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DEMOCRACY

IN ACTION

JOURNAL OF THE INSTITUTE FOR DEMOCRACY IN SOUTH AFRICA

True blue

He's feted — or hated — as the policeman behind the Magnus Malan trial. But Frank Dutton has doubts about staying on in the police 10



'Life and death' poll

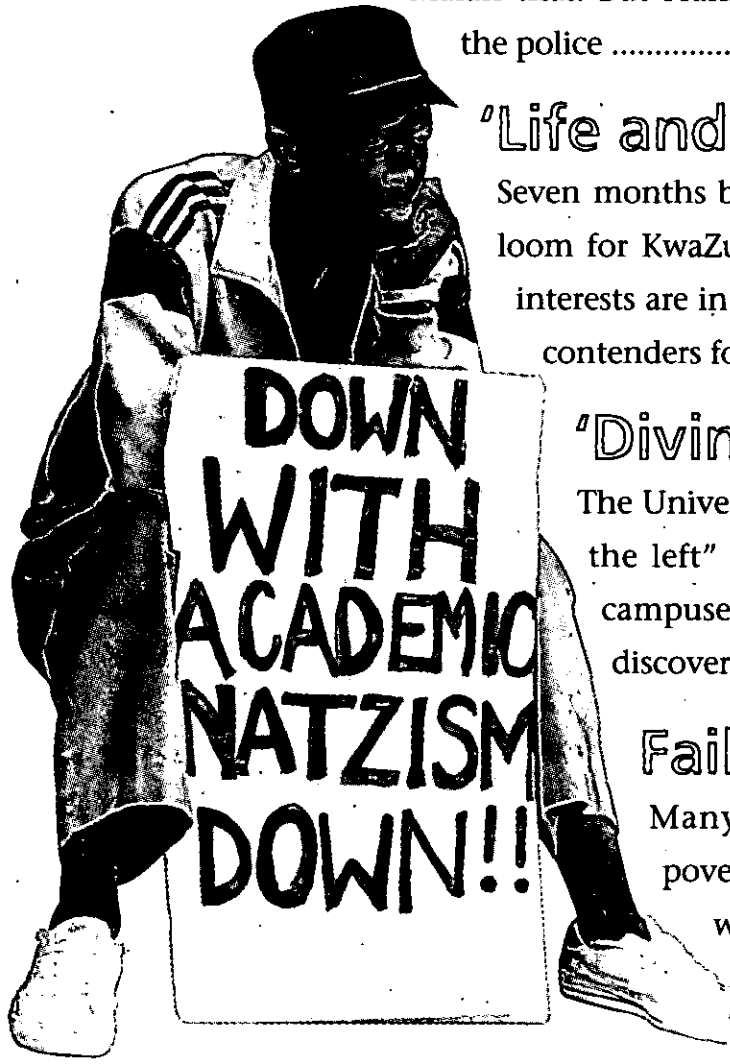
Seven months behind the rest of the country, local government elections loom for KwaZulu-Natal and parts of the Western Cape. In each, voters' interests are in danger of eclipse by the intense rivalry between the major contenders for power 5

'Divine vision' in disarray

The University of the Western Cape may rejoice in the title "home of the left" but it is far from immune to the tensions erupting on campuses all over South Africa, as new rector Cecil Abrahams is discovering 22

Failed fathers

Many South African fathers abandon their children. Dire poverty is the result for most of the next generation. Mothers who look to the state for help all tell the same story: the courts are overloaded, inefficient and unsympathetic to women 16



Includes Parliamentary Whip

AND NOW LADIES AND GENTLEMEN,
THE GREAT RAMAPHISO WILL WEAVE
HIS MAGIC AND MAKE WHOLE A BODY
DISMEMBERED BY DIVERSE INTERESTS
AND PROFOUND DIFFERENCES.....

SHUT THAT BOX,
YOU'RE RUINING THE SHOW...
BESIDES, THE AUDIENCE ALREADY
KNOWS THAT IT IS
EMPTY!



Cartoon: BRANDAN REYNOLDS

DEMOCRACY
IN ACTION

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COMMENT

Not many Jacobins-in-the-box

HERMANN Giliomee's call for debate on what he calls the "foundation myths" of the new South Africa (*Cape Times*, 11 March 1996) is welcome. Nationalism and nation building are as much about ideas as they are about practice — and we have not spent enough time and energy sharpening our ideas in the light of the practice of non-racialism. The theoreticians and practitioners of nation building must surely be willing to revise their ideas if experience provides convincing reasons to do so.

Giliomee, who is president of the South African Institute of Race Relations, deals with a number of so-called "foundation myths", all of which deserve sharp responses. I wish to focus on one: Giliomee's characterisation of the ANC's approach to non-racialism.

Although he is careful never to say so directly, he suggests that the ANC's approach to nation building is a Jacobin one. This is a largely unflattering term used to describe a power-driven and coercive effort to put everyone in this country in the same cultural mould.

Closer scrutiny reveals that a Jacobin is someone who is a member of an extremist or radical political grouping; someone who especially advocates egalitarian democracy and is not averse to using terror to achieve his or her desired goals. Presumably, then, a Jacobin nation-builder is someone who uses power, reverting to terror when necessary, to construct a nation based on egalitarian democratic principles.

Perhaps I mix in the wrong circles but I have not met many Jacobins lately. Many folks advocate egalitarian democracy but they are rapidly declining in number. The advocates of terror are an extinct species in the new South Africa — except for some right-wingers, but they are by definition committed neither to democracy nor egalitarianism. So I am a little mystified by the Jacobin characterisation.

To be fair, anyone who tries to develop a reading of the ANC's commitments to nation building runs into the immediate problem that there seems to be no single prevailing point of view, which is itself not such a bad thing. While there is an overarching commitment to a colour-blind society that denies the importance of race as a marker of any significance, a number of tendencies can be identified.

The one is to actively reconcile divergent and historically antagonistic interests, symbolised by President Nelson Mandela's active rapprochement with white Afrikaner constituencies in

particular. This is a powerful recognition of the nature of the South African deal. Here non-racialism is national unity as a pact between leaders drawn from divergent communities. The government of national unity is an example of such a pact.

The second tendency is the promotion of a more populist South Africanism, what Giliomee in another context describes as rugby "world-cup non-racialism". I have remarked before that the intelligentsia should not become derisive about the popular importance of athletic excellence. Sport is both an expression of, and a vehicle for, evoking positive national feelings about ourselves.

The third tendency is the (controversial but silent) recognition of the primacy of black African leadership in the construction of the nation. On one level this is benign majoritarianism, in the sense that the tone of society ought to be defined by the people who are in the majority in the country and who took the brunt of apartheid's oppression. The difficulty here is that there are moments when the moral authority of majority leadership gives way to a less benign Africanism.

There are, no doubt, other tendencies. I do not see myself as a specialist on the ANC, but I think it would be fair to say that there is no single vision of what the South African nation is or should become. There was a time when there was a theory of the nation ("colonialism of a special type" being the most debated incarnation) but this has, under current circumstances, given way to a much more open and less doctrinaire approach to nation building.

The key aspect to recognise is that there is a process of nation building under way, involving different tendencies and intellectual positions within and outside of the ANC. Perhaps there isn't enough of this taking place, but it is a point of debate.

It is unfair to read the ANC's position on nation building from momentary expressions of Africanism and it is downright wrong to reduce it, with effect no doubt intended, to Jacobinism.

Wilmot James
Executive Director



Idasa's mission:

- ▷ **What** To promote and consolidate democracy and a culture of tolerance.
- ▷ **How** By designing and facilitating processes and programmes that transform institutions and empower individuals and communities.
- ▷ **Why** As the basis of sustainable development.



ja-nee

Old boy?

If there was ever any doubt about the pivotal role played by Idasa's Training Centre for Democracy (TCD), it was dispelled recently by the arrival of a letter from a small organisation in Papua New Guinea. Carrying the TCD address, the letter was addressed to — President Nelson Mandela.

— *Part of keeping the people posted.*

Flight of ideas

While the debate about the relative virtues of springboks and proteas

as emblems for the national rugby team rages on, a similar, if less passionate, discussion is evolving around the matter of the national bird. A chorus is growing from those who feel that the blue crane may not be the most appropriate representative of the nation in the ornithological realm. Their candidate? The rainbow chicken, natch.

— *A bird in the oven is worth two in the amablommeblomme.*

Signal danger

Life in the far Northern Cape has its difficulties. If the heat doesn't drive you round the bend and off the right path, something else will. For a certain National Party member of the provincial legislature, it was the poor reception of SABC broadcasts in his Boesmanland base. The consequence, he told the national Senate recently, is that he tunes in for news about South Africa to Radio Moscow and the BBC.

— *So he's obviously at sea.*

Out Huntin'

Legendary American author and political analyst Hunter S Thompson is in full, sardonic form in his most recent book, *Better Than Sex: Confessions of a Political Junkie*. "Nixon was so bad that he could get innocent people in to politics, but Clinton is bad in a way that will get all but the worst ones out," he writes. And further to Clinton, "He has the loyalty of a lizard with its tail broken off and the midnight taste of a man who might go on a double-date with the Rev Jimmy Swaggart."

— *Do we detect a note of fear and loathing then?*

CONTENTS ■ 15 APRIL 1996

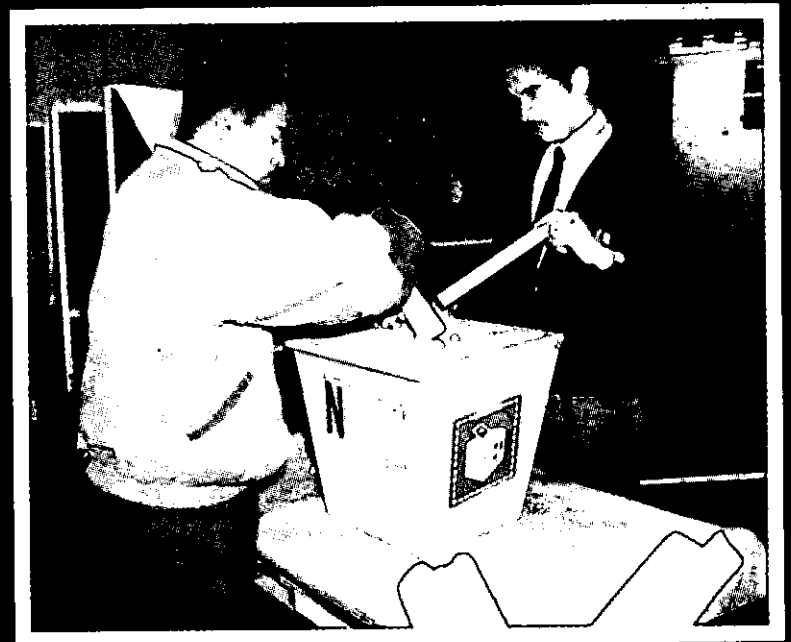
EDITORIAL 3	HUMAN RIGHTS 14	GENDER 27
Not many Jacobins-in-the-box — <i>Wilmot James</i>	Intolerable dissent? — <i>Raymond Louw</i>	Women dissect the Budget — <i>Debbie Budlender and Pregs Govender</i>
LOCAL GOVERNMENT 5	MAINTENANCE 16	LETTERS 28
Too many chiefs? — <i>Deborah Ewing</i> Crucial clash — <i>Andrea Weiss</i> Still sexist — <i>Sipho Ngwema</i>	Failed by their fathers — <i>Kerry Cullinan</i>	REGIONAL REPORTS 30
PROFILE 10	SECURITY WATCH 19	TRAINING CENTRE FOR DEMOCRACY: 'Priority' opportunity RADIO: Your guide to tuning in PRETORIA: Taking policing to the people NATIONAL: New staff
Frankly Dutton: True blue — <i>Deborah Ewing</i>	Offensive capacity is deadly signal — <i>Gavin Cawthra</i>	MY VIEW 32
MIGRATION 12	CIVIL SOCIETY 20	Weird chaos theory — <i>Daria Caliguire</i>
Apartheid's last Act? — <i>Jonathan Crush</i>	Sense or sellout? — <i>Rick de Satge</i>	
	TERTIARY EDUCATION 22	
	'Divine vision' in disarray — <i>Sipho Ngwema</i> Deadlock at the doors — <i>Ari Sitas and Prishani Naidoo</i>	

'Life and death' poll

Seven months behind the rest of the country, local government elections loom for KwaZulu-Natal and parts of the Western Cape. In each province, the interests of the voters are in danger of eclipse by the intensity of the rivalry between the major contenders for power.

In KwaZulu-Natal, Local Government MEC Peter Miller describes the coming poll as "a matter of life and death between the IFP and the ANC", adding that he hopes this is "only figurative".

In the Western Cape, the NP and the ANC square off for battle in Greater Cape Town and the rural areas. Whichever party wins the metropole will be in control of the province's economic powerhouse — and well placed to consolidate its power ahead of the 1999 election. DEBORAH EWING and ANDREA WEISS report.

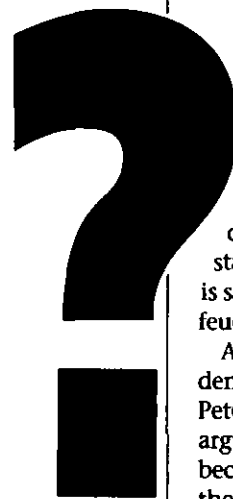


Too many CHIEFS



Picture: THE ARGUS

If the ANC and IFP agree on anything as they fight over every inch of KwaZulu-Natal, it is that the local government elections will not deliver democracy to the rural areas of the troubled province. DEBORAH EWING reports.



THE two bulls in the KwaZulu-Natal kraal have locked horns, muscles bunched for a showdown on 29 May. Whoever wins, the Inkatha Freedom Party (IFP) and the ANC seem agreed that the result will not be democracy for the rural people of the province. The ANC blames a flawed IFP model for rural local government. "We are looking at moving from feudalism to democracy," says the ANC's Mike Sutcliffe. "The IFP is saying 'let's start with feudalism and put democracy on top of it', while the ANC is saying 'let's start with democracy and then accommodate feudalism'."

According to the IFP, it's just a fact of life that you cannot deliver democracy to rural areas in one fell swoop. Local Government MEC Peter Miller says: "In a 100 percent Western sense, I suppose you can argue that it is not perfect democracy coming to the rural areas, because not every single person is elected. But in these areas at present there is no democracy at all."

The rural local government system adopted in KwaZulu-Natal comprises seven regional councils covering all tribal authority land, commercial farms and any areas not served by transitional local councils (TLCs).

Most seats on the regional councils will go to party candidates elected by proportional representation. However, 20 percent of seats will automatically be occupied by unelected traditional leaders.

In addition, 10 percent of the elected seats on each council will be allocated to "levy payers" — farmers and small business people whose rates and taxes contribute to financing services in the area. Another 10 percent will go to women (appointed by the parties in proportion to the percentage of votes they win), to boost any representation they might get through the ballot box, on the basis that in rural areas women are especially disadvantaged.

