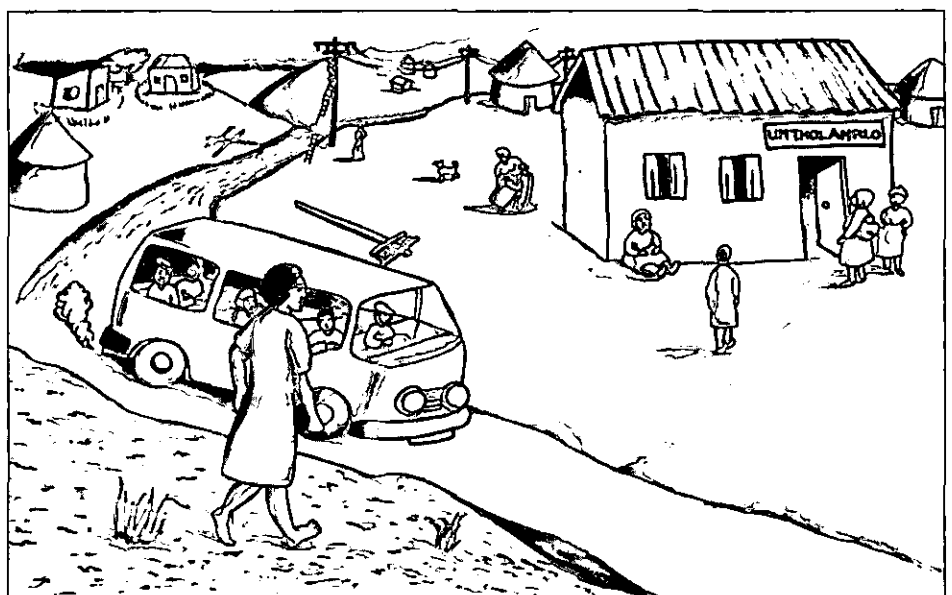
It is apparent that none of these needs have been met, especially in the rural areas. It has been emphasised by the government that the RDP needs to be implemented at community level and that crucial to this is the election of local governments.

Minister Jay Naidoo, in the Non-governmental Organisations Summit held on 20 August 1994, stated that local government is the "hands and feet" of the RDP. Minister Naidoo also made a call to the non-governmental organisations to get organised so that they may assist the government in implementing this programme.

On 29-30 October 1994, the non-governmental organisations met to discuss ways of getting organised and to set up an interim structure of the NGOs in KwaZulu-Natal.

The RDP will not deliver overnight and people should be aware of this. Communities themselves will need to get organised to facilitate the implementation of the RDP. They must start setting up RDP structures and set priorities for RDP projects in their areas.

The Minister of Economic Affairs and Tourism in KwaZulu Natal, Jacob Zuma, and the Premier, Dr Frank Mdlalose during the KwaZulu Natal Economic Workshop in Durban recently, assured civil organisations (NGOs) places in the RDP Council. After receiving a mandate on projects from the communities, the NGOs will refer the same to the RDP Council for discussion and implementation.



## UMHLAHLANDLELA WE AFRICAN CHARTER

Manje njengoba iNingizimu Afrika seyemukelewe futhi njengelunga eliphelele le Nhlango Yobumbano lwase Afrika (OAU), i- African Charter isibathinta ngqo abantu base-Ningizimu Afrika.

Ngokubambisana nabe Amnesty International, i-CLC isishicilele uMhlahlandlela we African Charter ngamalungelo oluntu nesintu sonke ngesiZulu nangesiXhosa. UMhlahlandlela uzohlangana nale okuthiwa Amalungelo njengencwadi ebalulekile yokwenza abantu bazi ngamalungelo abo ayisisekelo kanye nokulindeleke kubona njengezakhamiz zomphakathi wentando yeningi.

## UKUPHEMBA UMTHETHOSISEKELO WAKHO

Ukhethe luka April 1994 kwaba yisinyathelo sokuqala somgwaqo obheke kuntando yeningi eNingizimu Afrika. Ukuze intando yeningi ibe nencanzelo yeqiniso, kusemqoka ukuthi bonke abantu baseNingizimu Afrika baziswe futhi bazimbakandakanye emshikashikeni wentando yeningi.

Ekuzameni ukufundisa abantu basemaphandleni ukuba bathole amakhono okuqonda lokhu, i-CLC isikhiphe incwadi ngoMthethosisekelo wesikhashana, ezokwethulwa ngomhlaka 10 Disemba 1994, okuwusuku lukazwelonke laMalungelo Oluntu. Umthethosisekelo usebenza kuphela uma abantu beqonda neqhaza lawo futhi bazi ukuthi bangawusebenzisa kanjani.

