

DEMOCRACY IN ACTION

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Perfect poll?

The war-weary people of Mozambique surprised themselves and everyone else by pulling off a remarkably peaceful and efficient election. For the international community, however, the election was the culmination of years of hopes, enticements and money-greased negotiations 16



The 'people's judge'

She's charismatic, articulate, steeped in legal lore. She's worked as a nursing assistant, a prosecutor in the Magistrate's Court, a professor of law. Now she's a judge of the Constitutional Court. But Yvonne Mokgoro insists that she is just an ordinary person 7



Suffer the children

A radically new approach to dealing with children who fall foul of the law is on the cards. Drawing on forms of popular justice used among indigenous peoples and cultural minorities, draft legislation aimed at rehabilitating rather than punishing child offenders should reach parliament next year 8

Lifting the lid

South Africa's first democratic parliament has demonstrated beyond doubt that it is committed to transparency. But the challenge remains how to transform the laudable language of accountability from theory into practice 5

Best wishes from Idasa for 1995!



DO YOU THINK THE PLAYING FIELDS ARE LOOKING MORE LEVEL, MADIBA ?

**DEMOCRACY
IN ACTION**

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COMMENT

Gate-keepers bar progress

ONE of the ironic and unfortunate legacies of apartheid is the fine distinction drawn between government and non-governmental organisations (NGOs). A term borrowed from the lexicon of the international development community, activists in the social arena wanted to make sure that the message about their separation from and opposition to government came through clearly, even vociferously, which is why the "non-governmental" in NGO was so important. Since the government of the day was bad and horrible, it was important to put a loud and clear distance between them and us.

We now have a democratically constituted government, and yet the distinction persists.

In fact, the distinction has acquired a greater significance. It now serves as a critical marker between sections of government – particularly the Reconstruction and Development Programme office – and us, except that the "them" were part of us and some of us think the "us" are part of them. Worse, the "us" in the so-called non-governmental sector are further categorised and sub-categorised. There is the development sub-sector, the human rights sub-sector, and so forth.

Some of us, seduced by the importance of categories but fitting, to our minds and in our work, in none of them, suggested an "advocacy" sub-sector. But there were not enough of us around to make this category stick.

I don't mean to be flippant. The categories and sub-categories have very serious consequences. They are the basis for issuing invitations to some but not others to attend this or that summit. They could be the basis for giving or withholding funds, distributing aid, and awarding service contracts. And then, most regrettably, categories and sub-categories become a basis for gate-keeping. Some NGOs are – or get themselves – elected to lead coalitions, and those with resources and access get to represent the people's views at government-organised hearings and discussions.

Something is very wrong here. How is it that organisations and individuals who join – in their minds, heart and work – with government employees in pursuit of the public's best interest have

difficulty getting good teams together to make things happen? Why must we in the so-called non-government sector pass through gate-keepers, who proclaim on our worth on the basis of stereotype and prejudice, in order to define an appropriate place in the reconstruction and development of South Africa? Why is there so much emphasis on control and power, resulting in the exclusion and marginalisation – and disappearance – of some organisations and the pool of talent tied up with them?

The key question is not simply the nature of the categories of inclusion and exclusion, though that is clearly of importance, but the concept that lies behind them.

If the concept is about power and control, or about streamlining and rationalising civil society, then our democratic project is already in trouble. Government should represent the people and not lord over them. If the concept is about finding the most productive teams to drive democracy and development projects, then I suggest we rethink our categories.

Along these lines, I would like to end with a thought. The category NGO identifies civil society – not government – as the political geography of operation and activity. Yet many NGOs will become part and extensions of government, thus blurring the line between it and civil society. Moreover, many organisations, Idasa included, will increasingly make government itself part of their focus and activity, blurring the line even more.

I suggest that we begin to think about such organisations as *public interest groups* and not as some poorly defined sub-sectors of the NGO community. I know this implies another category, but the concept is one of serving – with or without government – the public interest in a manner that upholds democracy and promotes development.

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.



not have been cost-efficient to remove these before recycling and so the papers had to be burnt.

– *Still making an 'ash of things?*

Lustful Ludwig

Beethoven, according to the "Tonight" section of *The Star*, had a risqué side. "Pick of the day" in its 13 October television guide was his third symphony – "the Erotica".

– *Heroism extends beyond the battlefield.*

Bird's-eye view

A visitor to the Senate public gallery, trying to make sense of events below, asked an interesting question. "So is the ANC sitting on the one side, and all the bits and pieces on the other side?"

Sincerely sincere

Similarly in need of education (or simply eager to please?) is a letter writer at a firm of attorneys acting for Idasa. Idasa has changed its name, this person announced, from the Institute for a Democratic Alternative for South Africa to the Institute for Democratic Democracy.

– *As opposed to the other kind?*

Verbal burble

A Scandanavian journalist who has been an ardent supporter of the South African struggle for democracy got a bit mixed up in his passion to be politically correct. Imperfectly recalling that "so-called" used to be the *de rigueur* preface to "coloured", he referred to "the coloured so-called people".

– *Some bitter ANC supporters in the Western Cape might agree.*

ja-nee

A plague on your Houses?

All the money Telkom is spending on lush advertisements might be better directed at basic political education for post office staff, if a newspaper report is to be believed. According to the report, a letter addressed to President Nelson Mandela at the Houses of Parliament landed up, a month after it was posted, at the Association for the Physically Disabled.

– *Or is a Gothic sense of humour lurking in the PO?*

Gluesome sequel

The sticky situation narrowly averted when the Inkatha Freedom Party decided at the eleventh hour to participate in the April 1994 election had an ironic sequel. It had proved impossible to recycle a substantial quantity of unused ballot papers, Home Affairs Minister Mangosuthu Buthelezi recently told parliament, because of the IFP stickers. It would

Idasa hosts high-powered Irish briefings

By Moira Levy

IDASA believes that South Africa's much-vaunted negotiated settlement could prove useful as a model for other countries beset by divisions and conflict. It was this thinking that motivated Idasa to host a high-powered delegation from Northern Ireland on a fact-finding tour to South Africa in November. The idea was to offer leading politicians from that strife-torn country first-hand experience of political developments here and to structure discussions around our experience of transition.

The nine visitors came from the Ulster Unionist Party, the Social Democratic and Labour Party, the Alliance Party of Northern Ireland and the Democratic Unionist Party. The team also included a professor of political science from Ulster University, Paul Arthur, and a lawyer of the European Court, Michael O'Boyle.

There are plans to bring members of the IRA and Sinn Fein on a similar visit early in the new year.

The group was treated to a week of in-depth briefings by key figures in the negotiation process and leaders of the government of national unity, including deputy vice-president Thabo Mbeki and ministers

Valli Moosa, Roelf Meyer and Kader Asmal.

In Cape Town, on the opening day of the tour, the visitors were given a history and outline of the negotiation process. Constitutional expert Pravin Gordhan of the Natal Indian Congress told the visitors that the idea of negotiations was first mooted by Nelson Mandela, speaking from underground before his arrest, when he called for a consultative conference.

Codesa took place 30 years later – "30 lost years of violence and bloodshed" – but in a very short time the negotiating partners had undergone a total "shift of paradigm".

The resultant settlement can serve as an inspiration and example to countries such as Northern Ireland that are about to embark on a negotiation process of their own.

There was much debate over similarities and differences between the two countries. The visitors were at pains to point out that their peace process was not directed at holding an election, although they shared the overriding aim of a peaceful resolution to decades of bitter differences.

Ivor Jenkins of Idasa's Pretoria office, who led the tour, said: "The programme was structured to inform, and did not in any way try to prescribe or even draw parallels with their situation."

We regret that there is no December issue of NEGOTIATION NEWS.



Lifting the lid

South Africa's first

democratic parliament has shown

that it is committed to transparency

and public participation in law making.

But the problem, says SUE VALENTINE, is how to turn principle into practice.

THERE can be no doubt that South Africa's first democratic parliament has taken important steps towards creating more transparent procedures. But drafting new parliamentary rules and putting new systems in place is only the first, and comparatively easy, step in the process. The larger and more complex task is to create a culture of openness and to translate the laudable language of "accessibility" and "accountability" from theory into practice.

It is a task that has considerable budgetary implications. For example, if the over 20 parliamentary committees are to be effective in canvassing the views of communities likely to be affected by specific legislation, the potential costs are enormous. It is also a task

that challenges the media to be more creative in their coverage of parliamentary affairs, so that the broadest possible public is informed.

These were among the points made at a recent workshop on parliamentary processes, hosted by Idasa and the Open Society Foundation of South Africa in Cape Town. The workshop brought together key members of parliament and civil society to look at what it means to ensure openness, transparency and accessibility in parliament.

A disappointing start to the proceedings was the non-appearance of the Speaker of the National Assembly, Frene Ginwala, who withdrew at the last minute. However, presentations by Deputy Minister of Constitutional and Provincial Affairs Mohammed Valli Moosa, President of the

Senate Kobie Coetzee, member of the parliamentary rules committee Raymond Suttner and political journalist Barry Streek made for fruitful discussion.

A lone voice advocating secrecy in certain parliamentary processes was Willem Doman, Speaker of the Western Cape legislature. Although he endorsed the principle of openness and urged the media to publicise legislative proceedings as widely as possible, he stolidly supported the decision of the Western Cape legislature that its standing committees should meet behind closed doors – a stand that provoked sharp criticism.

Offering a somewhat paradoxical argument, Doman said that because the legislature wanted to obtain the most comprehensive testimony possible from a range of witnesses,

standing committees would "hear evidence in secret in the hope that this would promote transparency". In addition to wanting to protect witnesses, a further argument for *in camera* sittings was to allow maximum room for politicians to reach the compromises that were inevitably necessary in standing committees.

In his presentation on "Public Access to Parliamentary Committees", Suttner said that most members of parliament were strongly committed to the establishment of a process facilitating public participation in law making. He said that new rules for this process had been formulated and would come into effect from 1995. Once a bill was introduced in parliament, a minimum period of three weeks would be allowed for public comment.

"Who is the public and how do we solicit their interventions?" Suttner asked, adding that it was necessary to remember that it was easier for some people to intervene than others. A related difficulty was that the language of the legislative process was often disempowering and the *Government Gazette* "boring to read".

One solution was for non-governmental organisations (NGOs) to help make parliamentary processes and information accessible. This could include advising people

on how to find out about proposed legislation and how and where to attempt interventions.

Suttner said the new parliamentary rules provided for members of parliamentary committees to travel around the country to hear people's views and consult them about their needs in relation to proposed legislation. But at this stage no budget existed to make such consultation practically possible.

"There are two very urgent priorities: to introduce new legislation and to transform the processes by which it happens so that we can hear the views of the public," Suttner said. "Some committees are functioning very well, but others complain that they only hear about new legislation via the press and not from the minister or deputy minister."