Miller calls this "a local adaptation of democracy which suits the circumstances as they occur at this moment". Sutcliffe says it is one of the methods the IFP is using to "destabilise democracy".

The crux of the ANC argument is that representation for unelected traditional leaders is undemocratic. The crux of the IFP argument is that it is required in terms of Chapter 11 (section 182) of the interim Constitution.

Miller notes with a grin: "You can't blame me for operating within the constraints of the Constitution. I wasn't even there when they wrote it!"

Sutcliffe says that the Constitution does not require *amakhosi* (chiefs) to be represented on regional councils at all "because they were only envisaged, even by the IFP, as being at primary local government level".

At the very least, the ANC wants to exclude from the councils any chief who is a known official of a political party. If they can't be kept off the councils, the party's fall-back position is that the *amakhosi*



OPPONENTS: Peter Miller (left) and Mike Sutcliffe.

should not have any executive decision-making powers.

Miller smiles sweetly and says that legally the *amakhosi* are eligible for election to any office on the council.

The IFP originally argued that traditional leaders should occupy 50 percent of the seats on the regional councils, while the ANC didn't want them to have any. The chiefly portion was negotiated down to 30 percent and then to 20 percent but the issue is still contested.

In terms of numbers, Miller can see the ANC's point. "I am the first one, on a strictly technical basis, to concede that if you start the election with councils loaded by *amakhosi*, the political allegiance of those *amakhosi* is going to determine the outcome of the election."

Of course, that would suit the IFP fine, since they are confident of the allegiance of the majority of *amakhosi*. At 20 percent, Miller felt he was being more than reasonable. "I've got a difficult constituency to deal with too, you understand!"

There is a logistical, as well as a political, argument about the proportion of *amakhosi* on the councils. Since the size of regional councils is dictated by the number of *amakhosi* in the region, some councils will have to be unmanageably large. For example, in Region One, which covers Ingwavuma and Hlabisa, there are at least 63 *amakhosi*. If they are to take up 20 percent of the seats, there will have to be more than 300 councillors.

Urgent negotiating between Miller and Sutcliffe failed to resolve the question of the size of councils and the proportion of traditional leaders. By 22 March parties were supposed to have registered their candidates, but the Electoral Court still had to decide what kind of council those candidates would be elected to.

Whatever the outcome, people in rural areas (about 60 percent of KwaZulu-Natal's African population) will not really have "local" government. Miller says it might have been possible to have 70 local councils instead of seven regional ones "but the ratio of resources used up in creating the bureaucracy and structures would be so high there would be nothing left for development".

"The question of primary local government at local level will be receiving attention between now and the next election," he adds. "This is just a phase. It is not ideal. Time is running out for these elections but there will be ongoing debate around the whole system of local government and democracy between now and 1999."

Given that local government is also about services, the question becomes: if rural people are not going to get the kind of representation they want, are they going to get the services?

Miller says: "You can't compare urban services with rural services. For example, the kind of reticulated sewerage, refuse removal and water systems you get in towns would be impossible in rural areas.

"Services will start with things like road access, then primary health, protecting natural water sources, and so on. There is no way that, in the heart of rural KwaZulu, you are going to get water on tap in every dwelling.

"In essence, the regional councils will be able to tap into the RDP process. They will be able to identify the need for schools and clinics and convey that information to line function departments."

However, the incentives for regional councillors to work hard to access resources are not great. They will receive an allowance for attending a few meetings a year and will be paid for attending official functions.

Miller says: "We have to encourage community service. We can't create a new mandarin class of regional councillors."

As for the voters, there has been much talk of apathy and disillusion due to the delays, arguments and uncertainties that have dragged on since last year. Miller believes that the level of controversy itself will motivate people to participate in the poll. "The greatest motivational force is the political parties."

The parties have engaged in 13 court cases over arrangements for local elections in the province and Miller's department has won 12 of them. One of the fiercest arguments was over boundaries.

The court finally agreed with the IFP that 12 tribal authority areas close to towns should be excluded from TLC areas, a decision Sutcliffe contemptuously describes as "stupid", although he has respect for the way the MEC has handled the issues.

MILLER has been attacked by just about everyone in the provincial parliament over the local elections. He says his response is never to approach the process with a political agenda. "The only way I can survive is to work according to the law. In many instances, I am the target of criticism from my own people because they say I don't show enough bias. I don't always see the solution to a problem through the eyes of those who are more touched by historical and nationalistic perceptions."

Despite his composure, Miller admits: "This is the one job in the whole world I would like to have avoided. It is made doubly difficult for me because I am arranging an election which involves tribal people and yet the authority over tribal areas lies entirely with a different ministry, over which I have no jurisdiction [Nyanga Ngubane's Ministry of Environment and Traditional Affairs].

"I can say without fear of contradiction that the restructuring of local government in KwaZulu-Natal makes the same task in all the other provinces pale into absolute insignificance. I would not wish this job upon my worst enemy.

"There is only one opportunity to take a trip to purgatory and I've taken it. This election is a matter of life and death between the IFP and the ANC. I just hope that is only figurative."

The Zulu proverb says you can't have two bulls in one kraal. The elections will show whether it is the brave or the reckless who are prepared to challenge that old wisdom. ■

Deborah Ewing is a freelance journalist based in Durban.

Critical

By Andrea Weiss

PRESIDENT Nelson Mandela's decision to cast his vote in Cape Town on 29 May is an early indicator of how seriously the main contending parties are taking the local government election campaign for the hearts and minds of the citizens of the Cape metropole.

The stakes are certainly high for the National Party (NP). Having lost ground to the ANC in the towns of the Western Cape on 1 November last year, it needs to win a clear majority to demonstrate that it still has a strong hold on its southern power base and the economic engine which drives it.

Not only is the Cape metropole home to about three-quarters of the province's four million residents, but it also accounts for 70 percent of its gross regional product — an amount of R60,5 billion last year, according to the Association for the Promotion of Economic Growth in the Western Cape (Wesgro).

The ANC also has a great deal to gain from the election. If it does well, it will be well positioned to mount a serious challenge to the NP grip on the provincial government.

In a practical sense, local government is the vehicle able to claim the most credit for hands-on delivery to the people. Success at this level would put the ANC in a powerful position for the 1999 election.

In addition, provincial government, with its relatively restricted powers and its dependence on national government for income, will be competing with metropolitan government to some extent because of overlapping powers and functions. This creates the potential for conflict between local and provincial government, as territorial scraps over who should deliver health and library services have already shown.

While would-be councillors prepare for a tough election battle which could see a host of contentious issues vie for centre-stage — Cape Town's Olympic bid, lack of housing delivery and the services arrears crisis, to name a few — another struggle is going on behind the scenes.

Officials and appointed political representatives, working through joint executive committees on which all the affected local authorities are represented, are taking stock of what lies beyond 29 May: the creation of six new municipalities within the city, each theoretically self-supporting, with their own administrative structures and tax bases.

Local-level politicians who make it on to the new councils will undoubtedly be faced with tough choices, ranging from decisions around the redeployment of thousands of staff members, to a possible increase in rates to pay for the expenses of transition.

Adding to the difficulties is the news that central government has decided to cut its inter-governmental grant to the Western Cape by R50 million, on the grounds that provinces with a more rural base, notably those with large tracts of former homelands to incorporate, are



CHALLENGERS: ANC provincial chairperson Chris Nissen and chairperson of the provincial committee on local government Hilda Ndude.

Picture: THE ARGUS

in greater need. Not only are the new municipalities thus less likely to receive direct aid from central government, but preliminary figures derived from current budgets by a task team of treasurers working for the Metropolitan Restructuring Forum sketch a gloomy picture of widespread deficit during transition.

A "ballpark" figure arrived at by the treasurers was that the deficit would run to about R180 million across the metropole.

Councillors are likely to shy away from rates increases, not least because such a course of action could spark off a rates rebellion in the "paying" part of the city. One need only recall the furore which erupted over attempts to introduce a new property valuation system into the city some three years ago.

A course of action open to the politicians may be to expedite the elimination of historical discrepancies which exist within the current rates base and system of rebates. Another would be to review staffing levels, particularly at management level. It is also likely that areas which currently enjoy relatively high levels of service will see a decline.

But the primary challenge will be to extend services into those areas which have been under-resourced in the past. This is seen as a pivotal first step towards restoring a culture of payment in these areas. In this regard, the new councils will have to concentrate on introducing billing systems through functioning administrations, while simultaneously maintaining political credibility within communities.

None of these strategies is likely to deliver results in the short term, but their success will be vital to future local government stability. At the same time, councils will have to be mindful of potential ethnic conflict, which has already surfaced in claims that certain groups are being favoured above others.

Beyond the looming electoral battle for the Cape metropole, another power struggle has been taking place over the model for rural local

clash



TOP DOG: Western Cape Premier HERNUS KRIEL.

Picture: ERIC MILLER

A tough election battle could see a host of contentious issues vie for centre-stage — Cape Town's Olympic bid, lack of housing delivery and the services arrears crisis, to name a few.

government proposed by the Western Cape government.

In dispute is the NP proposal that 60 percent of the representatives of transitional rural councils, which will govern agricultural areas outside of the towns, should consist of nominees, half representing farm workers and half representing farmers. In addition, the model proposes that rural district councils, which will be overarching bodies for rural towns and agricultural areas, should consist of farmer and farm-worker representatives on a 50 percent basis.

The ANC belatedly took issue with this model, even though its representatives on the watch-dog provincial committee for local government approved it late last year. The party's main concerns are that farmers will have disproportionate representation on the transitional rural councils, and that towns will be under-represented on the rural district councils. Also problematic is a ruling which excludes farm workers who live on a farm for less than six months from registering for elections, effectively disenfranchising thousands of seasonal workers.

Since the 1994 general election, transitional arrangements for local government have been in the hands of provincial MECs who were given extraordinary powers to make arrangements by proclamation, with only a six-member provincial committee acting as a check.

This was how the epic demarcation dispute in the Cape metropole came about last year, setting back elections by almost seven months.

Amendments to the Local Government Transition Act removed these powers from the MECs and require any further transitional arrangements to travel the normal legislative route. In tandem with bridging legislation to be passed pending the release of a White Paper next year, these amendments must hold the space for the functioning of local government in an era of extraordinary change. ■

Andrea Weiss is Municipal Reporter for The Argus newspaper.

✱ Still sexist

By Siphon Ngwema

SOUTH African women are still dramatically under-represented in local government. Research results released recently by Idasa's Local Government Information Centre (LOGIC) show that women make up only 18,75 percent of the councillors elected in local government polls in November last year.

But South Africa ranks high in the international community in terms of election results by gender, according to Gauteng-based Idasa regional director Paul Graham.

"Comparing our results with Human Development Report figures, our country has a higher average than member states of the Organisation for Economic Co-operation and Development, which has 25 members from Western and Southern Europe, Australia, New Zealand, North America and Japan. This is an achievement to be proud of."

Women occupy 25 percent of the seats in the National Assembly, a figure that compares well with the situation in other countries — but it still falls far short of adequate representation.

The LOGIC report suggests that the weaker representation of women in local government is, in part, the result of demands made at other levels and in other sectors on a limited pool of qualified women candidates.

"This in no way suggests that women are not qualified but rather postulates that a finite pool of strong female leaders is dwindling as all sectors expand and absorb them," the LOGIC report says.

"One must realise that women throughout the world tend to have much lower occupation rates than men in progressive, technical and leadership professions and are more likely to be in supportive functions than their male counterparts, not only in the workplace but in the family and the community too."

The research shows that 69 percent of the women councillors were elected through proportional representation (PR), while 31 percent were voted for directly in wards. Looked at globally, women gained 27,9 percent of PR seats and 10,84 of ward seats.

"This outcome is consistent with international trends and is generally attributed to parties not wanting to risk losing seats by forwarding women candidates, especially in ward elections," the LOGIC report says.

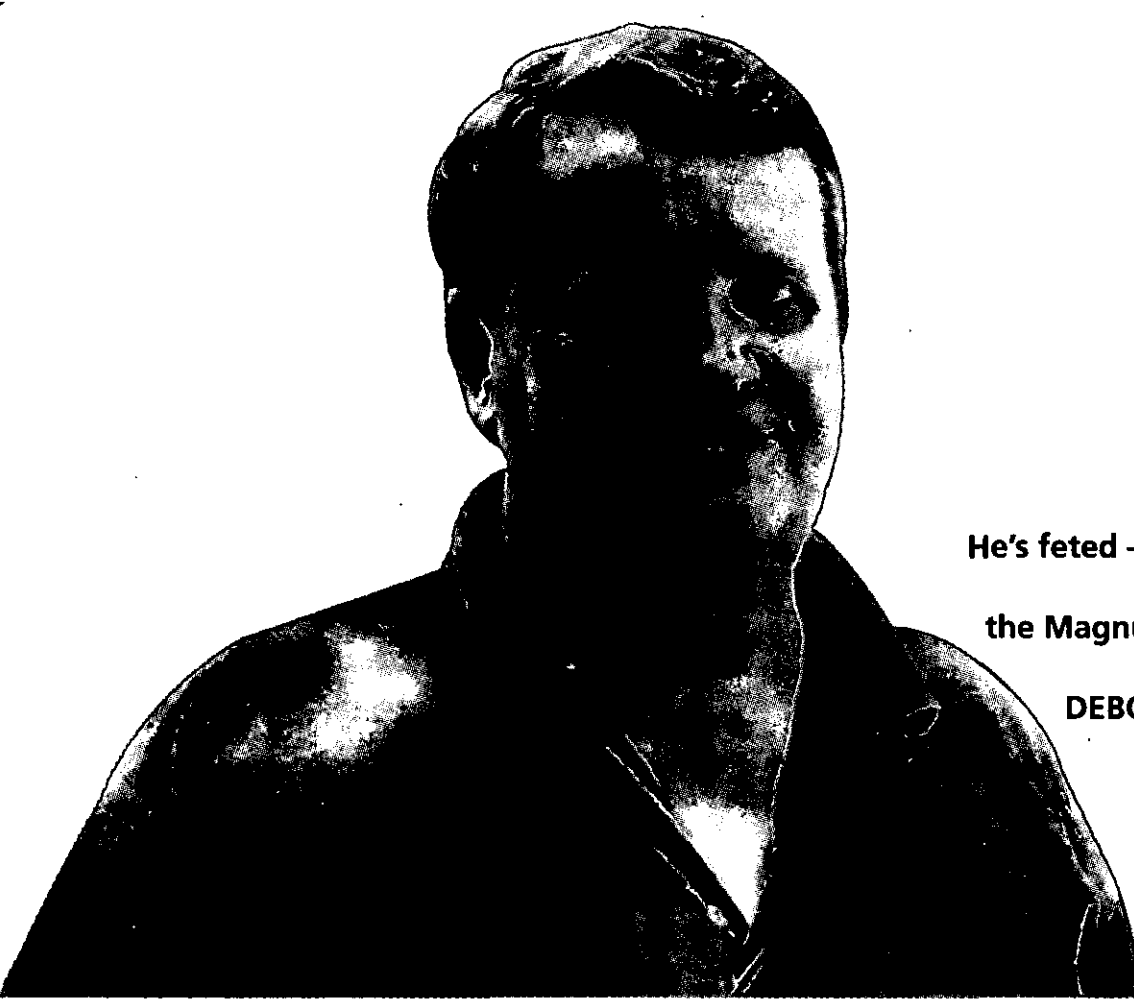
Only 13,6 percent of elected women councillors made it to the executive committees, with a significant number of those (33,4 percent) holding the ceremonial mayoral and deputy-mayoral positions. A few (18,3 percent) were elected as chairpersons or deputies.