Ukuqedela umthethosisekelo omunye wemisebenzi okufanele wenziwe uMkhandlu woMthethosisekelo. *Ukuphemba Umthethosisekelo Wakho* incwadi ezozinisekisa ukuthi akubona kuphela abezombusazwe abazoba nesandla kuMthethosisekelo wokugcina. *Ukuphemba Umthethosisekelo Wakho* incwadi egxile kuMthethosisekelo wesikhashana kanye nowokugcina, ukuthuthukiswa kwezinhlangano zemiphakathi, ukuqaphela ukusebenza kukahulumeni, ukulinyazwa kwamalungelo oluntu, neqhaza nomsebenzi wezakhamizi emphakathini wentando yeningi.

UMkhandlu woMthethosisekelo ucele i-CLC ukuba isize ukwenza kube khona ukuzimbakandakanya komphakathi ekubhalweni koMthethosisekelo.

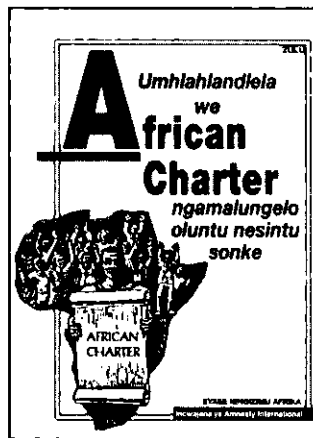
*Ukuphemba Umthethosisekelo Wakho* kuhlelwe njengencwadi enemibuzo edinga ukuphendulwa ukuze abantu bakwazi ukuyisebenzisa uma bebambe imihlangano yokubonisana ukuze imibono yabo ibhalwe phansi ibuyiselwe e-CLC. Lokhu kuzohamba indlela ende ekuqinisekiseni ukuthi imibono yabantu basemaphandleni ifinyelele kuMthethosisekelo wokugcina.

## Sezikhona izikipa

Imiphakathi yacela i-CLC ukuba ikhiphe ezinye izikipa ezinombhalo wakuqala.

Thumela i Postal order lika R15 e-CLC, negama nekheli lakho:

Izindaba, Community Law Centre  
7th Floor Berea Centre  
249 Berea Road  
Durban 4001  
(Uyacelwa ukuthi osho usayizi, small, medium noma ularge.)



## GUIDE TO THE AFRICAN CHARTER

Now that South Africa has been readmitted as a full member of the Organisation of African Unity (OAU), the African Charter has great relevance for all South Africans.

In association with Amnesty International, the CLC has published *A Guide to the African Charter on Human and People's Rights* in Zulu and Xhosa. The *Guide* will join *Amalungelo* as another important CLC publication to make people aware of their basic rights and duties as members of a democratic society.

## CREATING YOUR CONSTITUTION

The April 1994 election was only a starting point on the road to building true democracy in South Africa. For democracy to have real meaning, it is essential that all South Africans are informed and actively involved in the new democratic process.

In teaching rural people skills to do this, the CLC has produced a book on the Interim and Final Constitution of

South Africa, *Creating Your Constitution*, to

be launched on International Human Rights Day, 10 December 1994. A constitution is effective only where the people understand the role it can play and how to use it.

Finalising a constitution for South Africa is one of the first tasks being taken on by the Constitutional Assembly. *Creating Your Constitution* will make sure that politicians are not the only ones to contribute to the final Constitution. *Creating Your Constitution* focuses on the Interim and Final Constitutions, development of civil society, effective local, provincial and national government, monitoring government activity, abuse of human rights, and the role and responsibilities of citizens in a democratic society.

The Constitutional Assembly has asked the CLC to help it ensure maximum public participation in the constitution-making process. *Creating Your Constitution* is designed in a workbook format to enable readers and people at workshops to record their suggestions and return these to the CLC. This will go a long way towards ensuring rural people's views inform the Final Constitution.

## T-shirts available

Communities have asked the CLC to print more of its old-style T-shirts.

Send a postal order for R15 to the CLC, with your name and address to:

Izindaba, Community Law Centre  
7th Floor Berea Centre  
249 Berea Road  
Durban 4001

(Please specify small, medium or large.)

# USUKU LUKAZWELONKE LWAMALUNGELO OLUNTU

## INTERNATIONAL HUMAN RIGHTS DAY

Usuku lukazwelonke lwamalungelo oluntu (10 Disemba) lugujwa emhlabeni wonke jikelele ukuze kukhuthazwe ulwazi ngamalungelo oluntu. I-CLC ijwayele ukhlanganyela nezinye izinhlangano emigidini ebakhona eThekwini.