There also needed to be greater public awareness of how parliament had changed. "The parliamentary programme continues as if there were no new structures in place. Very often parliament looks empty, but many of the MPs are working in the standing committees."

"The standing committees are smaller forums in which in-depth discussions can take place. The tendency in plenary sessions is that they turn into slanging matches prepared for media attention. It is much harder to posture when you're working in a standing

committee."

Noting that "attendance in parliament is relatively high, but dispersed over a range of activities", Suttner suggested that recognition of the value of work done in parliamentary committees might require a lesser role for plenary sessions of the National Assembly. A possibility worth looking at was lowering the quorum for plenary sessions.

Veteran parliamentary correspondent Barry Streek welcomed the decision to open standing committee proceedings to the media, adding that it was important to acknowledge that journalists were part of the parliamentary process. He said it was vital to remember that individual people were what the parliamentary process was ultimately about.

"MPs are influenced by their party leadership certainly, but also by their constituencies, their residential areas, their partners, their children, their sporting interests. They are also influenced by public pressure and by concerns about popularity and ego."

It was therefore essential that MPs should publicly declare their interests – what directorships they held, what pensions they received and who paid for their various

page 10

No 'sliding away' from democracy

IF OPENNESS and accountability are vital in South Africa's new parliamentary process, they are equally essential in the Constitutional Assembly as it begins its task of drafting the new Constitution. This was the message delivered to the Idasa and Open Society workshop by Deputy Minister of Constitutional and Provincial Affairs Mohammed Valli Moosa.

Stressing that institutional measures needed to be created which would "make it impossible for there to be a sliding away from democracy in South Africa", Moosa said that information had to travel in two directions: from the Constitutional Assembly (CA) and its various structures to the public, and from a representative variety of community and interest groups back to the CA and its sub-committees.

Transparency and openness were necessary "not only to assert the right of the public to know, but also to create a mechanism by which to safeguard and

enhance our young democracy".

Moosa was at pains to stress the importance of all South Africans understanding how the CA is structured and how it will function. Even more challenging, he said, was to find means by which the actual deliberations of the CA could be publicised, particularly when much of its daily agenda was not deemed "newsworthy" by the mainstream media.

Moosa mapped out a "CA at a glance" diagram showing that the bulk of its work would be handled by small sub-structures. The CA structures are:

- the CA, consisting of the 400 members of the National Assembly and the 90 Senators;
- the constitutional committee, made up of 46 members and chaired by CA chairperson Cyril Ramaphosa;
- a management committee of 12 members, also chaired by Ramaphosa;
- six theme committees, reporting to the

Constitutional Committee and charged with formulating the details of the constitution;

- smaller commissions which may be appointed by the theme committees;
- a panel of constitutional experts.

Membership of the various sub-structures is roughly proportional to party representation in the CA.

Moosa suggested four means by which the public could participate in the process of drafting the new constitution. Firstly, people could attend the meetings of the various structures which comprised the CA. However, this was a somewhat impractical route, given the vast number of meetings.

A second possibility was to make submissions to the theme committees. Moosa acknowledged, however, that this was not very easy for the majority of South Africans. A third option was for the CA to hold meetings or "people's forums".

Finally, different political parties should inform citizens about constitutional issues through their party structures and canvass opinion through the same channels. ■

She spoke to ALICE COETZEE.

The 'people's judge'



AJUDGE of the Constitutional Court and one of South Africa's most powerful women, Yvonne Mokgoro rejoices in the fact that right now "ordinary people are doing extraordinary things" in South Africa.

And she counts herself as one of the ordinary people. On the face of it she couldn't be less ordinary – charismatic, articulate, steeped in legal philosophy, a successful academic and mother who juggled children and studies.

But Mokgoro is right to claim she is ordinary, because her life reflects the experience of the majority of people's lives. Growing up in a Kimberley township, her rise to success was punctuated by police harassment, her husband's pass book arrests, the temporary splitting up of their family and the frustration of working for a state that expected her to comply with her people's oppression.

Sitting in her plush Pretoria townhouse Mokgoro recalls painfully the incident that changed her life. While working as a sales assistant in a clothing store, to put her husband through university, she was picked up in one of the "clean the street" raids the police mounted from time to time.

"I was walking with a friend when a police van roared into the street and picked up a young man standing on the corner. I spontaneously reacted, yelling at them that they didn't have the right to do that. Before I knew it, my baby was ripped from my back and I was thrown in the van."

Mokgoro spent the weekend in the police cells, during which time she watched the police brutally beating up the men and jumping on their backs. Her family's lawyer, Robert Sobukwe, founder of the Pan Africanist Congress, had her charge of obstructing justice dismissed.

As they were walking away from the court, Mokgoro remarked to him that more men needed to be trained as lawyers and he turned to her saying, "Don't let me hear you say that again. Law might seem like a male-dominated profession but women can do it and we should start with you."

That set her on the road to law, as a political activist and champion of women's interests. Now occupying the lofty seat of a judge, she's determined to be a very "untraditional" judge, who will continue to remain connected to the grassroots.

"My strength lies in my deep understanding of people's values. How can I serve people if I keep aloof and do not have access to their values and understand their needs?"

"I will just have to balance that with the need to remain independent and maybe," she adds with a glint in her eye, "people will have to change their concept of independence."

Entering the bastion of white male values, Mokgoro's contribution will be to inject "another perspective" – the views of women and the experience of ordinary people, black and white.

As she and many others participate in "extraordinary" forums such as the Gender Equality Commission, she hopes the whole concept of justice will change.

Her worry is that most people do not understand the role and powers

of the Constitutional Court, as evidenced by the lack of interest in the Judicial Service Commission's hearings.

Under the new dispensation, the Constitution and not parliament is the supreme law of the land. With the entrenching of the Bill of Rights in the Constitution, the values of equality and freedom now form the basis of legal philosophy. How the 11 judges of the Constitutional Court interpret the Constitution will determine the rights of every individual in South Africa, says Mokgoro.

The court's sweeping powers extend to intergovernmental relations and ultimately to the new Constitution which it will approve according to the principles hammered out by the multiparty negotiating forum.

The court's interpretation of the interim Constitution will obviously impact on the content of the future Constitution. Every case will be a test case.

"The court's decision becomes law. A decision can only be reversed if the circumstances change. The same issue will rarely come before the court again."

The first case to come before the court in February 1995 will be on the constitutionality of the death penalty. Mokgoro anticipates other issues such as freedom of choice with respect to abortion, the contested KwaZulu/Natal traditional authorities bill and access to information.

But if the Constitutional Court is to close the gap between law and justice, all South Africans need to know that it exists, what it does and how to use it, says Mokgoro. Here, non-governmental organisations, government agencies and forums like the Human Rights Commission, the Gender Equality Commission and the Land Claims Court can play a popular education role by helping people to understand the Constitution and its "instrument", the Constitutional Court.

Mokgoro's passion for justice helped her endure dislocated law studies at Turfloop, Unisa and finally at Unibo (University of Bophuthatswana), before Lucas Mangope interfered. She also raised three sons and a daughter.

All set to be a criminal lawyer, bursary requirements sentenced her to a term as a state prosecutor. Confronted by injustices in the Magistrate's Courts she remembers being asked by a magistrate whether she was representing the accused or prosecuting the case. "The Magistrate's Courts were the lowest level of injustice. Poor people sat there all day and all I could think was: send them all home and let's do something about the socio-economic injustice that put them there."

When Unibo offered her a lectureship she jumped at it, moving up to the position of professor of law, specialising in jurisprudence. Then, with her husband, Job Mokgoro, she relocated to the University of the Western Cape for two years.

Since then, the couple's life has changed radically. Job was called in as joint administrator when the Mangope regime toppled and has since been appointed director general for the North West province. Yvonne's appointment makes them a powerful couple.

But for all that, his beginnings as a teacher and hers as a nurse's assistant, serve to keep them as ordinary as it is possible for extraordinary people to be. ■

Alice Coetzee is based in Idasa's Pretoria office.

SHE looked about 10 but may have been older. Her name was Zurina and she was under-dressed for the cold, standing on a street corner selling newspapers and asking for food money. She came from up-country. I asked her how she got to the city and she said: "My parents sold me to Fuaad. He took me."

There were other children like her, dodging traffic and selling newspapers by day, sleeping huddled together on bits of cardboard in cold dirty rooms at night, eating what Fuaad gave them, stealing the rest.

That was 15 years ago. Child slavery in Cape Town was suspected but nobody seemed interested in exposing it. The large newspaper companies who employed the area agents

by police, raped in police and prison cells and appeared in court without representation and often without parents. Sentences were meted out by an arcane and punitive ritual fed by press panics of crime waves and lawlessness.

By the end of 1992 there were 16 459 people under the age of 21 in South African prisons. The following year 36 000 youngsters were sentenced to be whipped.

Survivors of state penal institutions responded to their situation in ways which served to increase the atmosphere of siege and oppression in the urban ghettos. They gathered tattoos, knives, guns and influence, while the forces of law and order squared up with crime swoops, gang-busting units and calls for tougher sentences.

Suffer the little

The legal justice system has severed young offenders from their families and communities.

Proposed reforms will try to win them back.

DON PINNOCK reports.

turned a blind eye to exactly who sold the papers on the streets. When I offered them the story and suggested they print it or clean up their distribution I was told my job as a journalist was on the line.

I resigned anyway and began writing a book about children on the streets. It didn't take long to discover the youth gangs. Inner-city removals undertaken in the name of apartheid had destroyed the verandah culture of the old quarters and smashed the extended families. With them went the informal community surveillance which kept children in check.

The kids hung around, supported each other, did things together. They gave their groups names which they wore like badges of honour: Born Free Kids, Young Americans, Cisco Yakis, Hard Living Kids. They battled for turf and made problems for their parents but they also created peer families, support networks for young urban hunter-gatherers.

And of course they were exploited – by shebeen owners who needed runners and protection from raids, by drug lords who needed street sellers and by burglars who wanted small bodies to squirm through awkward windows. They were young, they were poor and, generally, they were black.

This triple burden of their inheritance was simply reinforced when they collided with the criminal justice system. They were beaten

Throughout the 1980s, any awareness that young people might have fundamental rights had been confined to the few organisations struggling in the margins to bring about a change. Nicro and Lawyers for Human Rights (LHR) were in the forefront of calls for a better deal for young people in prison. The Institute of Criminology at the University of Cape Town undertook studies in an attempt to understand the burgeoning gang problem. Out of these and other projects, non-governmental organisations (NGOs) developed a human rights approach to children in conflict with the law.

In 1992 a campaign called "Justice for the Children: No Child Should be Caged" was initiated by the Community Law Centre (CLC) at the University of the Western Cape together with LHR and Nicro.

In 1993 Dullah Omar, then director of CLC, called together a committee of people from NGOs and some state bodies to begin working on proposals for a comprehensive Juvenile Justice Act for South Africa.