The report identifies entrenched discriminatory values and administrative shortcomings as other possible reasons for the under-representation of women.

It observes that making gender equity a matter of voluntary compliance "usually generates poor results, especially when discriminatory values and barriers are likely entrenched in government bureaucracies, political parties and society at large". If the situation is to improve, "more forceful legislation is needed".

The LOGIC report also calls for scrutiny of the status of traditional leaders as *ex officio* participants in local government.

"The hierarchy of traditional authorities is overwhelmingly male and their system of governance is largely patriarchal. The entrenchment of this system in the country's first democratic local elections has serious immediate and long-term implications for women and all of society. A balance needs to be found between heritage, political forces and gender realities." ■



He's feted — or hated — as the policeman behind the Magnus Malan trial. But, Frank Dutton tells DEBORAH EWING, he has doubts about staying on in the police.

frankly dutton: True blue

WHEN Frank Dutton was a boy, he wasn't sure whether he wanted to be a good guy or a bad guy. Depending on whom you speak to, the head of the Investigation Task Unit (ITU) has achieved both.

The trial of former defence minister Magnus Malan, brought about by relentless ferreting by the ITU, represents to some the pinnacle of dedicated, effective police work. But to others it is the ultimate and unforgivable betrayal by Dutton of his own kind.

For Dutton was a good cop who believed that cops were good and when he finally discovered that some were not, he set about exposing them with almost crusading zeal.

"As a policeman, I had always believed that the United Democratic Front (UDF) was wrong and the Inkatha Freedom Party (IFP) was right and that everything in the newspapers was untrue. There were constant allegations about police involvement in the violence in the 1980s and I just didn't believe it. It was part of the climate we were in; I saw

it as an attempt to discredit the police and wondered why the newspapers were so gullible."

But it was no sudden revelation that turned 46-year-old Frank Dutton, who hails from conservative Warmbaths in the Northern Province, into the scourge of corrupt security personnel. In fact, the process took more than 20 years.

"It was an awakening but I didn't just wake up with a different viewpoint. From 1983 I headed a unit in Pinetown [north of Durban] that became involved in cases of political violence in Clermont and other areas. I worked very closely with a policeman who lived in Mpumalanga. He was one of the most genuine men I have ever met and I remember him coming to me and saying that when he was at home he saw the police escorting a group of attackers into the area.

"I said 'Wilson, you have got to be wrong' but the penny started to drop.

"In 1988, I became involved in a case where two members of my unit were implicated in shotgun murders and we prosecuted them.

With that case, for the first time, I saw the conflict between what was right and what the security police wanted and then I started to meet resistance."

The turning-point, both for Dutton and for the exposure of active police involvement in violence in KwaZulu-Natal, came with the successful prosecution of police sergeant Brian Mitchell and four special constables for the 1988 Trust Feed massacre in which 11 people were killed as part of the campaign by the security forces and Inkatha to wipe out the UDF.

Within weeks of taking up the case, Dutton had arrested the murderers. But he had also unveiled a sophisticated police cover-up, and it made him at once one of the most celebrated and vilified of investigators.

The Trust Feed case reinforced Dutton's belief that organised hit squads were operating in the province with the support of the security forces. He "felt compelled to investigate".

Dutton probed further into "third force" allegations with the Goldstone Commission,



PROFILE

but says he was frustrated by the commission's limits in terms of scope and cut-off dates. He likes to pursue everything to its conclusion.

Then the ITU was set up, initially to look into hit squads connected to the KwaZulu Police, with a mandate to follow up links with other organisations and structures if necessary. It later conducted investigations into ANC hit squads in the Richmond area.

When Dutton was offered the position of ITU head, it seemed like the perfect opportunity. "On the other hand, there was also a feeling of fear, or at least apprehension. I had been alienated from a lot of my colleagues within the police. I had become a controversial figure. It was not something I particularly enjoyed."

The other important consideration was Dutton's family. "My wife was very supportive, and always has been. When I was doing the Trust Feed case, I was only home at weekends and she would help me do my case notes on Sunday afternoons. We lived in a police house and if I had lost my job, I would have lost our home. I said to my wife, 'This is going to get very hot,' and she said, 'If it is right, just do it'."

Things did get hot, and they got hotter in the ITU.

"There were threats — phone calls, warnings from our own intelligence sources and from informants. My wife and younger son had to be taken into protective custody and we were separated for months. I took some precautions, like travelling at different times and using different routes, though there aren't many ways to get to my office!"

Dutton doesn't actually have an office. He prefers to squat at colleagues' desks, working wherever he is needed, tied down only by his cell-phone. He has a presence without being authoritarian and it is hard to imagine someone so un confrontational meeting the resistance and opposition he encounters in his work.

Encounter it he does, however. Beyond the hostility of some police colleagues, Dutton also faces animosity from the IFP, which greeted the establishment of the ITU and Dutton's appointment to it with derision and distrust. The unit, according to the IFP, is an ANC weapon intended to discredit and disarm them.

Dutton is not disdainful of their accusations but confident that they are unfounded.

"I think it is part of the strategy of the IFP to claim bias but not to pass on cases to be investigated. For example, [IFP senator] Philip Powell and [IFP secretary-general] Ziba Jiyane said Umkhonto we Sizwe dissidents who went over to the IFP had information that there were strike forces taking out IFP leaders. We asked them for the information to investigate this and they just said they didn't trust us.

"The IFP says it has had lots of [its] leaders killed. We looked into this in the Goldstone Commission. We found that the definition of 'leader' was very broad. Sometimes the treasurer of a small IFP branch was called a

"There were constant allegations about police involvement in the violence in the 1980s and I just didn't believe it. It was part of the climate we were in; I saw it as an attempt to discredit the police."

leader. We visited relatives of the people killed and, in many cases, the families did not regard them as political leaders.

"The manner of the deaths also didn't show any pattern. A strike force taking out leaders would have some kind of *modus operandi* but there were attacks you couldn't differentiate from the other violence happening in the area."

In terms of its mandate, Dutton believes that the ITU has been successful. "There is no doubt that many hit squads were formed by the IFP with the assistance of the security forces. We know that the 200 Caprivi trainees had to go out and form cells.

"Later on, the Mlaba camp trainees came in and also formed cells, in the guise of self-protection units. These were vigilante groups and when such groups are well armed it is difficult to control them, so it's hardly surprising that when they operate in a climate of violence they turn to violence and start targeting particular people.

"So it's possible to see how many hit squads there may have been — probably hundreds."

The ITU has also investigated ANC self-

defence units and IFP self-protection units.

But Dutton says that when the investigation started "we didn't in our wildest dreams believe the investigation would lead to Magnus Malan. We certainly didn't say 'Mr X is our target and let's build a case around him'."

The Malan trial is the biggest court case to come out of the ITU's work but dozens more cases are expected to ensue.

"By prosecuting a high-level person you are not absolving people below of responsibility. But we believed we should look further than the foot soldiers. If we wanted to make an impact on the violence, we felt we must look for the people behind it. We are trying to bring organisations not individual cases to court."

While Dutton acknowledges the success of his team, he does not take personal credit and there is no sense of triumphalism in his exposure of fellow police officers. If anything, he exudes a weary sadness.

The ITU is due to shut shop before the end of the year, in anticipation of the establishment of legitimate security services in the province that can be trusted to handle the kind of investigations the ITU has been tackling. Investigating allegations of police misconduct will then be the task of the Independent Complaints Directorate (ICD).

But Dutton believes that there may still be a need for some kind of independent police watchdog for an interim period. Asked if he's up for the job, he is reflective, regretful.

"I know this is a provocative thing to say but I'm not sure, after all this, if I really want to be associated with the South African Police Service. I'm not very inspired by the appointments made so far and I'm not convinced that the transformation process has been very meaningful.

"I am really not sure what the future holds for me. My father died when I was 13 and he would never have let me join the police. I had some difficulty getting testimonials for my application. One teacher refused and our doctor said his reference wouldn't help me because he was a member of the Liberal Party and had been detained himself. Maybe if I had stopped to ask that old man why ...?" ■

Deborah Ewing is a freelance journalist based in Durban.

Apartheid's LAST Act?

South Africa's immigration laws have racist roots and fly in the face of the facts. JONATHAN CRUSH argues for a radical rethink.



BORDER ARREST: South African soldier in a simulated arrest of "illegals" on the Mozambican border. Picture: ERIC MILLER

IMMIGRATION has come up from behind on South Africa's post-apartheid policy makers, an observer argued recently, noting that current immigration policy is inconsistent, subject to conflicting public statements and characterised by a lack of direction, resorts to failed policies of the past and an absence of constructive public debate. As a first step towards the development of a new and coherent immigration policy, the purpose and functioning of immigration legislation needs to be critically and thoroughly examined.

The Aliens Control Act of 1991 is legislation from a by-gone era, lingering on in the absence of anything better. Past amendments to the Act have attempted, usually unsuccessfully, to tighten controls and increase the powers of those who police the national borders.

They gloss over the fact that the Act itself is based on concepts that belong to the laager mentality of apartheid: control, exclusion and expulsion. These concepts lead, in turn, to flawed thinking about the whole problem of cross-border migration in southern Africa.

Recent debates suggest that there are still significant obstacles to the creative thinking needed to make South African immigration policy consistent with the country's new commitment to transparency, human rights and regional development.

Many participants seem to forget, for example, that both formal and undocumented cross-border migration in southern Africa are nothing new. South Africa has long been part of a regional economy and cross-border migration needs to be seen in that context. Migrants have been going in and out of South Africa from countries like Mozambique, Zimbabwe, Lesotho and Malawi since the mid-nineteenth century.

Draconian measures aimed at stopping or controlling this movement of migrants have always been spectacularly unsuccessful.

It is also disturbing that South African immigration policy is still governed by legislation from the dark ages of segregation and apartheid. The origins of the Aliens Control Act are deeply racist and anti-Semitic.

The original Aliens Act was passed in 1937 to prevent German Jews fleeing Nazi persecution from coming to South Africa. The virulent anti-Semitic rhetoric that accompanied passage of the Act is curiously reminiscent of the language heard over the last year or two from those

clamouring for tighter controls on "aliens".

Subsequent apartheid-era amendments to this Act were almost always designed to erect higher boundaries, place greater controls on people's mobility, give the police greater powers, circumscribe the legal rights of "aliens" and extend the range of people to whom the Act applied.

These amendments were invariably accompanied by moral panics in which the country was supposedly being "swamped" or "polluted" by "floods" of "unsuitable" immigrants.

Within South Africa, immigration discussions seem obsessed with the question of determining how many undocumented migrants there are in the country. As international experience shows, this is an exercise as pointless as it is impossible.

The danger is that, in the absence of reliable statistics, officials, politicians and members of the general public feel free to

invoke whatever figure they like to whip up anti-immigrant sentiment.

For example, the police estimate that there are as many as eight million undocumented immigrants in South Africa. They also claim that an "illegal" enters the country every 10 minutes.

Both figures are designed to bolster the idea that "illegals" are pouring into the country. But even at this rate of entry, it would take over 150 years to reach the given figure of eight million "illegals".

Statistics are not irrelevant. There is a need to build a reliable database and socio-economic profile of immigrants to test, and if necessary contest, the unsubstantiated claims that are often made.

In the United States, immigration amnesty provisions in 1986 allowed the state to collect data on undocumented immigrants and track their social mobility and contribution to US society.

Unsurprisingly, their commitment and contribution to the US economy was revealed to be considerable.

There is a bellicose mythology targeted at non-South Africans living in the country. "Illegals" are depicted as taking jobs, committing crimes, depressing wages, consuming Reconstruction and Development Programme resources, spreading Aids and smuggling arms and drugs.

Anti-immigrant myths always generalise from the anti-social behaviours of a few and conveniently forget about the positive contribution that immigrants can and do make to a society. The power of a myth is that it does not have to be true for people to act on it.

Anti-immigrant myths produce anti-immigrant behaviour. Random attacks on non-South African residents of the country, as in communities like Alexandra, are the almost inevitable result.

The levels of xenophobia are dangerously high. Anti-immigrant mythology needs to be systematically deconstructed and debunked. In its place, we need a rigorous analysis of the economic contribution that immigrants make to host societies, as well as

education programmes to produce a better-informed public.

Only certain voices are being heard in the debate on immigration. Occasionally stories surface in the media about the poor treatment of undocumented immigrants by South African employers or state authorities. More often, undocumented immigrants keep silent for fear of drawing attention to themselves. Immigrants have no channels through which to articulate their grievances or contest their treatment in the country.

There is a need to listen to the voices of so-called "aliens". Why are they here? Do they intend to stay? What do they think they contribute to the new South Africa? Rarely do the objects of legislation not have a chance to respond and react. "Aliens" have no voice, by definition.

Much official thinking about the "immigrant problem" assumes that the nation-state, rather than the region, is the most appropriate unit for thinking about migration policy.

Each nation-state has its own immigration laws and jealously guards its borders. But cross-border migration is an international phenomenon requiring international responses and co-operative solutions.

Arguments that South Africa has a "moral or historical debt" to the neighbouring countries are important but can easily be brushed aside. What is required is a vantage-point on migration that is regional and international. A regional approach to migration is not incompatible either with international trends or with national self-interest.

When a problem is defined in particular terms, the range of possible solutions is circumscribed. Once migrants are defined as "illegal aliens" — without regard to differences of age, gender, skill level, resources and so on — they are depersonalised, typecast as outsiders and treated as if they were a homogeneous group requiring a uniform policy response.

There is an urgent need to rethink the migration terminology and language which frames current policy and legislation, to develop new definitions and policies consistent with a human rights approach to migration, to recognise the internal complexity of the community of migrants, and to give due recognition to long-term "illegal" residents.

The recent announcement by the cabinet that "illegal" immigrants who have been in the country for more than 10 years and put down family roots could be "legalised" is clearly a step in the right direction.

But it begs other questions. How will this policy be implemented? How will those who are eligible gain access to their new rights? Why are citizens of some countries with a long history of migration to South Africa (such as Malawi and Zambia) apparently excluded? What is to be done about undocumented migrants who have come since 1986?

These questions raise the still broader question of why there has not yet been broad-based public consultation on immigration.