I-CLC izothwala iqembu elizozungeza ngebhasi elihlo-tshisiwe baye ezinkantolo zomantshi abathize kuyo yonke i-KwaZulu-Natal nase Mpuma Koloni, lapho bezokwenza khona imidlalo yaseshashalazini ngamalungelo oluntu bemukelise nangezincwadi, babambe nemihlangano yokucobelelana ngolwazi. Loluhambo oluyiviki, luyophela ngomcimbi oyogujwa eNkantolo kaMantshi wase Thekwini ngomhlaka 10 Disemba, lapho i-CLC iyokwethula khona izincwadi Ukuphamba Umthethosisekelo Wakho/Creating Your Constitution kanye no Mhlahlandlela we African Charter.

Ngesikhathi sokushicilela, besekuhlelwe lendlela ezolandelwa: Durban-Port Shepstone-Kokstad-Underberg-Bergville- Ladysmith-/Escourt-Nqutu-Ulundi/Babanango-Mtubatuba-Empangeni-Durban.

Thola kumantshi wangakini ukuthi lizodlula yini ngalapho ibhasi bese uza uzodelisa amehlo!

International Human Rights Day (10 December) is celebrated internationally to promote human rights awareness. The CLC traditionally participates in local events arranged in Durban with other human rights organisations.

The CLC will take a team travelling in a decorated bus to selected magistrates' courts throughout KwaZulu-Natal and the Eastern Cape, where they will stage human rights plays, hold workshops and hand out publications. The week's tour will end in festivities at the Durban Magistrate's Court on Saturday, 10 December, where the CLC's new publications *Creating Your Constitution* and *The Guide to the African Charter* will be launched.

On going to print, the following route was planned:

Durban-Port Shepstone-Kokstad-Underberg-Bergville-Ladysmith-/Escourt-Nqutu-Ulundi/ Babanango- Mtubatuba-Empangeni-Durban.

Please find out from your magistrate's court whether the bus will be visiting your area and come along and join in!

### INCWADI LETTERS

## Uhlelo lokucabangela ebebecindezelwe Affirmative action for the disadvantaged

Mhleli

Lokhu okuthiwa yi "Affirmative Action" sihlala sikuzwa njalo uma kukhulunywa ngokufukulwa komnotho wezwe. Lesisho sichaza ukuthuthukiswa kwalabo ababanganikwe mathuba phambilini ukuba babesesimweni esingcono manje. Esinye sezisekelo zomthetho sithi ukulingana phambi komthetho. Ngakho-ke kungani njalo abantu abamnyama bekholelwa ekuthini umlungu uyohlala ephumelela kunabo emacaleni? Lezi izithelo ezibabayo zobandlululo ezakhula kubantu abamnyama zabenza bakholwa ukuthi kabalutho kuphela bayizisebenzi zabelungu nje.

Ngokombono wami, lokhu kwadalwa ukuthi abantu abamnyama bengamelwa ezinkantolo. Kungenzeka kanjani ukuthi umuntu ongenameli abhekane nengqwayingqwayi yommeli enkantolo bese eliwina icala? Umuntu omnyama akakwazi ukumelana nezindleko ezimba eqolo zommeli, ngkho-ke kufanele kube nguhulumeni okhokhela lezondleko zabameli bokumela abantu abahluphekayo uma bebekwe amacala anzima.

Nokho, lababantu kujwayele ukuthi banikezwe izimfundamekhwela zabameli abangakavuthwa emkhakheni wezomthetho. Ngalokho, alukakabi khona usizo olwanele oluqhamuka ngakuhulumeni. Lokhu kungagwemeka ngezinhlangano ezinjengo Community Law Centre ngokuthi abaluleki bezomthetho bamele abantu ezinkantolo.

Abantu abakwazi ukuthokozela amalungelo abo uma bengawazi. Ngikholwa ukuthi kungumsebenzi kahulumeni ukuthi anikeze ukuvikeleka okulinganayo kanye nokuthokozela ngokulinganayo amalungelo nenkululeko bese esinika umhlahlandlela ngaloluhlelo lokuca-tshangelwa kwabebecindezelwe.

**SIMPHIWE XABA ENQUTU**

Uma ufisa ukuphawula nganoma isiphi isihloko, bhalela kuMhleli.

Dear Editor

The phrase "affirmative action" is a commonly-used expression for the upliftment of the country's economy. The expression means improvement of the status quo of disadvantaged people across the spectrum.

One of the foundations of the law is equality before the law. So why is it that black people believe a white person will always win a case against them? These are the bitter fruits of apartheid which grew from making black people believe they were inferior and subservient to white people.