Children were being tried by courts which were culturally alien to them, and were being placed in a range of state institutions, from places of safety to prisons, which severed ties with their families and their community.

The incomprehensibility of the criminal justice system ensured that the moment a

The moment a young offender collided with the law, he or she became its victim. And victims are more interested in revenge than restitution.

young offender collided with it, he or she became its victim. And victims are generally more interested in revenge than restitution and reparation. In the eyes of young people in trouble with the law, the justice system was the enemy. And the first casualty was their respect for that law.

The tendency was to remove troubled and troublesome young people from the mainstream of society and to place them in institutions wholly inappropriate to social reintegration. This had led to the development of surrogate societies that reinforced criminal behaviour.

The obvious answer for the planning team was not to strengthen the existing legal system but to relax it. The model for this was

children



forms of popular justice found among indigenous people and cultural minorities. The Nguni people of southern Africa had for centuries used a reintegrative shaming process in community meetings called *inkundlas*. When state control of the black townships crumbled in the 1980s, impromptu community courts were set up at street and zone levels to deal with breaches of social order. Despite some harsh penalties these structures worked, and we drew these traditions into the debate about juvenile justice. The central idea was to keep kids out of the formal judicial processes for as long as possible and to deal with them in a

familiar environment among people they understood and respected.

An appropriate and truly just legal system for young people would have to:

- keep the mainstream criminal process at bay until a range of other options had been tried;
- ensure that diversion became the first option and the central consideration of the juvenile justice system;
- ensure that processes were culturally sensitive;
- ensure that no charge would be laid against young people unless they committed serious crimes or unless the conflict resolution process broke down;
- locate a central decision-making body – the “family conference” – within the community. This process would favour community shaming over retribution and conflict resolution over unilateral decisions by magistrates;
- give both young offenders and their victims a say in the legal decision-making process;
- search for individual sentences which transformed and did not stigmatise; and
- keep young people out of jail.

The proposed integration of official and popular justice would take place in the family conference. This form of legal decision making had emerged in other parts of the world where indigenous opposition to colonial legal systems had developed – notably in New Zealand and Australia. Looking closely at the penalties handed down to young people in South Africa, it became clear that they were generally out of all proportion to the offence – a common colonial feature.

Although South Africa had tough, prison-hardened youngsters, most were young people who were passing through the court system as first offenders. There was sufficient evidence to claim that at least 70 percent of all juvenile cases were non-violent or relatively minor, which meant that roughly seven out of 10 young people who get caught up in the law – and for whom a caution was insufficient – would go to the family conference.

The family conference would be convened by a youth justice worker, and would include the young offender, his or her parent or guardian, the victim and the police officer as well as “any other necessary person”.

An unusual feature would be that – because decisions in the conference would have to be by consensus – plans made by it could be vetoed by the offender or the victim. This idea came out of a strong sense that an outcome not agreed to by a young offender would have little or no chance of having a beneficial effect on him or her. The family conference principle would work through collective shaming within the group which is most meaningful to the young person.

The process of arrest came in for extensive discussion. South Africa has a history of police brutality which did not stop after the elections. A recent study found that more than half the children surveyed reported abuse by police. But it is clear that police are more likely to use violence against young people when they cannot rely on their authority alone, or on respect.

The proposals attempt to solve both problems – by defining arrest very narrowly, by giving police officers forms of discretion which would increase their status, and by making any statement taken from a young person inadmissible in court unless it was taken down in the presence of the youth’s parent or guardian.

In order to hold the whole process on track, particularly within the family conference, 12 principles were drawn up which, essentially, would become an extension of the Bill of Rights specifically for children. At a recent conference held in Germany and attended by juvenile court judges and magistrates from 61 countries, both the principles and the proposed Act were considered to be among the most advanced in the world.

In terms of the principles, criminal proceedings cannot be instituted against any young person if there is an alternative means of dealing with the matter.

The family or community would have to be involved in all plans about the young person, and any decision would have to take into account how it would affect the family or community as well.

A widespread process of consultation among professionals, communities and young people is in progress at present and will probably extend well into 1995. A second draft, drawing on the consultations, pilot studies and research, will be drawn up then for presentation to the state legislative team for technical drafting and presentation to parliament. ■

Don Pinnock is one of the drafters of proposals for a radically new juvenile justice system for South Africa. He is based at the Institute for Criminology at UCT.

SHIREEN BADAT set off in search of solidarity at a gathering of African women in Dakar. Instead she found chaos and confusion.

Sisters in a spin

Lifting lid

◆ from page 6

overseas visits.

"The public is entitled to know what interests motivate MPs and the speeches they make. We need to learn to deal with the interests of MPs, because every one of those 490 individuals can have an impact on government policies and procedures. Lobby groups can shape the way any political party sees certain issues."

Although the workshop perhaps produced more questions than answers, it did serve to focus attention on the key issues which need to be addressed. Among the most important of these is the question of how to facilitate parliamentary lobbying for NGOs and other groups who are not among the "insiders", who lack both know-how and the resources for effective intervention. Another is how to produce – and pay for – accessible information about the parliamentary process.

The need for such information was emphasised by Idasa executive director Wilmot James in his concluding remarks. He said public education was essential so that people could react to legislation which affected their lives.

A variety of institutions should take responsibility for this task, he said. It should not be regulated or centrally controlled. "There should be competition between different groups but we also need some co-operation and co-ordination and must decide how to spend scarce resources on the best way of informing the public."

James announced that Idasa would launch a Public Information Centre in 1995 with the aim of contributing to public education and facilitating both public participation in policy making and transparency in government. He said the centre would focus on obtaining and disseminating information from and about government. Key areas of interest would be the Budget, the Reconstruction and Development Programme, and biographical and performance profiles of elected officials. ■

A DELEGATION of 151 South African women who visited Dakar, Senegal, in November were enthusiastic about having an opportunity at last to take part in shaping the continent's future. The event was a forum for African non-governmental organisations on the status of women in Africa. The aim – to draft a Platform for Action to be presented at the United Nations World Conference on Women in Beijing in September next year.

The delegation mirrored South Africa's rainbow nation, in that it included women from across the spectrum: rural and urban, disabled, young and old, IFP, ANC and NP. We proudly took our place among the more than 2 000 women from 35 African countries.

Confident in the knowledge that our new interim Constitution and Bill of Rights guaranteed gender equality, we felt sure that the rest of Africa would be looking to us for interventions on sensitive issues at the conference such as abortion and the political participation of women.

But this enthusiasm was soon dampened by the organisational nightmare we encountered in Dakar. Hours before the start of the conference the organisers ran out of conference programmes (these were never reprinted). There was not one telephone or fax machine, and although there was a bank of computers they were all infected with a virus.

In addition, there were only two public toilets for the use of the almost 3 000 delegates and the venue allocated to disabled participants was located on the second floor. Delegates spent most of the three days wandering about hopelessly in search of venues for workshops – many of which were cancelled without notice. The fortunate few who managed to find workshops in progress immediately encountered another obstacle – a language barrier. Senegal is part of Francophone Africa and there were no translation facilities.

Despite the organisational chaos, the biggest shock to the South African delegation was their reception (or lack of it). Instead of a warm welcome, feelings of resentment were almost tangible. One had the distinct

impression that the rest of Africa had had enough of South Africa's problems and wanted to get on with solving its own.

The consensus seemed to be that while the world had focused on solving the problem of apartheid, the rest of Africa had been severely neglected. This unfriendliness extended to the South African embassy in Dakar. Despite the fact that the embassy's offices were located in our hotel, there was no official welcome. (And the South African ambassador to Senegal is a woman!)

The chaos at the conference was probably a reflection of the status of women on the continent generally. It is 10 years since the Fourth Plan of Action was drawn up at a conference in Arusha, Tanzania, yet not much has changed. In fact, the situation of women in Africa has worsened as strategies from previous conferences remain unimplemented. Even the new Platform for Action that emerged from Dakar, the fifth such conference, looks much the same as the old one.

South African women are more fortunate than those further north in that equality between the sexes is guaranteed in our Constitution. The government has also granted recognition to the struggle of women for equality by declaring 9 August, National Women's day, a public holiday.

However, unless women make a concerted effort to translate these rights into policy and law there is a danger that these will remain paper guarantees. Although Minister Without Portfolio Jay Naidoo attended a pre-Dakar workshop and wished the women well, no money was forthcoming from the government and foreign funding had to be secured to pay for the visit.

Preparations for the Beijing conference are now part of the women's empowerment programme of the Reconstruction and Development Programme. But unless budgetary allocations are made for this programme, the position of women will not improve.

The conference in Beijing – the last such gathering of women this century – will have as its theme "Creating a World through the Eyes of Women". ■

*Some of our biggest reasons
for believing in big business
are some of our smallest.*



A few of the business leaders of tomorrow at play.

If our children are to inherit a country worth inheriting, a financially strong country, big business becomes more important than ever before.

For one thing, like other small countries with big business, it is big business that enables South Africa to compete in the international markets and be a big earner of foreign exchange.

For another, it is big business that provides a stable base from which medium and small business can grow and expand on

a scale significant enough to become major contributors to the wealth- and job-creation processes of the new South Africa.

And that is really what a healthy economy is all about, a mix of big, medium and small businesses operating internationally and internally off a strong, competitive base.

Big business and the South African economy. Inseparable if the new South Africa is to have an economy worthy of generations to come.



Survey unpacks April '94

1 Only 5 percent of voters who identified with a particular party "defected" by voting for another party on election day or did not vote. Six percent of voters took advantage of the double ballot to vote for a different party at the regional level.

2 Language and ethnicity were most significant for IFP supporters, who cited these concerns in 43 percent of cases as compared to 7 percent of FF, 1 percent of NP and less than 1 percent of ANC supporters.

3 Fifty percent of voters said that there was a candidate or leader who attracted them to a particular party; and 41 percent of Mandela's followers cited performance and achievement as opposed to 30 percent for De Klerk and 6 percent for Buthelezi.

4 Personal financial conditions did not appear to greatly affect voting patterns for any party. If anything, the ANC tended to draw a little less support from those whose situations had remained the same, and a little more from both those who were doing much better and much worse. The NP pattern was exactly the opposite.

These and other trends are emerging from a recent Idasa survey. ROBERT MATTES takes stock of the results.

MOST South African political analysts have already concluded that the historic 1994 election was an election only in the most formal sense of the word. Describing it as a "racial census" or a "liberation or uhuru" election, they have argued that it was not an exercise in choice, but rather a registration of identity or, alternatively, a ceremonial, symbolic ratification of the end of apartheid. The results, therefore, are said to reveal more about the demographic profile of the country and its history than the preferences and interests of its citizenry.

However, most of these judgements have been based on observations of national and regional election returns and some pre-election polls. Thus far we have lacked data about individual attitudes from which we can determine whether affiliation (especially race and ethnicity) was the key motivation in voting behaviour.