The department of home affairs has promised a White Paper on immigration. Will this White Paper emerge from a broader process of extra-departmental consultation and public participation? If not, then when it does appear, it will need careful public scrutiny.

A more proactive approach might involve a commission of inquiry into immigration policy with representation from a broad cross-section

of government, civil society and international immigration experts.

Finally, migration is as much a regional as a national issue. The South African government cannot go it alone on this critical question. Bilateral discussions have been initiated by home affairs with both Zimbabwe and Mozambique. This is a positive sign, provided that the South African motive is not simply to secure support for applying the Aliens Control Act on a sub-continental scale.

A multi-lateral and open-ended process of consultation and dialogue within the regional community of nations is now more important than ever. ■

Jonathan Crush is co-director of the Queens University-Idasa Southern African Migration Project.

The origins of the Aliens Control Act are deeply racist and anti-Semitic. The original Act was passed in 1937 to prevent German Jews fleeing Nazi persecution from coming to South Africa.

HUMAN RIGHTS

THE ANC attempt to ban "hate speech" is part of one of the most controversial debates on South Africa's new constitution. There is major disagreement on the issue between the ANC and such protagonists of civil liberties as the Freedom of Expression Institute (FXI).

Other civil rights institutions such as Lawyers for Human Rights and liberal-minded political groupings such as the Democratic Party are at one with the FXI. But conservatives side with the ANC, which appears to have ignored the conflict between its demands for a ban with its support for transparency and freedom of speech.

"Hate speech" can be defined as that which insults, abuses and demeans; or incites to violence, hostility and discrimination; or expresses hatred, ill-will, venom and similar emotions targeted at others on the basis of national or ethnic origin, race, colour, descent, gender or religion.

Few decent-minded people would disagree with the ANC's view that this sort of vilification should be curbed. So why not stop such behaviour by banning it — and why not use the constitution to reinforce the ban?

One sympathises with the ANC. The majority of its members have suffered acutely

because of racism. They have borne the brunt of "hate speech" for centuries and who can blame them for wanting to outlaw it, as the Germans outlawed the propagation of Nazism?

The problem is — and this is the FXI argument — that once a ban on "hate speech" is introduced, it is but a small step to banning another form of objectionable conduct, and then another, and then to regress further into bans on "undesirable opinions and views".

But "undesirable opinion" can be a way of labelling political views which are at variance with the current orthodoxy, and before one can say, "I'm for freedom and openness", freedom of expression will have been outlawed and South Africa will have regressed back into the dark days of censorship.

Freedom of speech does not imply agreement with or approval of what is being said; indeed, the test of any freedom of speech provision is that it should allow for the expression of opinions that one detests. This view, taken to its logical conclusion, means that tolerance of "hate speech" should be regarded as the price society must pay to ensure that freedom of expression flourishes.

Some people argue — and I agree with them — that

freedom of expression is the most important of all human rights. By allowing a ban on "hate speech", the individual is giving up an important right — the right to decide personally whether to hear abhorrent statements made by others and determine what one thinks about them.

Those who choose to allow some other person to place a barrier against the transmission of such statements are denying themselves the opportunity of knowing what others think and say.

Though a constitutional ban may result in "hate speech" being publicly curbed, it will certainly not prevent it; it will merely push such speech underground where it will probably flourish and grow into feelings more potent and dangerous.

Against this background it is instructive to trace the origins of bans on "hate speech" in South Africa. The first surprise is that legal bans on "hate speech" began 69 years ago.



Picture: ERIC MILLER

Democracy, according to philosopher Bertrand

Russell, is "when it's safe to be unpopular".

RAYMOND LOUW applies a similar yardstick to the controversial call for a ban on "hate speech".

Intolerable

SS

NIP?

*An in-depth analysis of
"hate speech" can be found
in a new book jointly pub-
lished by the FXI and Idasa
entitled Between Sound
and Silence: Hate Speech
and Pornography in the
New South Africa.*

Johannesburg advocate Gilbert Marcus has come up with some remarkable findings while researching the history of racial hostility laws in South Africa and the use made of them by previous governments. He was preparing an argument against a ban on "hate speech" for the Conference of Editors for presentation to the Constitutional Assembly.

His findings were also used by the FXI to bolster its argument against a ban on "hate speech" which Western Cape Attorney-General Frank Kahn tried to persuade the parliamentary portfolio committee on home affairs to include in the new Film and Publications Bill.

Marcus says his research shows that the genesis of racial hostility laws in South Africa provides cogent evidence of the extent to which such laws may be abused.

In the draft of the new constitution, a curb on "hate speech" is introduced through a new sub-section to the "freedom of expression" clause which states that freedom of expression does not "protect ... advocacy of hatred based on race, ethnicity, gender or religion that constitutes incitement to discrimination".

THE first law dealing with racial "hate speech" in South Africa was introduced in 1927 when a section of the Native Administration Act made it a criminal offence to utter "any word or [do] any other act or thing whatever with intent to promote any feeling of hostility between natives and Europeans".

The legislation was introduced by then Prime Minister and Minister of Native Affairs General JBM Hertzog and, according to Marcus, the dominant theme of debates in parliament at the time was fear of the growing organisation of the black working class. Clements Kadalie of the Industrial and Commercial Workers' Union was often referred to by speakers who perceived the mobilisation of the working class and the articulation of opposition to the government as constituting a threat to the white way of life.

Marcus quotes an MP, a Mr Nel, as saying: "This is an insidious and poisonous propaganda based upon a gloomy hatred of the capitalist or landowner which is artificially being pumped into the natives through the most unclean pipes of socialism and Bolshevism. The spirit of lawlessness and communism is being engendered throughout South Africa amongst the native races. The doctrines of Bolshevism and socialism find among the natives a very rich soil. It is growing far more rapidly than people realise," (*Hansard*, 2 May 1927).

Marcus also quotes one Mr Swart who said that blacks, like schoolchildren, had to be protected because "the mentality and understanding of the ordinary South African native is not such that he can distinguish between sensible and silly doctrine".

A Dr Van Brockhuizen spoke of men "going about the country stirring up the natives ... Kadalie calls the white man the enemy of the kaffir and he calls the pass law the law of slavery ... Not only have we got the native agitator, but we have also got the danger of the communist. The native as a child of nature is being swayed by these men as easily as the wind sways trees ..."

The broad powers contained in the Native Administration Act, including the power to forcibly remove individuals and whole tribes by decree, were seen by MPs as an ideal tool for repressing these "agitators".

More severe instruments were to follow, however.

● Three years later, the government awarded itself powers of banishment and the power to prohibit gatherings and publications deemed to engender feelings of racial hostility.

● In 1950 the Suppression of Communism Act empowered the government to declare organisations unlawful without notice, emphasising punishment for the "encouragement of feelings of hostility between the European and non-European races".

● In 1956 a new Riotous Assemblies Act, with the stated objective of prohibiting feelings of hostility between the races, provided for the jailing of people who advertised or were involved in meetings.

● The 1963 Publications and Entertainment Act permitted prohibition of publications deemed harmful to relations between any sections of South Africa's inhabitants (a further tightening of powers followed in a new Act in 1974).

● In 1967 parliament passed the Terrorism Act with the presumption that the commission of an act "to cause, encourage or further feelings of hostility between the white and other inhabitants of the Republic" was the same as endangering the maintenance of law and order in South Africa.

● The Second General Law Amendment Act of 1974 toughened up the provisions of the original 1927 Act by adding "with intent to cause or encourage or foment feelings of hostility between different population groups of the Republic" to the crime of "promoting feelings of hostility between natives and Europeans".

● The Internal Security Act of 1982 turned promotion of "hostility between the races" into the crime of subversion.

Marcus adds that "promotion of racial hostility" featured largely in the various states of emergency in the 1980s.

The cases brought before court under this legislation saw black people or their sympathisers as the accused. Some were convicted but succeeded on appeal. Others were jailed or fined. All the cases involved political dissent against the existing repressive order and demands for freedom.

According to Marcus, in the 1970s the attitude of the courts mitigated some of the potentially harsh effects of the legislation, but in the 1980s the extension of the offence to publications caused several newspapers to be closed down for periods of time and the banning of many other publications and films.

MARCUS concludes that the abuse of laws relating to racial hostility in South Africa ought to be cause in itself for the greatest circumspection about the proposed constitutional amendment. He adds, that the United States is the only country which does not prohibit "hate speech".

Copies of Marcus's opinion have been sent to the constitutional committee, the home affairs portfolio committee and political leaders in parliament. The hope is that the history of the use of such legislation to stamp on the legitimate aspirations of the people will persuade Constitutional Assembly members to change their view that "hate speech" should be banned by the constitution.

But I fear that the members of the assembly will envelop themselves in the euphoria of the "new democratic South Africa". They will adopt the stance that protection against discrimination such as occurred under the old order is no longer required.

The reason they will probably advance is that the formerly discriminated-against are now in power and would never dream of acting against dissenters in the manner of the previous National Party government. In any event, they might add, why should there be dissenters against the new democracy? ■

Raymond Louw is editor and publisher of Southern Africa Report and chairperson of the Freedom of Expression Institute.

MILLIONS of South African mothers are battling to bring up their children alone, abandoned by men who are unwilling or unable to support their children. Those women who try to force the unwilling to pay by resorting to the Magistrate's Court all tell the same story: the courts are overloaded, incredibly inefficient and generally unsympathetic to women. Until recently, it was almost impossible for an African woman to get a child maintenance grant from the state.

Collecting maintenance from the unwilling is a problem worldwide, but nowhere else has family life been so systematically destroyed as it was in apartheid South Africa.

Accurate, up-to-date national figures are hard to come by, but Cape Town's medical health officer reports that 69,8 percent of African children born in South Africa in 1989/90 were born out of wedlock. The overall figure for the city was 45,7 percent. Almost half of South African marriages end in divorce. Over half of all township homes are now run by women, according to Market Research Africa's March 1996 report.

Research from the Southern African Labour and Development Research Unit shows that almost 70 percent of female-headed households are poor, while about 61 percent of all South African children live in poverty. Development Bank figures show that 20 percent of single mothers have a monthly income of less than R400.

What these statistics mean is a life of poverty and few prospects for millions of women and children. Inadequate nutrition affects a child's ability to learn, which then affects that child's work prospects ... and so the wheel of poverty turns.

Lawyer Vicki Mayer says child maintenance is one of the most pressing problems facing South African women. "Helping a woman to get maintenance is rewarding because it is can really make a difference to her life," she says. "But it is also one of the most frustrating issues to deal with in terms of the law, and the amounts women receive are usually inadequate."

The private maintenance system, which falls under the department of justice, is also far from user-friendly. The myriad of time-consuming procedures required to receive a grant (see page 18), under-trained and overworked officials, and a male-dominated legal system work against the overburdened mother and to the advantage of the irresponsible father.

Even when a woman succeeds in getting a maintenance order, a very high percentage of men still fail to pay. Research in Cape Town in 1987 found that 85 percent of African fathers and 87 percent of coloured fathers defaulted on maintenance payments. (There were no figures for white fathers.)

The acting senior civil magistrate of the Cape Town court, Johan Venter, says a number of relatively inexpensive administrative measures could be introduced to reduce the default rate. One such measure would be better co-operation between government departments.

"The Receiver of Revenue should be compelled to supply the identity numbers and addresses of defaulters to the Magistrate's Court or to direct tax rebates of defaulters to the mothers," says Venter. "Defaulters could also be put on the Information Trust Corporation blacklist to prevent them from buying furniture and so on before paying maintenance."

Magistrate Ingrid Freitag adds that an emoluments attachment order (also called a garnishee order) should be issued immediately a maintenance grant is awarded. Similar to a stop order, a garnishee order requires the man's employer to deduct the maintenance amount before paying his salary.

In recognition of the maintenance crisis, the National Association of

FAILED by their fathers

Most South African fathers abandon their children. As a result, over 60 percent of South African children live in dire poverty.

KERRY CULLINAN reports.



THE LONG WAIT: Hundreds of women queue daily at the Home Affairs office in Nyanga to lay complaints of non-payment of maintenance.

Picture: ANNA ZIEMINSKI, courtesy Black Sash

Democratic Lawyers (Nadel) is consulting a wide range of organisations nationally on how the private maintenance system should be changed.

Suggestions from Nadel workshops include:

- Subpoenas sent to fathers ordering them to appear at maintenance hearings should explain clearly — and in all official languages — what documents they must bring to court. Fathers often do not bring proof of income and expenditure, which means hearings have to be postponed.

- Legal aid should be available to women who are trying to recover maintenance arrears.

- Maintenance officers should be better trained and enjoy better status.

- Special maintenance courts should be created to speed up the process.

Other measures such as the employment of more staff are urgently needed. These measures will no doubt be costly.

"It is ridiculous that a court the size of Cape Town has one maintenance officer who has to deal with an average of 17 trial matters a day," says Venter.

Freitag adds that officials spend a lot of time explaining procedures to women. "This means the courts need to run information sessions for women who are applying for maintenance."

Venter agrees that "ignorance is a big problem" and that many women do not know their rights. "For example, women don't know that the state will pay for a blood test to determine paternity if a man denies that a child is his."

But officialdom is not solely responsible for the problems. Certain traditions also make it difficult for unmarried mothers to get maintenance. For example, in many African communities "damages" are paid by a man who makes a woman pregnant but does not intend to marry her. This can be as little as a few hundred rand and, once it is paid, the man often considers that his responsibility is at an end.

If a man who has paid "damages" is sued for maintenance, he can tell the magistrate that he has already paid maintenance according to customary law. The magistrate will often be reluctant to order him to pay maintenance if he says he has done so under another legal system.

Then there are economic factors. Unemployment is extremely high, and fathers who may be willing to pay for their children could simply be unable to do so.

When the private maintenance route fails, women can apply for a state maintenance grant (see page 18).

Until last month grants were racially administered, a system which greatly disadvantaged black South Africans. Racial discrimination was scrapped on 1 March this year, when the Social Assistance Act came into effect. All parents with little or no income can now apply for a monthly parent's grant of R410 and an additional R127 a child for a maximum of two children, according to Welfare Department official Paula Venter.

Most welfare experts say it is too early to tell how much it will cost the state to equalise grants. But Stellenbosch University economics lecturer Johan Kruger estimated in 1994 that the increase would "lie somewhere between R3,5 billion and R12,5 billion".

However, Black Sash Western Cape co-ordinator Bastienne Klein does not believe that equalisation will necessarily be prohibitively expensive. "If the legal system was more efficient at getting maintenance paid by fathers, this would greatly reduce the need for state maintenance grants. And as women get more employment and if the RDP kicks in, the grant will just be needed as a filler-in. There could be provision for women to get grants for two years only, as in America."

The welfare ministry is trying to develop a workable, equitable and

Private maintenance

THIS is paid by one parent to another, calculated on what the child needs and what the parents earn. Private maintenance is administered by the department of justice in terms of the Maintenance Act.