In my opinion, this impression was caused by black people not being represented in court. How can one expect someone without legal counsel to stand against another with a well-qualified lawyer and win? A black person cannot be expected to meet the high costs of a lawyer, therefore it should be the State's duty to provide lawyers to represent poor people in serious criminal cases.

However, these people are usually given newly graduated lawyers who lack competence and experience. So far, no adequate help is available from the State. This can be avoided through organisations like the Community Law Centre through which paralegals get representation for their clients.

People cannot exercise and enjoy their rights when they don't know of them. I believe it is the government's responsibility to ensure equal protection and enjoyment of citizens' rights and freedoms and to provide a framework for affirmative action.

**SIMPHIWE XABA OF NQUTU**

If you wish to express your opinion about any issue, please write to the Editor.

# THOLA IZINDABA/ COMMUNITY NEWS

*Izindaba* zishicilelwa yiCommunity Law Centre (CLC) njalo emva kwezinyanga ezintathu kanti zikhuluma ngezindaba ezithinta imiphakathi yasemaphandleni. Noma iluphi ushicilelo lwe *Izindaba* luqukethe ulwazi ngalamaphuzu alandelayo:

- IMITHETHO ETHINTA IMIPHAKATHI YASEMAPHANDLENI
- IZIMPESHENI
- EZOMHLABA
- AMALUNGELO ABESIFAZANE NEZINHLANGANO ZOMAME
- UHULUMENI NOMTHETHOSISEKELO OMUSHA
- AMALUNGELO OLUNTU
- EZEMPILO
- EZENTANDO YENINGI, UKUPHUCUZeka KOMPHEKATHI KANYE NEMFUNDO NGOKUVOTA
- EZABELULEKI BEZOMTHETHO
- INTUTHUKO YOMPHAKATHI
- IMIBONO YOMPHAKATHI
- IZINDABA ZASE-CLC

Uma uluthandile lolushicilelo futhi ufisa ukuthola olunye futhi ngeposi, gcwalisa lelifomu elingenzansi. *Izindaba* ziyothunyelwa kuwena ngeposi ngesihle.

Uma uthanda ukuthola ushicilelo oludala, khombisa esikheleni esikhonjisiwe efomini, usho ushicilelo olufunayo.

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*Izindaba* is published every three months by the Community Law Centre (CLC) and deals with issues of concern to rural communities. Each issue of *Izindaba* contains valuable information on:

- LAWS AFFECTING RURAL COMMUNITIES
- PENSIONS
- LAND ISSUES
- WOMEN'S RIGHTS AND WOMEN'S ORGANISATIONS
- GOVERNMENT AND THE NEW CONSTITUTION
- HUMAN RIGHTS ISSUES
- HEALTH ISSUES
- DEMOCRACY, CIVIL SOCIETY AND VOTER EDUCATION
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- CLC NEWS.

If you have enjoyed reading this issue and would like to receive future issues of *Izindaba* in the post, please fill out the subscription form below. *Izindaba* will be posted to you free of charge.