With this in mind, Idasa commissioned a Cape Town research company, Market and Opinion Surveys, to conduct an in-depth probe of political attitudes relevant to the election. The nation-wide sample consisted of 2 401 South Africans. The research team who designed the survey (Idasa executive director Wilmot James, Amanda Gouws and Hennie Kotze of Stellenbosch University and Bob Mattes) are beginning an extensive statistical analysis of the results. What follows are some preliminary insights.

The census/uhuru explanation of the South African election (and elections in all "divided societies") argues that political loyalties are fixed largely by race or ethnicity, irrespective of voters' actual interests, beliefs or preferences. Analysts, therefore, often see little opportunity for governmental change because of the absence of a sizeable independent or floating vote.

On this point, our sample revealed that a relatively high level of respondents, 88 percent, identified with a political party; thus, only 12 percent of the public could be called "independent".

Moreover, this high level of party identification was almost even across racial lines. Some surveys conducted before the election campaign had showed that identification was generally lower across the board, and much lower for coloured and Indian voters. It therefore appears that the campaign may have solidified a great many voters behind one party or another.

While the level of "independence" seems to be very low, it is significant that in the United States in the 1950s similar questions turned up over 80 percent of American voters who identified with their political parties. The key question is, therefore, not so much the level of identification but rather the "hardness" of these loyalties. Besides the independent voters, the "floating vote" in other established democracies consists of voters who "defect" from their natural, long-term loyalties to vote for another party in the short term.

Of those who identified with a party, 56 percent felt "extremely close" to that party (or 44 percent of the total sample). Indeed, only 5 percent of identifiers either "defected" to vote for another party (on the national level) or did not vote. Yet this "retention rate" differed



DEMOCRACY WATCH

according to party. While the ANC was able to convert 97 percent of its identifiers into actual voters, the Democratic Party (DP) only kept 72 percent of their loyalists and the Freedom Front (FF) 69 percent. An additional 6 percent of all voters took advantage of the double ballot to vote for a different party at the regional level. At this point, however, the electoral situation does not appear to be very fluid.

Yet this begs the question of why people identify with the parties they do. Despite the census/uhuru explanation, most voters seem to have fixed their loyalties according to their larger preferences and beliefs. Moreover, policies and issues are usually not the only factors determining party loyalty in established Western democracies. Voters often legitimately consider candidates and party histories to form judgements about competence and ability to lead. This is clearly visible in our sample.

When we asked people why they felt close to the party they selected, only 9 percent of identifiers referred to racial bonds and only 3 percent mentioned ethnic ties. In contrast, 24 percent mentioned the party's performance and achievements (past performance 16 percent and expected future performance 8 percent); 16 percent mentioned ideology and 14 percent cited the party's policies. In addition, 9 percent mentioned the competence, trustworthiness or integrity of the party.

There were, however, some fascinating differences by party. For example, where ideology was mentioned by 21 percent of ANC supporters as important, only 7 percent of National Party (NP) voters listed it; 6 percent of ANC identifiers mentioned party competence, trust and integrity compared to 29 percent of NP loyalists. Racial links were mentioned by 39 percent of FF supporters (compared to 11 percent of ANC, 7 percent Inkatha Freedom Party (IFP) and 3 percent NP). Ethnic or linguistic links were cited by 43 percent of IFP supporters (compared to 7 percent FF, 1 percent NP and less than 1 percent of ANC supporters).

Interestingly, in response to a question about leaders, only 50 percent said there was a candidate or leader who attracted them to that party. Among those people, racial or ethnic factors were cited by only 10 percent. In contrast, 33 percent mentioned performance or achievement, and 22 percent ability and competence. Again, there were very interesting differences by party. A total of 51 percent of those who said they were attracted to the IFP by Mangosutho Buthelezi mentioned ethnic or racial factors (compared to 6 percent of the ANC identifiers who cited Nelson Mandela and 1 percent of the NP loyalists who listed FW de Klerk). And 31 percent of De Klerk admirers cited his ability and competence (compared to 18 percent of Mandela's and 12 percent Buthelezi's) but 41 percent of Mandela's followers cited performance and achievement (compared to 30 percent for De Klerk and 6 percent for Buthelezi).

Another relevant factor in judging the quality of voting behaviour is whether voters chose parties they thought could solve the pressing problems of the day. We asked people to name the problem they thought was most important and then asked whether they felt any particular party could solve that problem. Altogether 75 percent of



Picture: SOUTH

those who voted ANC felt that the ANC could solve the most important problem (69 percent for PAC supporters). In contrast, only 53 percent of NP supporters felt their party could address their most important concerns; 57 percent of IFP voters felt likewise. Moreover, only 28 percent and 20 percent of DP and FF voters thought so; 16 percent of DP supporters felt that all the parties would be the same in this regard. Significantly, 49 percent of FF voters said that no party could address their most important concerns, compared with 25 percent of DP and 26 percent of NP voters, and only 5 percent of ANC.

What about voter interests? To test for what voting analysts call "pocketbook voting" we asked people about their personal financial situations and then compared that to their voting behaviour. Significantly, we found little relationship. For example, the ANC was supported by 68 percent of those who said their personal finances were getting much worse and 69 percent of those who were doing much better. They took slightly less of those people whose situation had not changed. But the point is that personal financial conditions did not appear to greatly affect voting patterns for any party. If anything, the ANC tended to draw a little less support from those whose situations had remained the same, and a little more from both those who were doing much better and much worse. The NP pattern was exactly the opposite, drawing greater support from those whose situations had neither improved nor worsened. However, the most important point is that the effects were not great.

Yet when we asked people for their evaluations of the financial situation of the country and general conditions overall, we found clear and consistent relationships. For instance, the ANC drew 52 percent support from those who said the nation's finances were getting much worse and the NP 20 percent. Yet among those who said it was doing much better, the ANC took 73 percent and the NP only 3 percent. Thus the ANC did much better among those optimistic about the nation's economy, and the NP improved its share of the vote among those who were most pessimistic. Significantly, evaluations of the national economy did not seem to affect the probability of voting IFP.

These patterns are consistent with what we find in established democracies. That is, personal "pocketbook" conditions do not seem to affect how people vote, while their perceptions of national financial and political conditions matter greatly. This could be argued to be a healthy characteristic for a democratic voter: the ability to separate conditions over which elected leaders often have little influence from those in the larger world for which they can more legitimately be held responsible.

Another common factor found to affect voting behaviour in Western democracies are people's retrospective evaluations of the performance of the incumbent government. In our sample, we found a strong relationship. The NP won the votes of 69 percent of those who said the De Klerk government had done a very good job (the ANC 10 percent); yet it won only 1 percent of those who felt it had done a very poor job (the ANC 82 percent). More importantly, this was not solely a function of

race-based reactions to the former government (for example, all the blacks disliked the government, all the whites favoured it). Where our sample included 1 736 black respondents, 47 of those people felt that the De Klerk government had done a very good job. While that is admittedly a very small proportion, the larger point is that the ANC and PAC combined for only 18 votes from the entire category of people who felt this way of any race. In contrast, 559 blacks felt the government had done a very poor job: among all races in this category, the ANC and PAC combined for 506 votes. Thus, while very few blacks had positive evaluations of the government, far higher proportions of these people must have voted for parties other than the ANC or PAC than among those blacks who had negative evaluations of the government.

Then we asked people about a series of issues which we felt were the most prominent in the parties' campaigns (protecting property rights, securing an Afrikaner homeland, confiscating land for redistribution, protecting minorities, creating a strong opposition, affirmative action, choice of language and culture in schools, and using taxpayers' money to build houses and provide health care). For NP and ANC voters, the extent of people's agreement or disagreement with these campaign issues was strongly and consistently related to

Between 98 percent and 86 percent of ANC, DP, NP and IFP voters said that their party represented all South Africans.

how they voted. For IFP voters, this relationship was much more tenuous. On several issues, the extent of agreement or disagreement was unrelated to voting IFP. Where there was a strong relationship, however, was on teaching in one's language and culture, building homes and providing health care. This question is a bit more difficult to answer for the rest of the parties given how few respondents supported them. Even here, however, one can see that a vote for the FF was clearly related to the respondent's position on an Afrikaner homeland, land confiscation, creating strong minorities, affirmative action and using taxes to build houses and provide medical care. Support for the DP was related to positions on land confiscation, minority rights, strong opposition and affirmative action. Voting for the PAC was related to stances on rights of property owners, land confiscation and minority rights.

This does not necessarily mean voters first looked at their policy choices and then picked

their parties; rather, this indicates a relationship between how people think about issues and how they vote, a relationship ruled out by proponents of the racial census thesis.

Next, we tried to examine the relationship between ideology and voting. We measured this in two ways. First, we asked people to place themselves on a "left/right" scale. Interestingly, 32 percent of the sample were unable to do this because they were unfamiliar with the concepts; significantly higher proportions of IFP and ANC voters were unable to do so. Among those voters who could locate themselves, ideology was clearly related to voting behaviour for ANC, NP, FF and DP voters. There was much less of an association for IFP and PAC supporters.

Second, we posed a set of six questions tapping attitudes toward change, individual responsibility and state intervention in the economy. Far higher proportions of people were able to express opinions here. Again, consistent and strong relationships are evident among ANC and NP voters on all six of the questions. We could see relationships on four of the items for FF voters, on three for IFP, and two for the DP and PAC.

Finally, we asked people for their views on whether different parties represented the interests of all South Africans or only one group. Between 98 percent and 86 percent of ANC, DP, NP and IFP voters said that their party represented all South Africans. Significantly, 44 percent of FF voters and 46 percent of PAC voters said their parties represented the interests of one group only; virtually all those PAC supporters said the party represented blacks or Africans; 85 percent of those FF voters said it represented the interests of whites, 15 percent said Afrikaners or Boers.

While this has only been an initial scan of our results, an early (and tentative) conclusion would seem to be that most parties were supported largely because of the ideas and policies they represented, or because of their past achievements and performances. This is especially true of the great majority of voters who supported the ANC, NP and DP. There were, however, much larger proportions of voters concerned with race and ethnicity among the ranks of the IFP, FF and sometimes PAC; there was also evidence of a decreased influence of issues, preferences and ideology among these voters. Yet even here, we cannot totally characterise them as "racial" or "ethnic" voters. As the dust settles on South Africa's first democratic election it is clear that a fuller exposition of these results still lies in the future. ■

Robert Mattes is a lecturer in the Political Studies Department at Cape Town University.

CONCERNS have been raised by the Freedom of Expression Institute (FXI) about the level of involvement of civil society and the wider public in the drafting of the Freedom of Information Act in South Africa. Deputy State President Thabo Mbeki has appointed a task group to draft the Act and has announced that it will be introduced during the next sitting of parliament early next year.