The quickest way to get maintenance is through a Supreme Court order issued when a divorce is granted. If maintenance is not paid, the property of the father may be attached immediately.

The slower, cheaper route, and the only option for unmarried mothers, involves the Magistrate's Court. First, a complaint of non-payment of maintenance must be laid with a maintenance officer at the court. The maintenance officer then sends a registered letter to the father telling him to attend a hearing and to bring proof of his income and expenditure. If parties reach agreement at the hearing, the father signs a consent form which then becomes a maintenance order.

If no agreement is reached or the father fails to appear, a subpoena may then be issued ordering the father to a section 5 inquiry or maintenance trial. At the inquiry the magistrate will make a maintenance order.

If the father defaults on payment, the mother can institute civil or criminal proceedings. In a criminal procedure, the father will be charged with failing to pay and he will be summoned to appear in court. The civil route involves starting debt collection proceedings, which could result in the father's property being attached.

The problem with the criminal route is that it takes a long time. The civil route difficulty is one of cost.

affordable system to replace the current mess. It has set up the Lund Committee for Child and Family Support chaired by researcher Francie Lund to map out a plan.

Lund says the committee has been given an "extremely brief six months" in which to evaluate state support for children, suggest ways to reform private maintenance and explore ways of linking up with other state social development programmes.

The director of the University of Cape Town's Centre for Socio-Legal Research, Sandra Burman, suggests a number of developmental options for helping single mothers that would not necessarily bankrupt the state or be too insignificant to address a family's most basic needs.

One suggestion is for a portion of individual grants to be put into community services that a group of single mothers could use — child-care centres and school feeding schemes, for example.

These could also provide jobs for women. Others are to tax all fathers who do not live with their children, and to pay a child

allowance to all single mothers.

Burman's most controversial suggestion is to introduce a voluntary system in terms of which most of the money paid for *lobola* would be invested in unit trusts or life assurance instead of going to the bride's family. This money could then act as a safety net for children of the marriage in the event of the marriage failing or a parent dying.

The justice department's task group on children has asked the South African Law Commission to look into how to improve the private maintenance system. Unfortunately, aside from a single joint workshop, the welfare and justice departments seem to be working in isolation rather than co-operatively on the problem.

In the meantime, millions of women and children are without the money they need to do more than survive. Many say maintenance is still seen as a "women's problem", even by the new democratic government.

Klein is among those who doubt that the government will act swiftly to make maintenance procedures more user-friendly

State maintenance

THESE grants are administered by provincial welfare departments in terms of the Social Assistance Act.

A state maintenance grant is available to custodian parents if such parent:

- is single, divorced, widowed or separated;
- has been deserted by her/his spouse for more than six months;
- her/his spouse receives a social grant (like a pension or disability grant) or has been declared unfit to work for more than six months;
- her/his spouse is in prison, a state institution or drug treatment centre for more than six months.

If the mother is not living with the father of her children, she also has to show either that she has taken legal steps to try to get maintenance from him or that he is unable to pay.

The grant is divided into a parent's grant of R410 and a child's grant of R127 a child for a maximum of two children.

To qualify for the parent's grant portion, a person must have little or no income.

A person will not qualify if he or she receives another social grant such as a pension or disability grant. If a parent has an income or assets, a percentage of these is subtracted from the parent's grant according to a formula defined by the Act. Assets include property not occupied by the parent and income includes profits from farming or businesses.

The grant is payable until the child is 18, or 21 if the child is still studying.

unless it is put under pressure.

She notes that one way of exerting such pressure would be for a woman or group of women to "launch a constitutional challenge to the [private] maintenance system under the administrative justice, equality and children's rights clauses in the Constitution". The basis of the challenge would be the argument that the current system is "ineffective and discriminatory to women and children".

It is well-known that those who lobby loud and long stand a better chance of seeing their concerns addressed than those who stand patiently in queues.

If our children are to enjoy a better future, it is time for women's organisations to take on the maintenance issue in a systematic and sustained way. ■

While this article refers to mothers' struggle to get maintenance from fathers or the state, it must be acknowledged that a tiny fraction of men are custodian parents and, as such, are eligible for maintenance.



SECURITY WATCH

Offensive capacity is a deadly signal

GAVIN CAWTHRA explains how South Africa can avoid being seen and feared as the regional bully.

THERE is a simple irony in military strategy: the stronger one country makes itself — for example by buying more weapons — the more its neighbours feel threatened. They respond in kind, in turn threatening the first country.

This security dilemma leads to militarisation and arms races, such as characterised the Cold War in southern Africa during the late apartheid period.

Fortunately there are ways out of the dilemma. In southern Africa conditions are now right for the ending of mutual insecurity based on military escalation. The way forward is through security confidence-building between states.

So rapid is progress that tensions between states in the region have all but disappeared. It is easy to forget that, less than 10 years ago, South Africa was fighting tank battles in Angola, militarily occupying Namibia and waging counter-insurgency warfare over much of the region.

The Southern African Development Community (SADC) has proposed several confidence-building measures, including the exchange of military personnel, shared training, a non-aggression pact to be signed by all SADC countries, reductions in force levels and armaments, and the strengthening of democratic control over defence forces.

SADC ministers have agreed to set up a security organ which will oversee military co-operation, resolve conflicts and deal with political problems.

Military co-operation is currently being dealt with through the Interstate Defence and Security Committee (ISDSC), which grew out of the former Frontline states' alliance and through which ministers of defence and military and police chiefs in the region meet regularly. The ISDSC will probably be incorporated into the SADC security organ.

South Africa has undergone rapid demilitarisation. Conscription has ended, the defence budget has been cut by nearly 50 percent since 1989 and destabilisation has

been replaced by good-neighbourliness.

But the configuration, posture and doctrine of the South African National Defence Force (SANDF) have not changed sufficiently to accommodate these new political realities.

The SANDF remains overwhelmingly geared for offensive action north of South Africa's border. While most military hardware can be used both offensively and defensively, South Africa maintains equipment ideally suited for the offence, such as highly mobile armoured vehicles, jet strike aircraft with in-flight refuelling (based near the country's borders), submarines and long-range artillery.

More importantly, the SANDF is trained and prepared to fight offensively.

Whether or not this is a better way of fighting is strongly disputed. Many experts

It will be difficult to persuade SANDF generals to give up some of the things most dear to their hearts, like mobility, strike power and the ability to move to the attack.

have argued that defence is naturally stronger than offence, as one can prepare the terrain, logistic lines are shorter, and so on.

But this is not really the point. What is at issue is the signal that an offensive posture sends to our neighbours and the implications it has for the evolution of common security.

In a political context, the great advantage of adopting a non-offensive posture is that it presents less threat, thus obviating the "security dilemma". A non-offensive defence force is unable to attack neighbouring states yet it provides a robust deterrent against invasion.

Non-offensive postures thus build confidence and mutual security whereas offensive ones create suspicions and destabilise. They have one further advantage too: they are usually cheaper.

What might a non-offensive South African defence force look like? Firstly, some obvious

steps could be taken to reduce the offensiveness of the SANDF, such as restructuring the special forces, pulling airbases back from the borders and scrapping certain types of equipment.

Another step would be to reduce mobility and strike capability by cutting down on armoured vehicles and making them depend on static logistics such as fuel supplies. Currently, armoured vehicles take their fuel with them in specially adapted vehicles, giving them extremely long range.

Many models of non-offence have been drawn up — and used. Europe, Australia, Finland, Switzerland and Sweden all employ one or another defence policy that results in a strong defensive but a weak offensive capability.

In Asia, Japan is almost purely non-offensive, while China has recently switched from defensive to offensive strategies. In southern Africa no country except South Africa possesses an effective offensive capability.

It will be difficult to persuade SANDF generals to give up some of the things most dear to their hearts, like mobility, strike power and the ability to move to the attack. But there are compelling political, economic and military reasons why they should do so in the context of the transition from war to peace.

Some of these issues were explored at a workshop held in Johannesburg in March, which brought SANDF officers together with officers and defence officials from other SADC states and a team of international experts.

Defensive restructuring will also be prominent on the agenda of the defence review currently being co-ordinated by the Department of Defence. This will seek to flesh out the new White Paper on Defence, which — echoing a clause of the interim Constitution — states unequivocally that the SANDF "shall have a primarily defensive orientation and posture". ■

Gavin Cawthra co-ordinates research for Idasa's Defence and Security Programme.

CIVIL SOCIETY

The cash-strapped NGO sector should tread cautiously along the new path of partnership with government. The relevant adage, RICK DE SATGE suggests, is "marry in haste, repent at leisure".

EVERYONE knows that South African non-governmental organisations (NGOs) occupied a very particular position in the years before the 1994 elections. During the resistance era large bilateral funders regarded NGOs much as a government-in-waiting.

The assessment of such funders was largely correct but with one important caveat. The strength of NGOs lay in their direct relationships with communities and their ability to advocate, articulate and respond to issues on the ground.

However, the bilateral funders were clear about the value of investing their money in this sector. Funding NGOs would enable them to get a foot in the door when it opened on a democratic South Africa, facilitating easy passage to more familiar ground — the negotiation of large government-to-government aid agreements.

The transition to the new era is now history and has resulted in a major redirection of funding away from NGOs and to the state. The original relatively modest investment in the NGO sector now makes way for the more familiar aid game in which the bulk of foreign aid turns out to benefit the donor country.

Many NGOs which failed to foresee this new curve have sunk. Those that remain afloat face critical choices: how to raise funds and how to determine where their loyalties lie — with communities on the ground, or in helping government become good government. Where loyalties and sources of funding become intertwined, serious questions arise.

These questions are linked to the problems and contradictions implicit in the South African "miracle". The negotiated transition tried to present happy endings for everyone.

The basic message has been clear: trim the state, control spending, consult, co-ordinate, make space and then the market will deliver and make possible the employment and the development which are so desperately needed. Clearly this marked a major retreat from positions which saw a more central role for the state.

In practice, a number of factors are contributing to the rewriting of these happy endings. For, in spite of all the hype, the market does what markets always to — it

seeks to maximise profit. Thus, notwithstanding much public support for the goals of the Reconstruction and Development Programme (RDP), business shies away from direct engagement in programmes targeting low-income people which it characterises as being high on risk and low on profit.

Yet, while the happy endings are changing, the script makes no provision for the state to step into the shoes spurned by the market. Even if there was the political will, there is the real constraint of serious capacity problems in the public service.

As the implications of this scenario begin to register, the politicians and officials start to get alarmed. There are questions they have to answer. How much longer will people tolerate the slow pace of delivery? What can be done to speed things up and manage the gap between expectation and reality?

A whole range of solutions are proposed. One of the current favourites seems to be high-powered (and well-paid) management SWAT teams who fly in to set free projects imprisoned by red tape.

Against a background of increasing public concern about the progress of the RDP, we also begin to hear more about the importance of NGOs. Somewhat belatedly, there are moves to set up the Transition National Development Trust (TNDT) with 50-50 funding from the European Union (EU) and the RDP.

However, although it is being established to try to deal with some of the problems created by the reduced flow of funds to the NGO sector, the trust is seriously under-resourced.

An article in *Reconstruct* reports that the TNDT has R125 million to disburse over two years but already faces demands for emergency funding to the tune of R600 million.

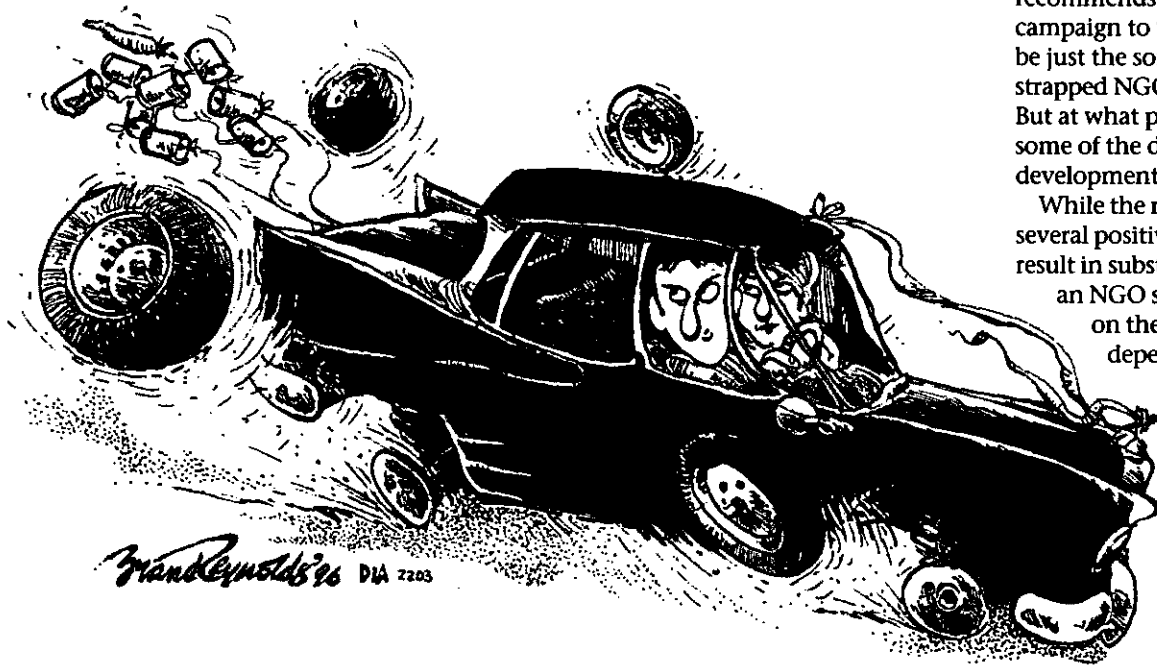
As serious is the fact that, despite months of discussion and 17 trustees (eight from the non-profit sector, four from the Independent Development Trust, four from Kagiso Trust and one from government), the trust has yet to be legally registered or to disperse any funds. Moreover, it must still resolve protocols with the EU which wants the power of final approval on how its money will be spent.

Thus it is clear that the TNDT offers only a limited solution to NGO problems.

The alternative route is for NGOs to tender

SENSE

While it is essential to engage with the state in the implementation of the RDP, we must avoid becoming trapped in a marriage of convenience today which will be cause for regret tomorrow.



for government contracts and enter into partnership to deliver services.

For NGOs with sufficient capacity this approach has potential. Several NGOs have already put in successful bids to provide:

- training and change management services to local government;
- project management and development facilitation;
- rural water supply;
- adult basic education and training services.

Given the backdrop of the funding crisis and the political imperative to deliver (and to do it now), many NGOs are reluctant to voice their concerns about the politics of partnership with government. However, some warn of the dangers of trade-offs and compromise, fearing that NGOs may come to value keeping their noses clean above maintaining a critical independence of the government of the day.

There is already a tendency for NGO management to be cautious in their criticisms of government policy. The troubled housing sector provides a good example.