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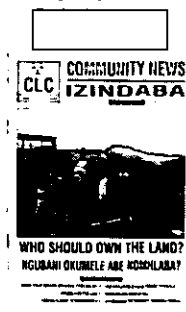
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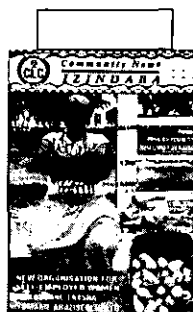
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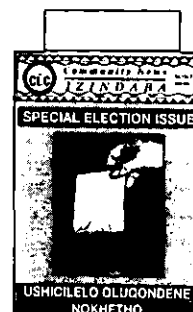
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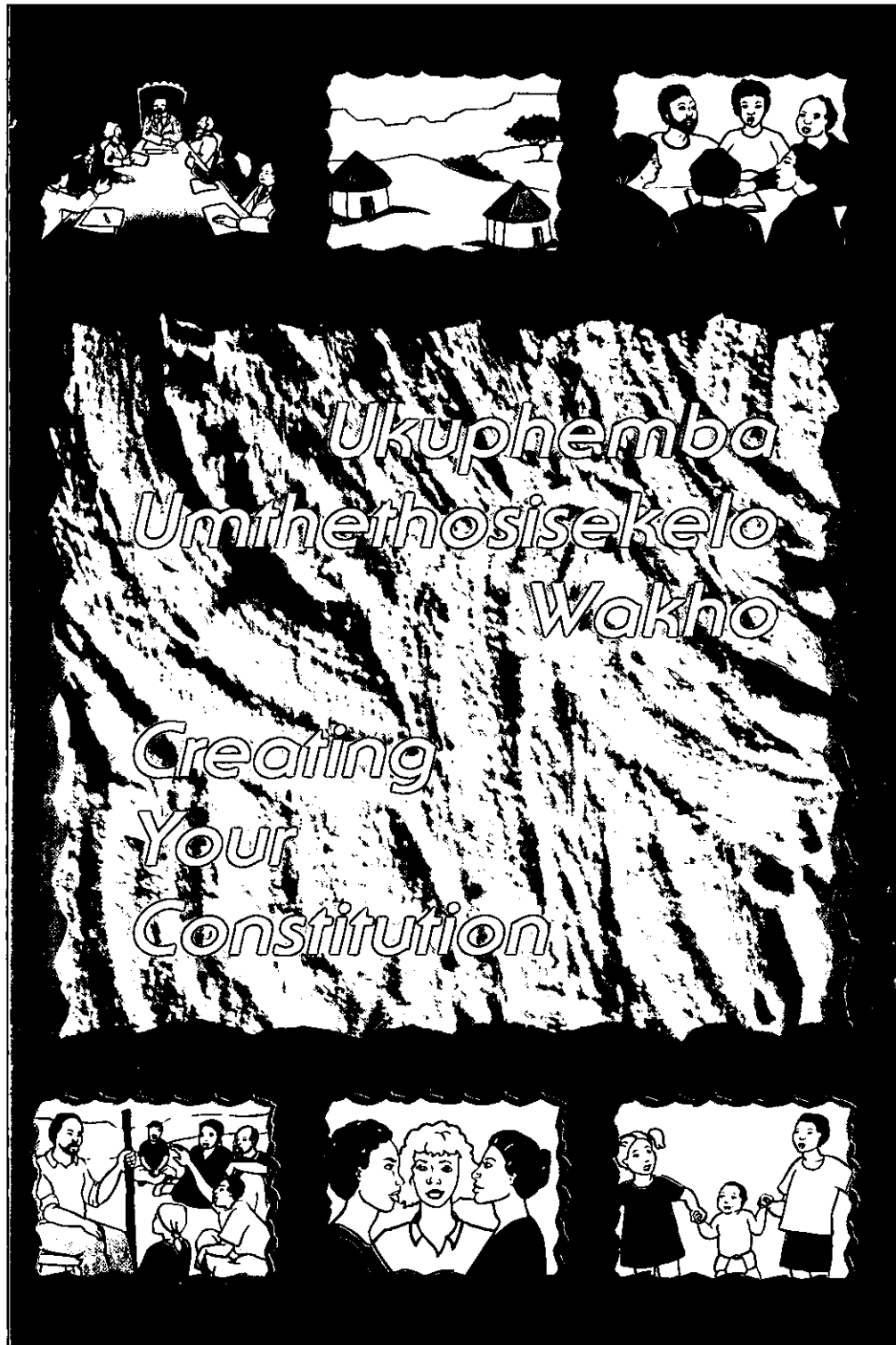




*Ukuphamba umthethosisekelo* kugxile kumalungelo oluntu ngaphansi komthethosisekelo waseMzansi Afrika wesikhashana nowokugcina, uhulumeni osebenzayo wendawo, wezifunda nokazwelonke nomsebenzi nemithwalo yezakhamizi emphakathini wentando yeningi.

Lapha kunencwadi eyenziwe lula nemvilophi yokuphendula esikhokhelwe ukuze imiphakathi ibeke uvo lwayo ngezidingidwa umthethosisekelo. Ukususela ezincwajaneni zokusebenza ezenziwe lula zase zibuyiselwa kwaCLC, uCLC uyoqopha iziphakamiso bese ethumela imibono kusigungu somthethosisekelo egameni labafundi. Lezizincwadi zitholakala mahala emiphakathini esetshenzelwa uCLC.

Uma ezinye izinhlangano zifisa ukuthenga lezincwadi, ziyatholakala ngo R30 iyinye. Thintana no Janine Hicks kulenombolo (031) 202 -7190 uma ufuna olunye ulwazi.



*Creating your Constitution* focuses on human rights under South Africa's interim and final constitutions, effective local, provincial and national government and the role and responsibilities of citizens in a democratic society.

Included in the pack is a workbook, with a reply-paid envelope, for communities to record their suggestions on issues covered by the Constitution. Based on workbooks returned, the CLC will compile proposals and make submissions to the Constitutional Assembly on behalf of readers. These packs are available free of charge to the communities that the CLC serves.

Should other organisations wish to purchase workpacks, these are available at R30 each. Contact Janine Hicks on (031) 202-7190 for more information.