This timetable leaves about three months (December to February) for the task group to consult the public as well as draft an Act. The task group has pointed out, however, that in terms of parliamentary procedure once the Act has been tabled the public will be given an opportunity for further comment.

Nevertheless, the FXI believes that these arrangements are unsatisfactory. For one thing, civil society representatives should be included in the task group from the outset so that the views of special interest groups and important sectors of society can be heard. This would be a tangible sign of the government's commitment to a participatory democracy and would deliver a better product.

It also indicated that procedurally the draft bill would be in danger of being opposed by different groups and could prove to be seriously deficient in the following ways:

- Important sectors may not have had enough opportunity to state and exercise their views in shaping the Act;
- Interest groups and sectors will not have had the opportunity to sit together in one forum to put their own positions forward while trying to achieve a balance in the interests of the wider society;



- The public would only develop a sense of ownership and understanding of the Act if it was involved in shaping it; and
- There were significant dangers in the Act being drafted by mostly lawyers. The task group at present consists mainly of lawyers and two representatives of the South African Communication Services.

The FXI said lawyers could not be expected to know about the development and information issues of South Africa. Issues such as illiteracy, poverty and lack of education and infrastructure in large parts of the country would significantly affect the exercise of people's right of access to government information.

The creative suggestions and solutions are most likely to emanate from civil society and special interest groups. An obvious example is illiterate people: if information can only be obtained on the basis of written requests, millions of South Africans will be excluded from practising their constitutional right to information.

The FXI also argued that a divergence of views was implicit in democracy – even if these complicated the drafting of the Act – and that the government should be willing to accommodate a process that would allow different views to be aired and considered. The FXI indicated it was confident that the involvement of civil society and other groups would not significantly slow down the drafting of the Act. Previous consultation processes co-ordinated by the FXI showed that complex issues could be resolved within a few months.

Lastly, the FXI argued that the government faced a golden opportunity to facilitate the drafting of legislation which could be truly African in character, and not simply a reflection of some of the better aspects of laws

from other countries. If a system could be found which allowed poor and developing communities to meaningfully exercise their rights, such an Act could be an example for the rest of the developing world to demonstrate that democracy is not only a luxury for the rich and privileged.

Although not raised in discussion within the present task group, the FXI is also concerned about the limitations of the right of access to information as contained in the interim Bill of Rights. At present there is not automatic right of access to official information. In order to obtain this information the relevant people have to show that they need the information in order to defend another right recognised in the Bill of Rights.

The FXI believes that the government is only the custodian of official information in the name of the people, and that the information belongs to the public. Furthermore, taxpayers pay for the collection and storage of this information and for the function of government. The article in the interim Bill of Rights dealing with access to information must therefore be amended in the future Constitution.

If we have a right enshrined in the Constitution (albeit imperfectly), why do we need a further law to exercise this right? The reason is mainly that constitutional rights do not really have any content unless a specific law gives them content. The only other way to give the right content and meaning is to litigate it in the Constitutional Court.

Interestingly the right of access to information is one of the most heavily litigated constitutional rights in South Africa so far. But it could take years of litigation to build up a jurisprudence to serve the information needs of the South African public adequately. In the meantime, citizens could

find their requests for official information being blocked time after time because the law is unclear or because the administrative procedures to service such requests do not exist. A law will describe the administrative procedures to be used in requesting information, and this will compel the government to organise its bureaucracy to supply information.

But Freedom of Information Acts do normally go much further than this. They also usually contain exemptions which identify areas to which the public cannot automatically have access to information. These could include national security, international relations, information which would invade the privacy of individuals, private financial information about individuals or companies and information which would hamper criminal investigations and prosecutions.

For this reason alone it is imperative that civil society should be involved in the drafting of South Africa's Freedom of Information Act. If exemptions are to be included at all, these must be debated fully and defined in narrow and precise terms. The threat to the flow of information from ill-defined or broad definitions of exemptions must be obvious.

Then there are other areas of special consideration. For instance, should journalists have faster access to information than other people? In Germany this is provided because journalists perform a special and major role in conveying information to society. But in Sweden, for example, there is no such distinction because information requested has to be provided within 24 hours to whoever asks for it. ■

Jeanette Minnie is the co-ordinator of the FXI.



Right to know

A Freedom of Information Act is being rushed to parliament.

JEANETTE MINNIE urges less haste so that all voices can be heard.

PERFECT POLL

pulled off
by a battered,
patient people



SONGS OF PRAISE: Frelimo supporters – decked in *kapulanas* in anticipation of t

ACROSS Mozambique on the evening of 27 October, election officials, rival party agents and police officers settled down together on the floors of voting stations, sharing food and unrolling sleeping mats, cheerfully resigned to their task of guarding the ballot boxes. Only after four nights did they return home, secure in the knowledge that they had done a job well.

But it was not simply the orderly running of the election, or the processing of often nervous voters that will be a lasting memory. They will also remember the camaraderie, even friendships, that they built during the poll, despite the bitter legacy of war.

For the international community the Mozambican election was the culmination of years of hopes, enticements and money-greased negotiations. For the people of Mozambique it was a process undertaken with subdued enthusiasm and, as huge obstacles were overcome, a high degree of efficiency.

The election was a compulsory component of the General Peace Accord, signed by Frelimo and Renamo in Rome in October 1992. The

MOZAMBIQUE

The war-weary people of Mozambique surprised themselves and everyone else by

producing a remarkably peaceful and efficient election. JACKIE DAVIES was there.



Western powers which brokered the pact saw an election as essential to securing a lasting peace.

As a result, the timetable and arrangements for the election did not come about as part of an organic political process within the country. It was an international effort, administered by the United Nations Operation in Mozambique (Unomoz) – the largest UN operation anywhere in the world, and guided by political advisers who sometimes imagined that they alone knew what democracies should look like and how they should be shaped.

A transition to democracy that has been so policed by “experts” inevitably carries with it serious inconsistencies. For many Mozambicans, the prospect of an election raised the spectre of heightened political hostilities, and even a return to war, if Renamo proved dissatisfied with the results. Although the poll aroused interest, few expected it to bring any real changes to their lives.

For them the greater victory had been the General Peace Accord. It was this that brought them a measure of security and stability. Refugees returned home and attention could finally be focused on education, health and reviving the economy. But although the election did not promise radical change, certainly not alone the South African election, it nevertheless heralded important developments. The media were instructed to be impartial, political debate was encouraged and personal freedoms emphasised.

People appeared to revel in this newfound freedom, parading their party loyalties on T-shirts, wraps and head scarves. While there were isolated incidents of intimidation and conflict, the urban areas of Mozambique saw considerable tolerance among the colourful display of campaign attire.

In the rural areas, however, people were more circumspect. Freedom of movement was not guaranteed, especially in areas held by Renamo, and freedom of expression was tempered by the popular awareness that it was often dangerous to pin your colours to your sleeve.

Within Renamo-controlled areas, little other party campaigning took place, although Renamo claimed that rival parties were free to do so. Frelimo opened only one office in Renamo territory – in the wartime headquarters of Maringue.

The UN and other international agencies spent a huge amount of

money in the run-up to the election, not all of it wisely. In a country where the World Bank estimates the average annual income to be little more than US \$40 (R142), Renamo leader Afonso Dhlakama received a reported \$300 000 (over R1 million) personal monthly allowance, while the election itself cost over \$50 million (R175 million).

In order to secure a good spread of candidates on the ballot paper, money was thrown at anyone who was prepared to create a political party, or to stand for president. There were 14 parties and 12 presidential candidates, with only a minority offering coherent policies or enjoying grassroots support.

The “two elephants”, Frelimo and Renamo, dwarfed the smaller parties, which were further hampered by incompetence and serious under-preparation. Some parties did not even know that they had been allocated free campaign air time on TV and radio.

With funds available for the employment of party agents, it was not unheard of for parties to employ people who were unfit for the job. At one rural voting station in Zambesia province, a young woman infuriated other party agents because she had no idea of her duties, could not read the Portuguese accreditation that she had been given, and did not know what party she was supposed to be representing.

However, despite the fact that many self-interested politicians appeared to view a multi-party dispensation as a chance to gain a share of the spoils, the populace will still benefit from the election. The material benefits are not large because everything depends on an improved economy, and the political benefits are hard to determine because the main players, Frelimo and Renamo, remain the same.

But the people did get a chance to have a say in the governing of their country, and they had a sense of being consulted and involved. Their willingness to be involved in the process was reflected in the solemn yet determined way voters behaved, and in the massive numbers who actually voted – between 80 and 90 percent of eligible voters.

Against staggering odds, the national election commission (Comissao Nacional Eleicoes or CNE) performed a feat of logistical juggling that might have made many officials of the South African Independent Electoral Commission blush. They also showed a great reverence for the election process, never wanting to do anything that was not by the book. This sometimes officious attention to detail made voting very drawn out. Voters were often given long explanations, officials and party agents wrote copious notes, and the presiding officers (called “presidents”) seldom delegated responsibilities to their deputies. Across the country observers were annoyed by the insistence of presidents on copying the CNE manual’s layout of ballot booths – erroneously drawn facing into the voting station rather than out – even though many presidents acknowledged that it was not the ideal positioning.

However counter-productive it proved at times, this respect for the election process also contributed greatly to the smooth running of the election, especially in the context of the country’s minimal resources and inadequate communication links. The logistical task was awesome and, despite assistance from the UN and the loan of South African Air Force



Assano's portrait – dance performance at Tete airport. Picture: TRACEY DENRICK

the lines of the “liberating” South African election, it nevertheless heralded important developments. The media were instructed to be impartial, political debate was encouraged and personal freedoms emphasised.

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planes and helicopters, it was still very difficult to get to isolated areas.

In Morrumbala district, for example, 124 polling stations – half of which were accessible only by helicopter – had to be supplied with personnel and materials from a base that was little more than a bare four-roomed house with no electricity, phones or water. The head of this district CNE office was amazingly calm and cheerful, even when he was obliged to hitch rides with international observers in order to visit his stations during the voting days.

At this office, late in the last afternoon before the first day of the election, crowds of polling station officials were still waiting to be transported to their designated voting stations. The UN helicopter was five hours late and the whole operation appeared to be on the brink of collapse.

But people worked through the night to overcome the obstacles and by seven o'clock the next morning most stations were up and running. All stations in the district were operational by the afternoon.

Fears that the election might be undermined by intimidation and fear proved groundless. Across the country voters

demonstrated a quiet calm and great patience. Few incidents of intimidation occurred and people generally kept to the "no campaigning" rule. In three days of election monitoring in Morrumbala district, observers witnessed only two instances of conflict.

One involved a Renamo poster spotted by a Frelimo supporter within the 300-metre restricted area of a voting station. Officials were swiftly notified and the owner of the hut where the poster was hung removed the offending article with a chuckle.