Slow delivery of housing is of major concern, as everyone knows. It is also no secret that the policy is market-driven, and that the solution has been presented as

freehold home ownership. It is also clear that the private sector has successfully captured institutions like the National Housing Board.

What may not be so obvious is that this private-sector-dominated policy model has led directly to the failure to deliver.

The policy prioritises the need to end red-lining and get the banks back into the low-income housing market. But when almost 70 percent of South African households earn less than R1 500 a month you don't need an economics doctorate to realise that they are "unbankable".

With no sources of credit available other than community savings schemes, the housing policy and capital subsidy offers little more than the much-criticised Independent Development Trust (IDT) site and service schemes which preceded it. Direct state involvement in providing affordable public housing does not fit with the new market-driven paradigm.

A task team appointed recently by the housing minister acknowledges that the policy lacks support. However, instead of engaging with the problems, the task team proposes a high-profile political campaign to send a clear "like it or leave it" message.

At the same time the task team

recommends a vigorous information campaign to "market" the policy. This could be just the sort of job for which a cash-strapped NGO might be tempted to tender. But at what price? The example highlights some of the difficult choices which will face development NGOs in the near future.

While the new imperative to sell services has several positive spin-offs, this approach could result in substantial conflicts of interest when an NGO serves the state rather than people on the ground, and where an NGO depends on state-awarded contracts for its survival.

There is no doubt that the trends identified in this article spell trouble if they are not imaginatively managed.

We need to go back to first principles and strategise about how to consolidate an independent and vibrant NGO sector. We need to ensure that co-operation with government to make development happen does

not degenerate into uncritical dependence on the state.

At the same time, the state must recognise that a heavily regulated and dependent NGO sector is not in its own best interests. Good government and good development are products of ongoing processes of scrutiny and refinement.

In part, this involves recognising and fostering key NGO strengths — their capacity to innovate, their critical skills, their ability to interpret issues on the ground — and then integrating the lessons provided by what amounts to a free monitoring service of the evolving policies of the state.

NGOs must recognise the dangers of political expediency in these uncertain times. They must continue to tell it like it is, regardless of the fact that doing so may bring them into conflict with party and state.

While it is essential to engage with the state in the implementation of the RDP, we must avoid becoming trapped in a marriage of convenience today which will be cause for regret tomorrow. ■

Rick de Satge has worked in NGOs in South Africa and Zimbabwe for the past 20 years.

or sell-out?

'Divine vision' in disarray



AGGRESSION: Protesting students attack a colleague leaving a lecture at UWC.

Picture: THE ARGUS

It may rejoice in the title "home of the left" but the University of the Western Cape is far from immune to the tensions erupting on campuses all over South Africa. SIPHO NGWEMA outlines the challenges facing new rector Cecil Abrahams.

WHEN the title "home of the left" was conferred on the University of the Western Cape (UWC) in the mid-1980s, it was in tribute to the role the institution was playing in the struggle for national liberation. But this is a different and cheerless decade for UWC, one which has peeled away the non-racial toyi-toyi camouflaging racist tensions and divides on campus.

It is now an open secret (although still dismissed by some as mere "perception") that non-racialism has failed to flourish and that there are racist elements at UWC. New rector Cecil Abrahams, equipped (or constrained) by experience at relatively untroubled Canadian universities, consequently faces a daunting task.

"I came back with a lot of excitement," he says. "I have a vision of a university, now in a country which is being transformed, playing as important a role as it did in the struggle for change. I see it as playing an important role in producing the kind of young South Africans who are going to make a difference in this country. I believe that we have an opportunity here which is golden and one which should not be missed."

But Abrahams found himself heading a university not only beset with financial difficulties but also beleaguered by "coloured" ethnic politicians, who claim the province (and UWC) as their empire by virtue of an artificial majority.

Given its history and title, Abrahams imagined that UWC — or "Bush", as it has come to be known — had "dealt with the racial issues ... in a forthright, progressive way because people here all supported the mass democratic movement".

Unfortunately not. The push for a "coloured" enclave is just starting in earnest and "Bush" has been identified as part of "coloured territory".

"Bush" has become a place where even racist organisations like the Kleurling Weerstandsbeweging (KWB) can launch themselves. The outgoing university council had one African member; the incoming 19-member council has none.

Moreover, there is no evidence at UWC of any serious attempt to recruit African staff, either academic or non-academic. Only 12 percent of the academic staff are African and a significant number of these are not South Africans. Even in unskilled positions such as security guards and wardens, Africans are hard to find.

In this context, Abrahams has already been labelled. To some he is "the right leader at the right time"; others accuse him of

"answering to a coloured cabal", while yet others read him as a "not-so-strong but well-intentioned progressive gentleman still trying to establish his authority".

As politics lecturer Siphon Maseko points out, however, it is simply too early to sum up the man who recalls his childhood in the melting-pot of Vrededorp, Johannesburg, as "quite exciting" despite "cramped housing".

He completed a BA degree in English at Lesotho's Roma University but was denied access to the honours class at the University of Cape Town on the grounds that UWC had been created for "his people". However, UWC was relatively new and unable to offer an honours programme at that time so he worked as a teacher in Johannesburg before leaving for Canada to study further.

It was there that he joined the ANC and the South African Non-Racial Olympic Committee, so becoming *persona non grata* in his native land. "I used to visit Swaziland and Botswana and see my parents, brothers and sisters there. The feeling was terrible because you would stand on the other side of the border and look at your country and think 'Why can't I go in there?'"

Thirty-two years later he is "in there", a "fully-seasoned teacher, researcher and administrator" with a dream to fulfil.

"A university should be able to understand its society's needs and aspirations and be in a position to develop programmes that are relevant to social, political and economic development. But in this new era of non-racial and democratic change, it will be necessary for the university to continue to be a place of independence and a strong voice of change," he says.

According to Abraham's vision statement: "While the apartheid system deliberately designed this university to fail, the community here refused to bow down. In the words of the 18th-century English poet William Blake, the university 'kept the divine vision in times of troubles'.

"I see myself shepherding change in a creative, evolutionary manner. I shall be respectful of institutional histories and memories, but I am not prepared to allow the past to stand unduly in my way or to be my sole guide. Past, present and future must be integrated into a dynamic whole. The new South Africa calls for boldness and it calls on its universities to be responsive, innovative, accountable and creative.

"Even though the political times have changed, I regard the independent spirit of the university to be essential in carrying out its important tasks. In an evolutionary manner, the university must continue to support the objectives of the vast majority of



Picture: ERIC MILLER

Cecil Abrahams

Abrahams imagined that UWC had "dealt with the racial issues". Unfortunately not. The push for a "coloured" enclave is just starting in earnest and "Bush" has been identified as part of "coloured territory".

the people."

Part of his strategy is to win the support of students but he has had a rocky start. In October last year, for example, students in a residence in Philippi complained about their living conditions and were issued "refund" cheques. But the students' representative council (SRC) argued that, since most of the students owed the university thousands of rands, the refunds should have been credited to their accounts. Within hours, the cheques were cancelled.

"The administration as an institution made a booboo," Maseko explains. "Abrahams was given an inaccurate report on the concerns raised by students, one which he discovered was untrue after investigating."

Abrahams has taken an active interest in the life of the student body, regularly meeting with student leaders and, at times, with the entire student body. He argues that "through such meetings, trust and responsibility are established".

But in January this view was severely tested when negotiations with the SRC over exclusions collapsed. Students went berserk in the building housing Abrahams's office and he called the police.

"If I was in his shoes, I would have done the same," Maseko says. "Students had valid demands and issues to raise, but it is their method that I don't agree with. There is a

culture among students that negotiations do not bring positive results. Either they drag on for too long or will lead to the co-option of the leadership.

"So, something dramatic must happen which normally leads to damage of university property and the incurring of more debts for the financially troubled institution. If the property of the university is in danger and policing is a legitimate form of maintaining security, you call the police. Gone are the days when the administration was antagonistic. There might be differences of interest, but they are not antagonistic. No one is out to kill the other."

SRC general secretary David Mashishi disagrees. "No property was damaged, but of course the rectorate would need something to justify their action," he says.

"We condemned the action and made it clear that the problems were not about a military solution. They are socio-political and economic in character. We get the impression that the rectorate is divided, with a progressive element led by Abrahams and the conservatives led by Colin Bundy."

Abrahams, however, declares himself to be disappointed that students behaved "aggressively", compelling him to seek assistance from the police.

"Some people have a perception that one ethnic community is responsible for the crisis and that they create all sorts of difficulties. This is not the issue. We have lots of students, it doesn't matter which community they come from, whose families have difficulty paying all their fees."

It may be that Abrahams's noble intentions are being sabotaged by some elements of the administration staff. It has been alleged, for example, that some staff members disregarded instructions to register students, going on strike in protest against students paying "fewer of their debts".

The SRC responded with a strong statement. "We cannot allow our students to be sacrificial lambs in the hands of staff members who say to them 'if you can't pay your minimum contributions, you must just pack and go'; 'there's no free education at UWC, sell your expensive clothing and pay'; and other reactionary comments."

Abrahams insists that UWC "will be a place where students are recruited actively from the various demographic and socio-economic communities of South Africa". He also promises that the university "will mount financial campaigns to ensure that sufficient funds are made available to qualified but financially needy students".

He's got the words. Time will tell if he can carry a tune. ■

Deadlock at the doors

Is it acceptable to exclude students on academic grounds or because they

have not paid their university fees? Against the background of a furore in tertiary education, *Democracy in Action* invited a university staff member and an SRC leader to debate the issues.

A STAFF VIEW

Potential is the problem

By Ari Sitas

UNIVERSITIES and technikons have been shaken once more by student protests and discontent. The range of issues is by now familiar: financial aid, admissions, high failure rates, exclusions, transformation, affirmative action, accommodation, poor conditions and racial tensions. It is a rather long and troublesome list in troubled times.

More troublesome still is the fact that the struggle between tertiary institutions and students is read off two powerful mythologies. The one, in various versions, speaks of a tradition of scholarship that needs to be preserved and enhanced.

This is the language of the old English-speaking universities. Paradoxically, it is also the language reproduced by black (apartheid-created) universities which argue that they lacked the privileges and resources to be like the others. It is also the implicit language of Afrikaans-speaking universities which apologise for having been different.

The former acts as a guardian of real or imagined standards. The latter mythology defines such gate-keeping as an aspect of white domination. It speaks in the language of the "struggle" to liberate South Africa and sees conflict as another cross to bear in the democratisation of the country.

Unfortunately, the complexity of these points of view cannot be addressed fully in the space available. In this brief contribution,

I shall make seven points about transformation, excellence and democratisation. These must be taken seriously if we are to make our tertiary institutions the centres of creativity we all pretend to almost own.

Firstly, the students are correct: education is a right not a privilege. Here we must distinguish between a sociological understanding and a moral understanding of privilege.

Education is a right for all those who can demonstrate potential for academic scholarship. Recognising, nurturing and enhancing this potential is the fundamental task of our institutions, and this is not in any sense the same as the paranoid, racist, racialised gate-keeping that masquerades as "preserving standards".

Secondly, the government is correct: education is a public good. Most of the resources that support tertiary education come from taxes accumulated from the hard-earned income of ordinary people. Tertiary institutions are thus primarily accountable not to the students or lecturers or heads of little fiefdoms, but to the broader hard-working population.

Citizens therefore have a right to education, but not an unconditional one: they have to demonstrate the capacity to achieve in a field of study or competence. If such a capacity is not there, then other talents need to be identified through sensible counselling.

However, a government bureaucracy cannot define who has the capacity, the talent or the ability to succeed. Such judgement should be left to educational experts. And such experts cannot define performance in broad class, race or gender terms. They can do so only in terms of the individual.

Thirdly, the trade unions and staff associations are correct: there is no kind of labour that should be privileged or demeaned in a society. The technikons, vocational

schools and universities each specialise in a social division of labour. Each should be relevant and celebrated in the context of our developing country.

Of course, the same social division of labour condemns a large section of the population to menial and repetitive jobs through racial, gender or class constraints. Such people must gain access to learning, education and personal fulfillment and action is necessary within each institution to empower black aspirations that were thwarted under apartheid.

Fourthly, the critics of Eurocentricism are correct: universities and technikons should be about a new "excellence", which is at once intensively local and extensively international.

By saying this I am not arguing for replacing the "foreign" with the "local", or downgrading the vital ideas of the European Enlightenment.

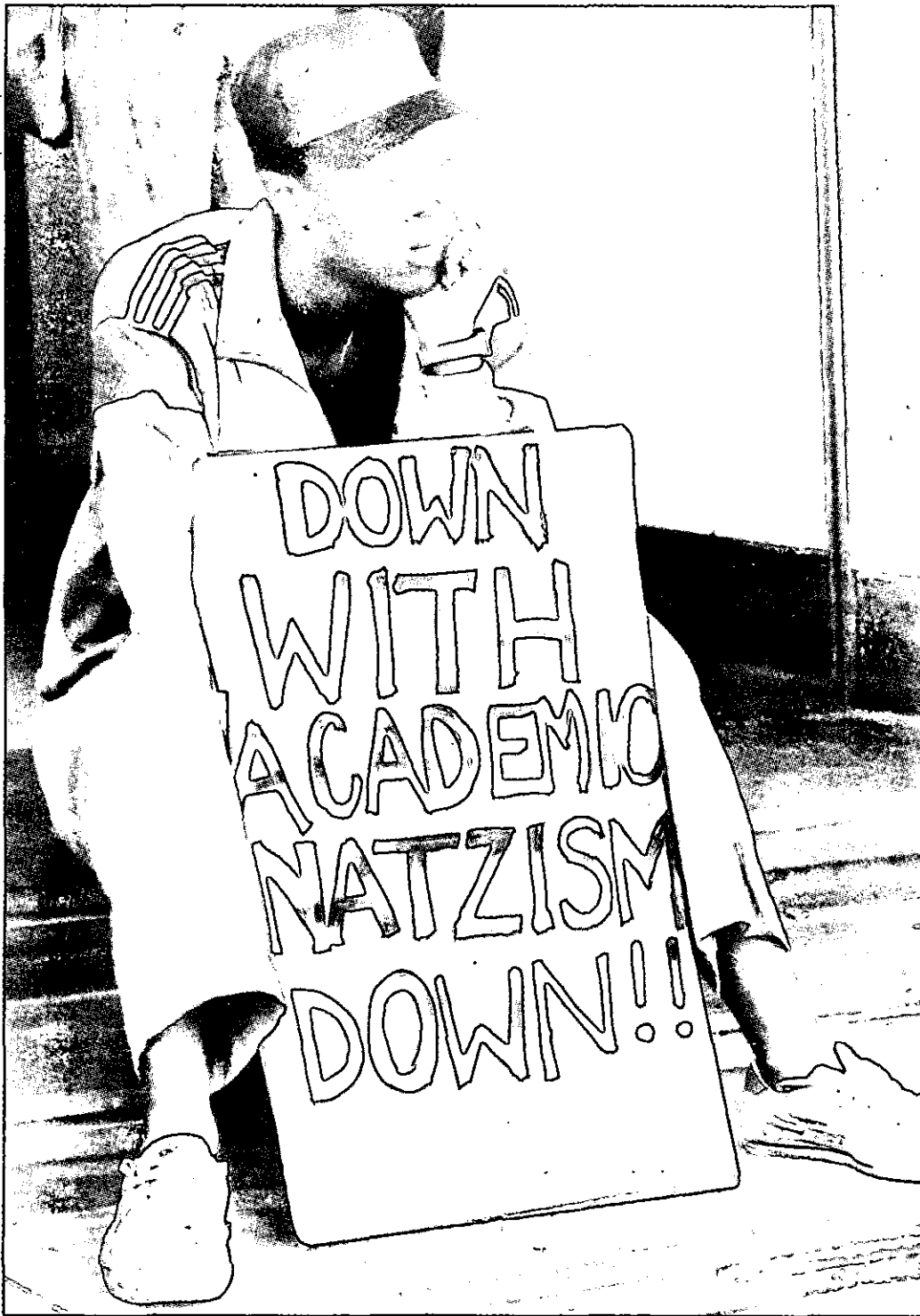
Rather, we need to refocus our intellectual energies and discover a new sense of place and time and a connectedness with our southern African roots and our affinities with other similar societies.

Fifthly, many deans and vice-principals are correct: it is not the role of universities to dish out money. Nor is it their duty to compel students to repay their loans.

Rather, a government authority within each province should allocate such loans in conjunction with the Receiver of Revenue (and with proper documentation from the home affairs department) to deserving students.

The only thing universities and technikons should have to worry about is the quality and appropriateness of their student intake, proper career-pathing for students and exciting curricula.

If some universities and technikons are better resourced educationally, intellectually and materially to attract the "best" students,



Picture: THE ARGUS

no financial aid formula will alter that. A more sensible approach would be regional co-operation between the institutions to consolidate resources, creating fewer but better intellectual centres.

Sixth, corporate capital is correct: our curricula must be informed by the technological revolutions of the late 20th century, which have changed the requirements for knowledge production and dissemination. Skills relating to accessing information and controlling processes of learning are more important to a culture than piling up facts.

Seventh, the academic scientist is correct. As a Fort Hare scientist friend reminded me, a goat has four legs. The answer that it has three does not qualify for a 75 percent mark as some students insist, but zero. Anything else

would be patronising nonsense.

Of course, there is more ambiguity in the humanities and social sciences but even there the issue of criteria for judgement and interpretation are crucial. Bridges must stand, aircraft must fly, analyses must make sense.

I believe that unless these seven points are taken seriously as grounds for consensus by the constituencies in conflict at the universities and technikons, no lasting peace will be possible.

It is only on the basis of such a consensus that proper equal opportunity programmes can be launched and transformation gain meaning and substance. ■

Ari Sitas is the dean of social science at the University of Natal, Durban.

THE STUDENT CASE

Unimpressed by 'practicalities'

By Prishani Naidoo

THE word "transformation" has gained popularity among stakeholders in the tertiary education sector and today it has been diluted and incorporated into the current economic order.

It once meant the radical restructuring of institutions to ensure that the majority of South Africans were included. But today it is used to stabilise what remains an exploitative economic system.

Instead of challenging institutions to begin to include the poor and disadvantaged, "transformation" has been used by those in government, business and tertiary institutions to entrench an economic order which keeps the disadvantaged at the periphery of the South African economy.

The new transformation language is now aligned to calls for patience, fiscal discipline, order and stability. It is used to imply that, in the interests of "economic growth", the inclusion of the majority of South Africans in any discussion of transformation is non-negotiable.

Instead we are asked to accept piecemeal, superficial solutions to the problems at tertiary institutions. The new transformation, in fact, excludes the disadvantaged poor and the unemployed from institutions of higher learning. Administrations claim academic and financial "constraints" are necessary for the continued functioning and maintenance of standards of academic excellence of their institutions.

Students are now organising against these exclusion policies as they only favour the rich. But the Minister of Education has stepped in and is arguing that there are practical limitations to the broadening of access to tertiary education.

Lost in this technical debate of underwriting debts, availability of money and so on is the underlying fact that exclusion on the basis of a lack of finances means that a significant group of South Africans is being prevented from contributing to the development of our country.

For many student leaders, arguing within the constraints of these "practicalities" is

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TERTIARY EDUCATION

morally unacceptable. We find it difficult to accept a model that excludes the poor from institutions which have always served an elite and which have consciously shaped people to serve an exploitative system.

It is a model that excludes the majority from taking part in restructuring institutions to ensure that they begin to serve the underclass. Instead, those who have always benefited from the system are entrusted with transforming these institutions.

For the student movement, the inclusion of the disadvantaged at universities, technikons and colleges is crucial if we really wish to transform these resource bases, develop our country and redress the injustices of the past.

We have thus rejected the exclusion of students on financial grounds, regardless of the new "transformation speak". Instead, we have called for the underwriting of student debts by the government.

To assist in this, we have suggested that a National Redress Fund is established involving all serious stakeholders to raise funds for the above. We have also noted that certain institutions have large amounts of money in "reserve funds". Students do not know what these funds are to be used for, and we want to investigate whether they could be used in underwriting debts.

We have also called for the establishment of a bursary scheme which allows students to study in return for compulsory community service. This would engender a culture of commitment to development rather than to furthering narrow self-interest as is now the case.

As students have to pay off student loans after graduation, the temptation to join the corporate sector rather than community development projects is high. Such a bursary scheme, working hand-in-hand with curricula which are transformed to address the needs of South African communities, will work well to facilitate the development of communities.

But increasing access to tertiary education by eliminating the criterion of financial viability is insufficient. Academic exclusions pose an even greater obstacle to the disadvantaged. Once they are accepted by tertiary institutions, students from disadvantaged communities are expected to participate in classes, examinations and tests at the same level as those students who come from privileged backgrounds.

With poor academic support programmes and the added frustrations of poor living conditions, many students fail to meet the minimum academic requirements of institutions. As a result, exclusions occur once again because of the inequities entrenched by an unfair political and economic model.

Academic development or support

programmes must be established on all campuses to ensure that students have the support mechanisms necessary for academic performance.

We have also asked that students be provided with suitable "living and learning" environments. At many historically black institutions, residence facilities are unsuitable for learning. At most historically white institutions, residences are insufficient to cope with the increasing number of black students who do not have the facilities to study at home.

At most historically black institutions, libraries and audio-visual learning aids are also lacking. At Vista University, for example, there are only two books for every student. The University of the Western Cape is slightly better off, with 15 titles a student, while the University of the Witwatersrand enjoys 380 titles a student. A radical reallocation of funds to historically black institutions is thus necessary to prevent the Verwoerdian dream from remaining the reality.

The demands on students from disadvantaged backgrounds to overcome these obstacles are thus tremendous and undermine their attempts to succeed academically.

Added to this is the fact that, in many faculties, academic failure often means failure to meet the demands of industry. With curricula that are relevant only to the needs of big business, examinations therefore test the students' ability to service this sector alone.

There are many ways of assessing a student's potential for entrance into the corporate sector, but none to test his or her potential to contribute meaningfully to community development. Academic exclusions are thus designed to ensure that money is not "wasted" on those who are incapable of servicing the needs of industry.

Financial and academic exclusions are thus central to the real transformation of tertiary institutions. At present, they prevent the majority of South Africans from gaining access to, and succeeding within, tertiary education.

When we challenge such policies, students are accused of wanting to entrench a culture of entitlement. The accusations have not been far from the mark. In fact students *do* want to entrench a culture of entitlement — entitlement of the poor majority to resource bases which are presently being transformed, it is claimed, for their benefit. ■

Prishani Naidoo is president of the South African University Students' Representative Council and vice-president of the University of the Witwatersrand SRC.

Women dissect the Budget



The Women's Budget initiative aims to ensure that the government translates its stated commitment to improving the position of women into hard cash. DEBBIE BUDLENDER and PREGS GOVENDER explain.

THE first South African Women's Budget initiative was launched early last month, bringing 100 women — and a handful of men — together to debate the gender implications of the national Budget. Participants included national and provincial parliamentarians, media people, staff of government departments and statutory bodies, staff of non-governmental organisations (NGOs), trade unionists, academics and a range of other gender activists.

Their participation in the workshop — on a Sunday — was indication in itself of the importance they attach to the initiative. Many travelled to Cape Town from elsewhere in the country.

But some who heard about the event were confused. "Why a Women's Budget?" they asked.

The Women's Budget is not a separate budget. Rather it is a gendered analysis of the national Budget written up as a discussion document.

Australian economist Rhoda Sharp, who has worked on the women's budgets drawn up by national and regional governments in her

The voices heard by the parliamentary finance committee during public hearings held so far have predominantly been those of rich, white men — those who control the economy.

country, explains that a gendered analysis consists of three fairly distinct elements.

- Firstly, there is expenditure specifically targeted at gender issues. These would include, for example, our own government's provision for free health care for pregnant women.

- Secondly, there are equal employment initiatives within the public sector. These would include parental leave provisions and the provision of child-care facilities. They would also encompass broader initiatives aimed at ensuring a better distribution of women across all job categories and all levels, and appropriate training and career paths.

- Thirdly, there are the gender implications of mainstream Budget expenditure by departments and other authorities.

This last category of expenditure is the most important for it is here that the overwhelming bulk of expenditure occurs. If these expenditures ignore women's position in society and particular interests, the smaller amounts of the other two categories will look good on paper, but do little to alleviate the adverse effects of the mainstream neglect.

For example, statistics tell us that women predominate in the informal sector. So, if the focus of the Department of Labour is on the formal sector, and if the Department of Trade and Industry concentrates on promoting small and medium enterprises rather than micro-enterprises in its small, medium and micro enterprises (SMME) initiatives, the budgets of these two departments will effectively discriminate against women.

This year's Women's Budget was a joint initiative of the parliamentary Joint Standing Committee on Finance (JSCOF), Idasa's Budget Information Service, the Community Agency for Social Enquiry (Case) and the University of Cape Town's (UCT) Law, Race and Gender Research Unit (LRG).

The draft document which served as the basis for discussion was the outcome of about six months of research by individuals from NGOs, universities and government departments.

The analysis focused on six areas. Firstly, there were four areas which related to particular departments or functional areas. These were:

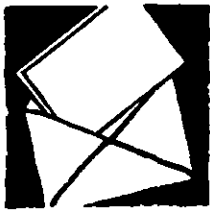
- housing, researched by Sue Parnell of the University of the Witwatersrand;
- work, researched by Imraan Volodia of the Trade Union Research Project;
- welfare, researched by Francie Lund of the Centre for Social and Development Studies at the University of Natal;
- education, researched by Jennifer Shindler of Edusource.

These were supplemented by a section on public service employment (researched by Julia de Bruyn of the RDP Office) and one on taxation (researched by Trudi Hartzenberg of the University of Cape Town).

Important developments relating to gender have taken place both inside the country and outside over the last few years and months. Examples include the Beijing Conference, the gender equality concerns of the interim Constitution, the government's signing of the Convention on the Elimination of all Forms of Discrimination Against Women (Cedaw), and the cabinet memorandum relating to practical steps for addressing gender inequities.

However, important as they are, these developments will be of little use unless the necessary resources — particularly money — are allocated to government departments for giving effect to their commitments.

In an address to the workshop, ANC MP Barbara Hogan, a member of the parliamentary finance committee, explained how the Women's Budget initiative fitted in with other initiatives for transforming the



LETTERS

Write to **Democracy in Action**, Idasa, 1 Albion Close, Albion Spring, 183 Main Road, Rondebosch 7700

Party bosses too powerful

THE manner in which the party list system has been grafted on to proportional representation in South Africa makes it impossible for political democracy to function when applied to the powers and functions of voters at grassroots level.

Every single survey carried out shows our citizens are all highly concerned about the accountability of members of parliament (MPs) to the voters.

The party list system as applied in South Africa actively encourages MPs to ignore the needs of constituents in favour of the requirements of political party caucuses and party leaders, for the hiring and firing of all politicians is in the hands of party caucuses without referral back to the voters.

This corruptible party list system reduces our MPs and all politicians to the level of *apparatchiks* who are employed by political parties but whose salaries and perks are paid by us, the taxpayers, who wonder why the MPs pay only lip service to constituents.

If the party bosses do the hiring and firing yet we pay the bill, who can blame MPs for following the party line instead of the public line?

Shaun Rack
Muizenberg

Spelling error

IN an Idasa journal, advertising an Idasa book, by a world-famous sometime Idasa person (Mamphela Ramphele), you find yourselves pathologically unable to spell her name? And the book is about affirmative action?

Renfrew Christie
Bellville

Thank you for pointing out an embarrassing spelling mistake. We did not know that poor proofreading could be construed as pathology.

GENDER

"mechanical" way in which previous Budgets were drawn up.

Hogan said Budget reform was aimed at instituting a process which:

- allows for greater input from civil society and parliament;
- allows policy to drive the Budget, rather than vice versa;
- thus allows for effective reprioritisation.

The draft report of the Women's Budget initiative notes that the current Budget is almost impossible to decipher. This comment echoes other criticisms of the "opaque" document and supports calls for greater clarity and transparency.

Hogan said that the finance committee wanted to reinstate parliament's previous role as "keeper of the purse", but wanted to do so in a "considered and informed" way that allowed for civil society to be heard.

She noted that the voices heard by the committee during public hearings held so far had predominantly been those of rich, white men — those who control the economy. She said the committee valued inputs from others, particularly women, as they tended to come from poorer and more disadvantaged sections of the population. But it is precisely these groups which are usually less organised and less able to make their voices heard.

The real *work* of the workshop was conducted in parallel sessions of smaller groups, which focused for two hours on each of the individual papers. After researchers presented their papers, discussion followed.

Each of the papers pointed to a multitude of ways in which the Budget and related policy fail to address — sometimes even exacerbate — women's disadvantage.

In many cases, these effects are perhaps inadvertent. They are often due to the short-sightedness of policy-makers — the absence of a "gender eye" and an assumption that the "average" citizen is a person with a wife and kids and a job in the formal sector from early adulthood to retirement at 65.

This citizen is also assumed to have all the trimmings which go with these attributes, such as medical aid, private pension, housing allowance, private transport, education and child-care provided at no cost.

In addition to specific sectoral issues, there were some cross-cutting themes and concerns which emerged during the day.

One such concern was how provincial discretion might introduce further bias. Another was the lack of data, both generally and in terms of gender breakdowns.

Virtually all the discussions touched on the impossibility of confining discussion to one sector. The welfare vote, for example, cannot be understood outside of provisions in the

departments of justice, correctional services, health and labour.

Provision for unemployment, in particular, was seen to fall through the cracks in that only those previously in formal employment — and even then not domestic workers — are covered by the Unemployment Insurance Fund of the Department of Labour.