The other occurred at an isolated voting station in the hills, where Renamo support was strong, and the Frelimo district administrator was infuriated by people pointing out Renamo on the specimen ballot paper that was pinned to a tree. Although displaying a specimen paper at a voting station was mandatory – so as to allow voters to inform themselves – the administrator demanded that it be torn down and police complied.

The election was seldom a festive affair; only in Maputo was there any feeling of great enthusiasm. But people still came to vote, often queuing for hours in the sun. Some people travelled great distances to the station where they were registered.

Under the gaze of CNE officials, who tended to be urban and educated, some rural voters did seem intimidated. Voter education was minimal and nervous voters were often uncertain about what to do. Old people and women were sometimes shouted at by exasperated officials when they did not fold their ballot papers properly, or because they were confused or wandered out of the station clutching their ballot papers.

Women were generally more nervous than men. At most voting stations men queued separately from women and, although these queues were meant to be treated equally, the men tended to be allowed to vote first.

It is doubtful that the election could have occurred without the massive assistance of the UN. Nevertheless, much of the credit for its success belongs to CNE officials and the voters themselves. They had to work closely together: bureaucrats and locals, party agents from rival parties, the educated and the illiterate, and all contributed to creating an atmosphere of tolerance that will be the foundation for true democracy. ■

Jackie Davies is a producer in Idasa's Radio Unit.

Why did Renamo do so well?

POLITICAL experts will debate the intricacies of the Mozambican election results for months to come, and one of their most puzzling questions will be: why did Renamo do so well?

Few analysts doubted that Frelimo would win the legislative ballot, or that Joaquim Chissano would gain the required 50 percent vote for the presidency. But not many anticipated the size of Renamo's support. UN figures before the election estimated that Renamo controlled 24 percent of the territory and had support from 7 percent of the population. The history of Renamo – created by the Rhodesians, and then taken over by South African intelligence to act as a brutal anti-Marxist guerrilla force – caused people to imagine that it would not fare well in a multiparty election.

In fact, they won 33,7 percent of the legislative vote, Frelimo getting 44,3 percent, and Renamo leader Afonso Dhlakama



getting 1,7 million votes for the presidency as compared to Chissano's 2,6 million.

The reasons for this support are varied. Some votes were gained on a purely anti-Frelimo ticket. After two decades of Frelimo rule, characterised in recent years by rampant corruption, some voters were obviously disenchanting. Others felt that regardless of policies an election signalled a change, and that should mean a complete change of government.

It has been suggested that the Catholic Church favoured, and advocated, a split vote between Chissano as president and Renamo for parliament, so as to ensure power sharing. People might also have voted for Renamo as a way of maintaining peace and lessening the chances of it declaring the election result unfair.

Another contributing factor has been the "normalising" of Renamo. Much time and foreign money has gone into altering the

image of Renamo from that of bush fighters to respectable politicians.

At the time of the signing of the Peace Accord, in October 1992, many residents of Frelimo areas – such as Maputo – were terrified of Renamo "terrorists" who had been responsible for massacres and the shattering of Mozambique's infrastructure and economy. But by 1994 this image had changed. People saw and heard more from Renamo, via the media, they met more Renamo supporters and slowly the terrifying unknown became more familiar and tolerable.

Another reason for Renamo's surprising level of support is money. The UN, and other interests, pumped money into Renamo in order to draw them out of the bush and into peace negotiations. These entitlements continued right up to the election. Some of the money has been used within Renamo-held zones to improve services to the people, and it has also been said that Renamo distributed foreign aid claiming that it came from Renamo itself.

Their strong showing in the election means that Renamo will have to be well accommodated by Chissano, and if he was in two minds about power sharing before the election he certainly cannot be so now. ■

What do victims of human rights abuses expect from the Truth and Reconciliation Commission?

The opinions are varied but Chris Ribeiro will be satisfied with nothing less than the prosecution of his parents' killers, reports ALICE COETZEE.



IN MOURNING: Chris Ribeiro (right)
Picture: PRETORIA NEWS

Voice of grief

If my parents' killers get amnesty, it will be like having my parents killed for the second time.

"IF MY parents' killers get amnesty, it will be like having my parents killed for the second time," says Chris Ribeiro. He can neither forgive nor forget the assassination of Fabian and Florence Ribeiro, who were gunned down in their Mamelodi home on 1 December 1986.

Carrying his grief like a constant, dark shadow, Chris, 32, says it has become a personal crusade to find the killers and see them brought to justice. "If the killers are not going to face the music then I am not interested in the Truth and Reconciliation Commission. If the commission's purpose is just to establish the state's guilt - something we all know - then it will be futile. The intent should be prosecution," he says.

According to the draft bill, the commission will not itself have the power to prosecute. The proposal is that people who committed offences before or on 5 December 1993 will receive amnesty in exchange for full disclosure of the truth. Perpetrators who do not take part in this process will be liable for prosecution and the commission will forward their names to the attorney-general who will decide whether or not to prosecute. Amnesty is not automatic however, particularly in the case of heinous crimes.

Chris is adamant that the commission must have full powers of investigation. "I don't want anybody to be protected, from PW Botha downwards," he says.

Fabian Ribeiro was a prominent medical doctor in Mamelodi, his wife a businesswoman. Both were dedicated and respected community leaders. But the doctor signed their death warrant by recording and photographing the injuries of Mamelodi activists tortured by the police. His intention was to enable people to bring charges against the ministry of justice and expose police atrocities.

"They had no reason to kill my parents," says Chris. "It was a selfish and cruel act. If they had wanted to stop my parents they could have charged them and sent them to Robben Island."

The night his parents died, Chris was in the street chatting to friends. He saw his parents drive up and park their van. Some distance behind them was a burnt orange Kadett. Then he heard "pah, pah, pah" but thought it was his father having difficulty closing the bonnet of the van. When the sounds continued Chris went to help. As he entered the gate, three men in balaclavas came running out. Thinking that they were burglars he chased after them, grabbing one by the neck. As they fought he saw white hands. The other two men fired at him and he realised they wanted to kill him. He let go and the men sped away.

Running into the house he found his parents. His father had been shot in the head so many times that his head was like a sieve and blood was spurting out. Florence had been shot through the heart and as Chris held her she sighed once, as though her "problems were over".

In the aftermath of shock and confusion, Chris remembers that the police were not called, yet both they and an ambulance arrived at the house. Afterwards he learned that prior to the attack policemen had been stationed in the street behind the house, that a hippo full of soldiers was further down the road and that police were preventing people from passing the house.

The ambulance men found that Florence had a faint heart beat so she was taken to Mamelodi Hospital. But they took a long route through the township and she was dead on arrival.

The house was sealed and Chris was not allowed inside. The police threatened to shoot him if he persisted and eventually a friend took him away. "They were removing all the evidence," Chris claims.

In the subsequent arraignment evidence was withheld. The Bureau for Information stated that the deaths were caused by fighting between the ANC, PAC and Azapo. Five years later, the Harms Commission established that there was sufficient evidence of state involvement in the Ribeiro's deaths. Yet there were no further investigations and when Noel Robey, who was linked to the assassinations, fled to England, no move was made to extradite him.

The years have not lessened Chris's grief. "I've tried to reconcile myself to what happened but I can't come to terms with it," he says.

In the beginning suicide seemed a way to deal with his grief, but now he would like to see his parents' memory honoured by a bursary fund for black students. He is also thinking of a book about their lives, written by members of the community.

"My parents died helping people. The best way of honouring them would be to extend this help from beyond the grave."

He says he will try to get compensation if this is offered through the Truth and Reconciliation Commission because he would like to complete his law studies which were cut short with his parents' deaths. Money could also go towards the bursary fund.

"I'd appreciate it if the government could look after me and other families whose way of life came to a sudden end because of the atrocities of the state," he says.

Alice Coetzee is based at Idasa's Pretoria office.

Safe space for truth



Sheena Duncan



Livingstone Mxenge

THE assassination of Johan Heyns last month shocked South Africans with its utter senselessness, evoking bitter memories of other such dark days. Tragically, the death of the former moderator of the Dutch Reformed Church (DRC) underscored the prime motivation for the proposed Truth and Reconciliation Commission: our need to deal seriously and structurally with our polarised, brutal past in order to move towards healing and reconciliation.

How should South Africa deal with the pain, the anger and also the guilt and remorse so that the nation can experience healing?

"People who have experienced all kinds of trauma need to tell their stories, to be acknowledged, if they are to move on," said Bea Abrahams, clinical director of the Trauma Centre for Victims of Torture in Cape Town. "Especially in the case of torture, where the aim was to break down the person's spirit, the trust in himself or herself and in others was seriously compromised. Telling one's story in a safe place where one is listened to and believed helps a person to begin re-establishing trust."

This process is at the core of the Truth and Reconciliation Commission. The director of the Justice in Transition project, Alex Boraine, said that while it was important to tell the truth and establish a record of history, the fundamental reason for the commission was reconciliation. For this reason the victim was the main priority, and this had been emphasised continually by Justice Minister Dullah Omar, said Boraine.

To enable victims to tell their stories within a supportive environment, contact has been made with many support groups. A special committee will be responsible for liaising with trauma centres, psychologists as well as social welfare and religious communities so that a network can be in place before, during and after the commission's sitting.

The commission itself will have a large staff of counsellors and care-givers seconded from the state and civil society. Once a victim has been identified the commission staff will be responsible for finding out where the person lives, whether they need transport, who they may want to accompany them and the nature of their existing support structures. With the victim's permission, these support structures will be informed so that the person testifying can be drawn back into the community.

Other preparatory work will include an assessment of the victim's needs by a panel of trained staff, provision of psychological counselling where necessary, ascertaining whether the person wants to give evidence in private or public, and the need for



Picture: SOUTH

ALICE COETZEE reports on provisions for dealing with the pain.

translation. People will also be available to reassure victims before they testify.

A warning note, however, was sounded by Abrahams, who said victims needed to be aware of the commission's limitations. Expectations of substantial material compensation or the redressing of wrongs might not necessarily be met.

She said that within the context of the Trauma Centre, for example, it was important for clients' expectations to be addressed so that they did not have an unrealistic idea of what could be achieved, thereby breaking down the trust that had been built.

Boraine's belief that religious communities had a particular role to play was echoed at a recent inter-faith consultation led by the South African chapter of the World Conference on Religion and Peace.

Ever practical, Sheena Duncan of the South African Council of Churches recommended the constant presence of pastors at the hearings: "We must walk beside the victims and not let them walk back into the world alone. Religious congregations can create the environment in which people can speak out their pain. Unless we create occasions for people to share, healing is not going to happen."

Theologian John de Gruchy said religious communities needed to enable people to understand the dynamics of forgiveness. "Not all will be able to forgive, which doesn't mean we shouldn't engage in the process. It just makes the challenge greater."

A more radical approach of face-to-face victim-perpetrator meetings was suggested by the Rev Desmond van der Water of the United Congregational Church.