Late in the afternoon, tired participants returned to a plenary session for the closing address by Gill Marcus, chairperson of the parliamentary finance committee.

Her speech was a sobering one. At the outset, the project had made it clear that researchers had taken note of the overall concerns of government, and in particular the concern over macro-economic stability and the level of fiscal deficit.

Marcus elaborated on the constraints. She expressed concern that the public was not aware of the extent of the debt inherited by the current government. She also elaborated on a point raised repeatedly during the workshop: the serious lack of financial skills (or "financial literacy") within government and civil society.

She noted that the shortage of skills made parliament reliant on groupings with vested interests for advice and interpretation.

But Marcus also noted that, if government could gain skills, introduce better management systems and generally improve efficiency, this in itself would generate resources. For example, the auditor-general has estimated that R15 billion is currently wasted within departments because of the absence of internal auditing systems.

In respect of tax, equally astronomical amounts are being lost through inefficient administration within the Revenue office, combined with very efficient systems of tax avoidance and evasion on the part of companies and individuals.

The workshop took place four days before the Budget Speech in the national parliament. The organisers hoped that providing participants with the draft papers and engaging this wide grouping in discussion would allow for greater input into the Budget process within the limited confines currently accorded to parliamentary and civil society.

The document itself, incorporating changes and additions suggested during the workshop, will appear in book form within a few months. Rather sadly, the organisers predict that most of their criticisms and comments are likely to be as applicable to the 1997/8 Budget as to this year's. ■

Debbie Budlender of CASE and LRG was overall editor of the initiative. Pregs Govender is an ANC MP and member of the JSCOF.

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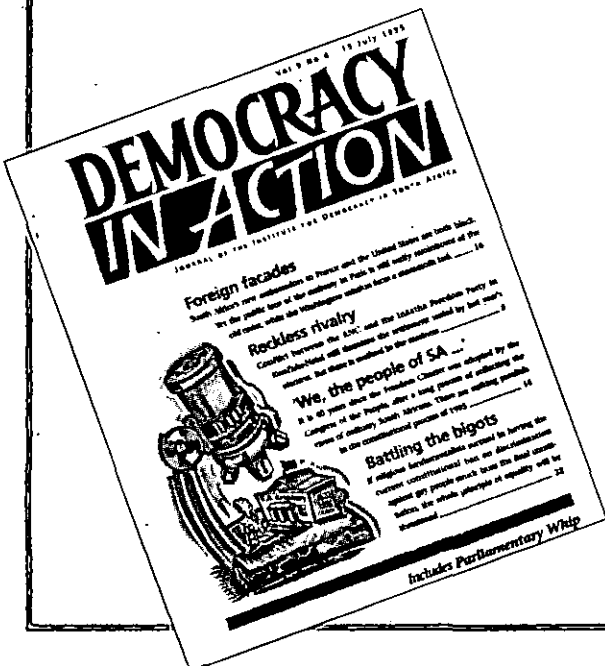
Democracy in Action (DIA) is one of the few independent magazines in South Africa that is committed to promoting democracy and political tolerance. We publish in-depth analyses that shed light on the people, the processes and the policies behind the South African transition.

At present there are 14 000 readers are on our mailing list. *DIA* is received by a wide range of people — from those in government and the civil service to academic institutions, non-governmental organisations and legal groupings.

In addition, we reach many people who could not usually afford to buy magazines, particularly township schools and libraries. And more and more people want to receive the magazine.

But serving so many readers — plus increases in the costs of printing and paper — have caused our expenses to soar. *DIA* urgently needs your contributions. Help to keep our voice alive!

**Contributions can be sent to: Democracy in Action,
Idasa Media Department, PO Box 575, Rondebosch 7700.**



IDASA *IN ACTION*

Seen at Idasa events ...



KWAZULU-NATAL INDABA: Top political leaders, police commissioners, justice and local government officials gathered in Durban last month to brief Idasa board members on the politics of KwaZulu-Natal. From left are Premier Frank Mdlalose; the chairperson of the provincial standing committee on Safety and Security, Bheki Cele; Ike Nxedlane of Idasa KwaZulu's advisory board; and the Minister of Economic Affairs and Tourism, Jacob Zuma. **RIGHT:** KwaZulu-Natal Attorney-General Tim McNally greets Archbishop Denis Hurley.



CONSTITUTION BUILDING: Academics, lawyers and members of civil society gathered recently to discuss the draft final constitution at an Idasa retreat. Legal academic Hugh Corder and co-chairperson of the local government task group Van Zyl Slabbert attended.

A GROUP of French and South African non-governmental organisations (NGOs) met recently to discuss how to form effective partnerships in the service of reconstruction and development in South Africa.

Idasa acted as the secretariat for the three-day seminar at Helderfontein near Johannesburg. This followed the formation in France three years ago of the Platform for Co-operation, known by its French acronym OFAS.

Member organisations of OFAS are in five sectors: urban development; rural development; finance and micro-enterprise; health; and education, youth and culture.

The French NGOs are motivated by the desire to support the devel-

'Priority' opportunity

opment of a democratic South Africa via hands-on co-operation.

Since the inception of OFAS, a number of exchanges have taken place within the various sectors. At this stage, the number of organisations involved and the level of co-operation differ across sectors.

During the fortnight preceding the seminar, the French representatives participated in a range of meetings, on-site project visits, workshops and other exchanges

with NGOs in several South African centres. Many opportunities for co-operation between the countries were identified.

Much discussion at the seminar was devoted to the changing funding climate in South Africa and Europe, and the difficulties faced by NGOs as a result. Representatives of the French Embassy and the Reconstruction and Development Programme Office addressed the issue at the seminar.

It was agreed that, although the importance of reflection and conceptual discussion could not be ignored, co-operation should result in effective and concrete action, and increase access to funding.

South Africa is one of four countries officially selected for the "priority programme" of the French Ministry of Foreign Affairs for the transitional period until 1999.

If OFAS and its partner organisations in South Africa agree on key goals and strategies, they should be able to play an important role in the definition of the "priority programme".

*Marie-Louise Strom
Idasa Training Centre for
Democracy*

Your guide to tuning in

AN IDASA radio series featuring profiles of MPs and a focus on parliament's committee system can be picked up on over 20 stations across the country for the next month at least.

The stations to tune in to include Buwa Community Radio in central Johannesburg, Radio BBT in Bloemfontein, Bush Radio and Radio C-Flat in the Western Cape, Radio Grahamstown,

Channel Med in Ga-Rankuwa and Radio TNT in the Northern Province.

Idasa documentaries due for broadcast soon by SAfm include:

- *Community Policing* at 8pm on 2 April.
- *Women in Parliament* at 8pm on 30 April.
- *Second Anniversary of the Democratic Parliament* at 8pm on 17 or 21 May.



GOING GLOBAL: Delegates from French NGOs.

IDASA *IN ACTION*

Taking policing to the people



FIREY FACILITATOR: Idasa's Sonnyboy Mabele at a community policing workshop in Soweto recently. Mabele believes that a joint effort by communities and police is critical.

Picture: SIPHO NGWEMA

New recruits

AMONG new recruits to the Idasa team is legislation monitor Mandy Taylor, who brings five years of experience as an attorney and many years of work for a variety of political organisations to her post at the Public Information Centre (PIC).

A master's degree in labour law and research assignments for the End Conscription Campaign (ECC) establish her credentials as a researcher. She has been involved in politics since 1980, when she was vice-president of the students' representative council at the University of Natal (Pietermaritzburg).

Another new face at the PIC is receptionist Nomzi Ndyamara,

who hails from Guguletu. Her seven years of prior working experience included a stint with the Independent Electoral Commission and a job with Kentucky Fried Chicken.

The third PIC recruit is 19-year-old general office assistant Shahieda Ryklief, who gained her administrative skills at a security company and at Cashworths.

The Pretoria office has been joined by Anastatia White, who will serve as curriculum developer for the Gauteng community policing project. White was formerly a co-ordinator at the Wilgespruit Fellowship Centre.

Sipho Ngwema

IDASA's community policing project, aimed at supporting and facilitating the establishment and functioning of representative and effective community policing forums, is making good progress.

In Gauteng, education programmes on community policing are run every weekend — either in Pretoria, Vaal, Far East Rand, Soweto, North Rand or Johannesburg. Courses offered include management, administration, conflict resolution and negotiation skills, understanding the legislation (Police Act), understanding the Bill of Rights and crime statistics.

Introduction of the programme is usually preceded by a needs analysis which is conducted by Idasa for local communities after the formation of a local community policing forum (CPF).

Idasa's involvement in community policing in Gauteng began in 1993, after a request from the provincial Peace Committee for an evaluation of existing CPFs and for assistance in establishing CPFs and providing training in areas where they had not been set up.

The project is proving highly successful in many areas, despite the presence of self-protection and self-defence units in some communities. A recent milestone was a capacity-building workshop in Soweto co-hosted with other organisations and attended by 60 people.

Idasa is also assisting the development of community policing in Mpumalanga and North West, following requests from the provincial MECs for Safety and Security.

Speaking soon after commissioning the organisation, North West Safety and Security MEC Satish Roopa said the new partnership between Idasa, his ministry and the community would be "valuable to all people of the province".

"Our task is to facilitate," says Idasa's Mpumalanga community policing co-ordinator, Sonnyboy Mabele. "Our programme is

designed so that the communities and police come up with the solutions. In some cases one finds CPFs that are not representative enough and then we try to convince all parties about the importance of having all stakeholders represented."

All the workshops held to date as part of the programme have identified police misconduct, poor communication between the community and the police, and lack of community co-operation in criminal investigations as the major issues needing attention.

In Mpumalanga some 94 CPFs covering about 60 percent of the

MEC Satish Roopa said the new partnership between Idasa, his ministry and the community would be

"valuable to all people of the province".

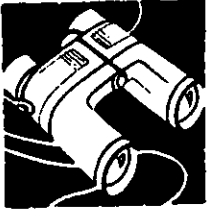
area are presently functioning. Idasa is now giving attention to the formation of the Area Boards required by the Police Act.

"We will also have a Crime Prevention Summit which will produce a strategic document for the province. We are working closely with the provincial government and other NGOs," Mabele says.

● Another aspect of Idasa's work in Mpumalanga, at the request of Premier Mathews Phosa, is functioning as facilitator and database in relation to difficulties experienced by farm workers and evicted labour tenants.

"We advise people on the Labour Tenancy Act and mediate in crisis situations. Queries and complaints are referred to us and if the problem cannot be resolved, we contact the relevant government departments," says Land and Labour Project field-worker Harry Molamu.

Sipho Ngwema



MY VIEW

CHAOS

theory at play



By Daria
Caliguire

L OUD, celebratory, communal, cathartic — and ever so faintly familiar. Familiar? What could a white woman from Midwest north America find even remotely familiar about a healing ceremony led by a group of sangomas in a house in a squatter camp on the outskirts of Franschhoek? Our worlds of experience are disconnected and dissimilar, yes, but something resonated for me.

As I sat in the main room of the house, which continually flowed and overflowed with streams of friends, family, friends-who-have-become-family, and neighbours on a hot Sunday afternoon, I felt a fuzzy sense of familiarity with the gathering, its crowdedness, laughter and informality. Not being able to speak a word of Xhosa, I had a lot of time to let my mind roam and drift ...

I found myself thinking about another Sunday afternoon ritual, one I attended every week of my life while I was growing up — the time-honoured tradition of the gathering of the Caliguire-Scarselli clan for loads of pasta, wine and general chaos.

The door of my parents' home, like the door through which so many were coming and going, is always open (well, at least figuratively during the long winter snow-in), and it stands ready to receive equally the most senior member of the clan as well as the odd traveller who happens to be passing through town that weekend.

In Franschhoek, I found myself in the role of the once-off Sunday visitor and I was equally welcomed. The constant flow of people creates an incredibly strong and yet fluid community web, which both binds members to its social norms and bends to accommodate individual difference (eccentricity in the case of my flamboyant family).

Chaos is a key element to both gatherings, it seemed to me. In both there appears to be some weird cross-cultural version of the physicists' chaos theory at play. That is, out of a seemingly random set of interactions, events and people which is not governed by any apparent structure, a pattern emerges. Order miraculously swirls out of chaos.

Such was definitely the case at the healing ceremony. People trickled in, sat or moved on; songs would suddenly start from any point in the room and often would just as quickly die; sporadic dancing, drumming and speech-making erupted and fell still.

Some time later (hours lost their sense of regulated meaning to me), sangomas unobtrusively emerged at the centre to guide the organic process which was building toward a crescendo. It was a loud, bumpy process which alternated between celebratory group singing and powerful incantations from each sangoma that moved toward a communal catharsis of healing.

Now, neither the Caliguire nor the Scarsellis can claim to have an

Italian-American functionary equivalent to a sangoma at Sunday dinner (although there were rumours about a certain relative in Sicily who had "special powers"). However, the sense of community, relaxed informality, joy in coming together, and directness in dealing with shared problems openly were all refreshingly familiar to me.

Against this comfortable backdrop, I understood the healing ceremony to be a community forum for raising to the surface any problems festering below. However, the issues addressed are not limited to broad public concerns.

The man sitting next to me during the ceremony was apparently in great need of healing. At an advanced stage of the afternoon, one of the sangomas left the circle at the centre and strode towards our section of the room. I was able to resume breathing again once I realised that my neighbour (and not myself) was the focus of his keen attention.

Fixing my neighbour with a relentless gaze, the sangoma told him that he looked like the kind of man who liked to fight. Was this so? My neighbour shrank further down on the bench and shook his head. Muffled protests and murmurs emanated from all corners of the room.

The sangoma inquired again, and the man filled his lungs, sat up a bit straighter and prepared himself for a more in-depth exchange with the sangoma and then the group. All were apparently satisfied with the outcome, as the interval concluded and the singing resumed.

Given the dearth of sangomas in Cleveland, Ohio, there is, of course, no exact parallel in my family's history to this healing ceremony. Probably the closest match comes from my childhood, when a teenaged neighbour and friend was caught shoplifting a "groovy star" necklace from the local store. Ripples went through the neighbourhood and an emergency meeting of several families was convened.

The stern lecture my father gave to my sisters and me on the evils of stealing does not quite capture the participatory nature of the interaction I witnessed in Franschhoek. But it certainly eradicated (more than healed) any latent kleptomania that might have threatened to unleash itself upon the younger members of our community.

Healing has many meanings and, of course, can take many forms. It certainly is not confined to events that occur quietly in solemnity and solitude, or between two people consulting in hushed tones. It can equally be found in the boisterous release of gatherings of a close community and, depending on the nature of the wound to be healed, the chaotic communal course may be the more effective one.

When the problem to be addressed or the injury inflicted is one that affects many, the role of the community may not only be to publicly acknowledge the problem and grant forgiveness (if that is required), but also to play a constructive, supportive role in designing and participating in the solution. ■

Daria Caliguire worked as a researcher for Idasa until recently.