"There needs to be an exchange at an intimate level of the hurts and the actions. I remember the story of a woman in South America who wanted to forgive, but she couldn't forgive a system, she needed to forgive a person."

But for some victims, such as Livingstone Mxenge, brother of slain activist Griffiths Mxenge, meeting his brother's killer, Dirk Coetzee, would be out of the question.

"It would be like playing with fire. My brother was coming from work unarmed ... they stabbed him 45 times, cut his throat and severed his spinal cord with a knife."

What about the need to support and counsel perpetrators? Pretoria clinical psychologist Marilyn Donaldson believes that while little can be done for any psychopaths who come forward, counselling should be offered to their families.

Kedibone Maluleka, wife of activist Peter Maluleka who vanished for six months, said perpetrators needed to face up to what had

happened and forgive themselves. "It is normal that when you do something there is a reaction. Perpetrators are still living in fear of that reaction. Once you confront them you can begin to change."

Asked how he would deal with a perpetrator who came to him for counselling, Ds Henk Zeeman of Pretoria's Moreletta Park DRC said: "As a minister I would surprise him by saying that I am part of the sin he committed and suffer with him as an act of solidarity."

Zeeman's greater concern was that people might not have enough trust in the church to come forward for counselling. Since changing its stance on apartheid, the DRC has lost its value for many erstwhile followers.

Beyond dealing specifically with the victims and perpetrators, the commission is likely to reach every citizen in one way or another.

Donaldson sees this as an opportunity for all South Africans to pause and look at themselves before moving on; something we should have done after the elections.

Maluleka said she was astounded by how much fear she harboured. She believed there was fear on both sides and that people needed

A special committee will be responsible for liaising with trauma centres, psychologists as well as social welfare and religious communities so that a network can be in place before, during and after the commission's sitting.

to get together over tea or a braaivleis and talk at an informal, yet structured level. "By facing the fear together it loses its power."

People who have been able to forgive, like President Nelson Mandela and car bomb victim Albie Sachs, can serve as inspirational role models. Similar people within communities, who can explain how they have coped, need to be identified so they can be a source of strength for others.

Again, the religious communities have a huge role to play, extending their victim support to the broader community. Disturbingly, from conversations with dominees in the DRC, one does not get a sense that the impact of the Truth and Reconciliation Commission on their members has been fully anticipated.

Zeeman acknowledged that the church would have to be sensitive to the dynamics as they developed. While it is not the style of his church to approach the commission from the

pulpit, it would marshal its pastoral resources in the form of workshops, support groups, newsletters and by indexing care professionals in the congregation and indicating which ministers would be sympathetic.

How the media responds will also be important. A powerful story told from the heart should not be dissolved into a news story. National television can build a sense of empathy by taking some of the more moving stories into people's living rooms.

What about those who believed they were doing the right thing? Donaldson said she believed that they needed to be acknowledged and that the people on the "other side" needed to respect that.

She cited the case of her brother who was sent to Angola. "They experienced more shelling than took place in the whole of the World War II. It was never acknowledged that they were in Angola, and when they were discharged they were told to keep quiet. If they crumbled they were treated as mentally ill or weak. Only now can my brother book himself in for treatment."

She looks to the power of ritual for the healing of people like her brother. She suggests a march by the different armies – the old South African Defence Force and the liberation armies – in separate parades which move towards each other until they meet at a place of reconciliation and are integrated.

The place of symbolic actions and ritual are central to the process of national repentance and the turning towards a new era, according to the Rev Barney Pitso. His suggestion is that a national symbolic event be held at the conclusion of the work of the commission. He added that African traditional culture made the "washing of wounds" a significant experience.

Like rituals, memorials or rolls of honour are meaningful ways of publicly honouring and remembering those who died. Mxenge would like a memorial for Griffiths and his wife Victoria. "Before she died, Victoria wanted her husband's grave to be a public place. In keeping with that we have exhumed their bodies and put them in a special graveyard next to the road. The tombstones will be unveiled next year."

In the end though, healing of the psyche has to go hand in hand with a change in people's lives. People who have jobs, a home to live in, safe communities and a say over their own lives will be able to lay the past to rest. Then the deaths of Steve Biko, Neil Aggett, Chris Hani and Johan Heyns along with thousands of others will not have been futile.

Alice Coetzee is based at Idasa's Pretoria office.

New partnerships

Educational restructuring will be a slow process, says PUNDY PILLAY. And RDP ideals for education and training imply a commitment to improved quality and access.



Picture: THE ARGUS

AN EDUCATION and training system that promotes reconstruction and development will have to satisfy both a social justice dimension (equality, equity and redress) and an economic growth path that will require flexible skills, continuous upgrading and the production and dissemination of relevant and applicable knowledge.

To achieve this, four inter-related elements are merging in the new education and training strategy. They are "lifelong learning", an "integrated qualifications framework", "quality improvement" and "partnerships". Lifelong learning is not just an open learning delivery system to increase access, it is a complex policy tool intended to wed equity, transferable qualifications and quality improvement to the delivery of multi-skills learning paths upon which the economy depends while simultaneously improving accessibility.

To implement such a system will require multiple partnerships – between government, communities, non-governmental organisations (NGOs) and local and international donors – both in terms of delivery and co-ordination.

Government spending on education and training is relatively high,

both as a proportion of total expenditure and the country's economic capacity as reflected in the gross domestic product (GDP). Education currently consumes more than 22 per cent of the government budget and about 7 per cent of GDP. This puts our education spending at the top end of the spectrum for similar developing countries and for industrialised countries.

The undue emphasis on this level of expenditure has tended to obscure the degree of racial and regional inequality in the pattern of spending and the high costs of redressing imbalances in the short and medium terms. As the draft White Paper on Education and Training has stated, it would be expected that, under normal circumstances, the high level of education spending would stabilise at lower proportions of national budget and GDP. However, the circumstances in South Africa are not normal.

Educational restructuring by its very nature is a slow and often frustrating process. But at this point there is a considerable political and moral imperative on the part of the government of national unity to address vital and pressing education and training issues relating to, among others things access, quality and equity.

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for learning

The massive inequalities engendered by apartheid and the need for expansion and rationalisation have led to immense pressure developing for additional spending on education and training. These pressures arise mainly from four sources.

Firstly, there is the need for redress and rehabilitation. The current shortfall of school classrooms is 76 000 and the costs of renovating and rehabilitating schools are high as a result of inadequate spending on maintenance, violence and vandalism.

Secondly, the government's human resource development programme involves major extensions of educational services and new services. Among the most important of these are the phased introduction of 10 years' free and compulsory general education, school nutrition, launching the adult basic education programme and the early childhood development programme, expanding training capacity in technical colleges, community colleges and technikons, an adequate special education needs programme and enhanced pre-service and in-service teacher education to cater for this, and a tertiary education student loan/bursary facility.

Thirdly, there is the pressure of a range of demographic factors. Population growth in excess of 2,5 percent annually will increase annual demand at the sub-A level and will have a continuous ripple effect throughout the system. Urbanisation and improved access to schools increase demand in excess of the normal growth rate in impact areas. The current trend is for about half a million new learners to enter the system annually, without any effort to implement free and compulsory education. Nevertheless, the estimated backlog in provision amounts to 1,8 million children aged between six and 18 who are not enrolled in 1994.

Lastly, the rationalisation of 14-ethnically based departments and services into nine departments involves massive management and service changes. This involves costs for infrastructure and logistical support, plus some element of redundancy payments.

It is clear that the education budget must be radically reformed and that additional funds are required for education in the short term. It is unlikely that the government can significantly increase its allocation to education and training. There are three reasons: other sectoral demands for resources; slow or no economic growth which constrains the growth in government revenue; and the government's commitment to fiscal discipline and macro-economic stability, which is reflected in the determination to reduce the budget deficit.

As a consequence alternative financing strategies are needed to address urgent short-term needs. Specifically, new funding partnerships have to be developed as a matter of urgency – between government at the national, provincial and local levels, NGOs and the donor community, both local and international. Short-term funding by the donor community is essential so that effective reconstruction can begin immediately. ■

Pundy Pillay is policy analyst at the Centre for Education Policy Development at the University of the Western Cape and adviser to the Minister of National Education.

Four steps towards reconstruction

GIVEN the serious nature and magnitude of the crisis in education and training, it is evident that successful reconstruction of the sector can be attained only over the medium- to long-term. It is essential therefore to prioritise programmes and areas for immediate attention, and which are appropriate for the Reconstruction and Development Programme (RDP).

The programmes and developmental initiatives listed below are just some from a sample demanding urgent attention from the new Ministry of Education.

► Free and Compulsory Schooling

During the five years of the government of national unity, an important aim in restructuring the school system will be to begin the process of providing quality education for all. The priority will be to introduce 10 years of free and compulsory general education, starting with a reception year, and proceeding for a further nine years to what is now Std 7.

► School building to expand capacity

The government's commitment to 10 years' free and compulsory education has major implications for, among other things, access. The number of schools and classrooms has to be increased to accommodate all children. There is a classroom backlog of 35 000 with an annual demand of about 12 000 to 16 000 for the next 10 years. The cost of eliminating the current backlog is estimated conservatively at R1,8 billion, with an annual requirement of R600 million just to keep up with enrolment growth.

The government will make a concerted effort to increase the rate at which schools are constructed, and to hold down costs by careful design specification and multiple use where necessary and feasible.

► Early childhood development

Confronted with high rates of repetition and drop-out as well as political demands to increase equity, the government must ensure that all children can benefit from basic education. It is widely agreed that one cause of repetition in the primary school years is inadequate preparation of children at school entry. Many pupils lack the nutrition, health, socialisation and educational stimulation that prepare them for school and life.

► Adult basic education and training

It is estimated that about 15 million black adults are illiterate and have had little or no education. Less than 1 percent of the education budget is spent on adult basic education and training, which currently tends to be small-scale, unco-ordinated and lacking in any national standards or framework. The lack of access to basic education, including literacy and numeracy, has consigned millions of people to silence and marginalisation from effective and meaningful participation in social and economic development. This has had a particular impact on women who comprise a large proportion of the illiterate.

Dialogue and education have kept the "Eritrean miracle" on track, writes SUE VALENTINE.

There is a lesson in there for South Africans engaged in transformation.

Keeping hope alive

THREE years since independence, hard work, commitment and integrity are keeping the Eritrean miracle alive, despite growing signs of disquiet and in the face of mounting hardship. "Our people are our asset," said Paulos Tesfagiorgis, an executive committee member of the group charged with drafting a constitution for the new democracy.

Chairperson of the Committee on Governmental Institutions and Human Rights and co-founder of the Regional Centre for Human Rights and Development, Tesfagiorgis visited South Africa recently as a guest of Idasa to observe the transformation process.

In the three years since Eritrea won its independence after a bitter conflict with Ethiopia, most civil servants and state employees have worked unpaid, except for a monthly allowance calculated according to their experience. For Tesfagiorgis, a prominent lawyer with about 20 years of work behind him, this amounts to 180 birr (about US \$30) a month to cover basic living expenses.

"We eat in cafeterias and many sleep in dormitories. That's how we manage on so little. We hope to begin getting salaries from next January.

"The spirit that prevailed during the liberation struggle is still there," says Tesfagiorgis. "People are very honest, straightforward and united in their commitment. We need these qualities to make our transition work, but how do we maintain them?"

Small signs of disquiet are emerging and citizens are starting to ask how long they will have to endure hardships in order to rebuild the country. As money begins to flow into the country from those who fled the fighting and made good in other countries, such as Saudi Arabia, patriots who stayed to fight the struggle are starting to ask when they will get some relief from poverty.

"When people look around they see that there are some who are starting to get money and differences are emerging, although it's

nothing like the extremes I've seen in South Africa. The differences between people in Eritrea are that some have acquired their own houses.

"We also have government ministers who now are living in their own houses where before they lived in barracks and ate in cafeterias alongside their comrades from the struggle. These issues are going to come up more and more, and if we don't address them properly they could undermine everything we achieved in the struggle."

For the time being, however, the compassion and resolve that motivated the Eritrean liberation struggle still holds. Although people are poor, they are willing to share. Crime is not an issue and women can walk through the streets of the capital at any time of day or night without fear of attack.

"Women comprised one third of the fighting force in the liberation struggle. They have earned recognition for their contribution. People understand and respect that. Also, in a population of three million people, it's a lot easier to maintain values."

Asked his impressions of the squalor and crime in South Africa, Tesfagiorgis identifies human dignity and social values as fundamental: "I've seen poverty. I don't come from a rich country but it was very depressing driving through Cape Town and the townships around it. In the midst of plenty there is such poverty and the people who have so much don't seem to be aware of the extent of the squalor. They don't regard it as their own problem when potentially it is threat to them.

"The conditions in the townships are too stark. They affect people's dignity. Something is taken away from people. If you've lost your dignity, what do you care about your family and community? You destroy your own communities by bringing crime into them. What I've seen here is very frightening. It's not something that exists in our country."

Back home, Tesfagiorgis is responsible for devising a process for consulting and educating as many people as possible about the proposed constitution.

"It would be easy for four or five lawyers with a computer to write a good constitution for our country, but would this ensure that the constitution would be respected, implemented and defended later on by our citizens?"

"Drafting the constitution must be a two-way process. We need to start out with basic information about what a constitution is and then see people's reactions and take up their concerns. We plan to hold meetings, seminars and debates throughout the country and then draft the constitution."

Information committees are being established in each of Eritrea's 10 regions. They will act as conduits for disseminating information from the government as well as questions and comments from the public.

For Tesfagiorgis the watchwords for the constitutional process are "dialogue and education". By all accounts they're also the mantra that's keeping the Eritrean miracle on track. ■



TESFAGIORGIS: People are starting to ask when they will get some relief from poverty.



For women in the wings of struggle

By Helen Moffett

ANNMARIE Wolpe's *A Long Way Home* falls into the growing category of books by South Africans that are part autobiography, part historical record and part reflection on (and indictment of) the legacy of apartheid.

These writings are more than a neat exercise in crossing and blending genres; their fascination and much of their value lies in their voicing of what was previously silent – the stories of the banned, imprisoned, deported and exiled.

This book returns vividly to the dangerous days of the Rivonia debacle, with the capture

of Mandela and others and the resulting disarray of the ANC underground. In outline, the story of Harold Wolpe's dramatic escape, first from prison, and then from the country, is told by his wife. Wolpe was one of four men – the others were Arthur Goldreich, Mosie Moola and Abdullah Jassat – who escaped from prison while being held under the 90-day detention Act. Wolpe, a lawyer deeply involved in the recently banned ANC, almost certainly faced charges of treason at the time.

However, this narrative becomes the impetus for a reflection on the meaning of exile and its effect on individuals and families. The scope of the book widens to include the impact on the Wolpe family of the 1990 unbanning of the ANC and South African Communist Party (SACP), and the family's eventual return to South Africa.

The book thus falls into three parts. The main middle section, which tells of Harold's arrest and dramatic escape, is the most compelling. Here the drama of Wolpe's story overrides AnnMarie's tendency to ramble, and the details of Harold's escape and her subsequent arrest and questioning make for riveting reading.

The first section, a diary of February 1990 to June 1991, tells of the Wolpe family's uprooting from their London life and their preparations to return home. Here the book does not flow as well. Some of Wolpe's concerns border on hand-wringing, and the transitions are awkward. The final section, which returns to the present and reflects on the couple's translocation, brings the book to a rather abrupt close.

AnnMarie's thoughts on her return to Johannesburg suggest something of her turmoil: "We both feel strange. I understand now why Harold used this word when he described his first visit here. And I recognise the inadequacy of my expressions to convey my immediate impressions. I, too, repeat: 'It's strange, it's really strange.' ... I cannot recognise any buildings in Johannesburg. Everything seems to have changed. The city has undergone a metamorphosis – except the street names, which are familiar. ... I now



GREAT ESCAPE: A collage on the front cover of *The Long Way Home* depicts the drama surrounding Harold Wolpe's prison escape and his wife AnnMarie's role as a "political wife".



LETTERS

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"My role is fixed and clear: I am the woman of the household, and as such I do what is expected of me. But this does not still my resentment at times."

feel like a patient suffering from amnesia who has flashes of recall that point to an elusive history. "

The most striking feature of Wolpe's tale is its honesty. This is not restricted to her account of the difficulties, resentment, bewilderment and dislocation experienced by the exiled, whether escaping or returning; she is equally and stringently frank about what it meant to be a "struggle" wife in the sixties; an ordinary housewife and mother, whose husband risked life imprisonment or even capital punishment for his underground involvement in the ANC and SACP.

Of these difficult days, she writes: "My role is fixed and clear: I am the woman of the household, and as such I do what is expected of me. But this does not still my resentment at times." Doing what was expected of her included playing the "gangster's moll" and smuggling cutters into prison inside a roast chicken, coping on her own with three children (one of them desperately ill) with little means of financial support, and experiencing arrest and abuse herself.

Wolpe is open not only about the acute anxiety that her husband's arrest caused her, but also the anger she felt towards him for endangering herself and the children and disrupting their lives. She notes candidly that money and family support went a long way towards easing the lot of the activist's spouse or partner. Nevertheless, hers were middle-class woes; she had servants and a nurse for her dangerously sick baby. But even with these props, she lacked the community support and understanding extended to her counterparts in the townships.

The isolation, even ostracism, she describes makes for poignant reading: in the early days of Verwoerd's grand apartheid, whites who supported the ANC, let alone its guerrilla wing, were few and far between. Those who shared the Wolpes' views, such as Joe Slovo and Ruth First, were equally vulnerable, also caught between jail, exile and the ever-present threat of violent death.

Wolpe's truth-telling extends to the present. She makes no pretence of finding the

promised land on her return to South Africa. Her experiences of inefficiency in ANC bureaucracy and her frustrations in the research position created for her at the University of the Western Cape also come in for unflinching observation. She notes with asperity the gap between principles of gender equality and their practice in most South African political organisations.

Perhaps she takes honesty a shade too far in her intimate analysis of the psychological effects of exile on her children. Nevertheless, this makes for fascinating, if slightly voyeuristic, reading.

Another valuable feature of this book is that it is told from a woman's perspective. "Breaking the silence" has long become a cliché, but this book is one of those which gives this phrase resonance.

It would have been easy to turn Harold Wolpe's hair-raising escape across Africa into a daring machismo adventure yarn *a la* Donald Woods, but we are constantly made aware of the cost in personal and human terms. We see Wolpe pleading with her baby's nurse not to abandon the child should she, AnnMarie, be arrested, and a mother's despair at leaving her children behind when she is given 24 hours to leave the country. We are also made aware of the ordinary lives thrown into disarray, even ruined, by contact with the Wolpes: AnnMarie's brother Jimmy, kind and apolitical, whose career is wrecked by his arrest for treason; Greel, the young police guard who helps the prisoners escape and pays the price of a jail sentence; and the Wolpes' servants, who are defenceless against the depredations of the security police.

Above all, the author draws attention to the incredible resource of support, even when passive, provided by those women who have stood in the wings of the struggle for liberation. Wolpe herself dedicates the book to "all those countless women whose stories are hidden and without whom liberation politics could never occur".

Helen Moffett is the academic editor for Oxford University Press Southern Africa.

Population explosion

In his first address to parliament, President Mandela outlined the government's most important aim, namely, to construct a people-centred society in such a way that the political liberties and human rights of all are guaranteed.

It is a great pity that the president did not mention the population explosion and the crying need for family planning. Nithato Mollana, chairperson of the Board for Population Development, has said that this issue should be taken very seriously as it could make the task of improving the quality of life of all South Africans quite impossible. Mandela certainly has the power and the influence as well as the respect of the vast majority of the population, and a few words from him emphasising this matter would have had considerable impact. We know that family planning generally ensues from advanced education, but I submit that we cannot wait for that.

I fully agree that the youth are the valued possession of the nation, but if the population continues to increase at the present exponential rate and our natural resources are accordingly depleted, it will not be possible for young people to realise their full potential.

E Norval
Pretoria

Thanks, Idasa

I'VE always had dreams about a new South Africa – now I have nightmares because the process of attaining it is so complicated. Thank you for straightening out some of the corners for me. Shalom!

Tertia Paterson
Franschhoek

IDASIA *IN ACTION*

Provinces put heads together on policing

POLICE, non-governmental organisations and community-based organisations from towns throughout the Eastern and Western Cape sent representatives to a meeting in Knysna in October for a workshop on community policing.

The purpose of the workshop, facilitated by Idasa's Western Cape office, was to share experience gained in the course of implementing community policing and to provide guidance for improving community participation in the provision of safety and security.

The workshop, attended by about 40 delegates, concluded that the success of the different models of community policing depended to a large extent on community participation. It became clear that many of these forums, despite their success-

es, do have limitations, and that much work remains to be done to give practical expression to the constitutional vision of such forums.

Participants agreed that stumbling blocks such as suspicious community members, police corruption and uncooperative station commanders do exist. While it was stressed that community policing was a partnership between the community and the police, it was also argued that safety and security was the responsibility of the community.

It was suggested that community involvement could be secured through art and drama, adopt-a-cop programmes and cultural days.

Sammy Frans
Co-ordinator, community policing project, Western Cape

Idasa fundraisers back in the USA

WE VIEWED Idasa's first fundraising trip to the United States since 1992 with some trepidation as word had reached us that South Africa had slipped off the US agenda since the April election.

But any such concerns were dispelled during the October visit by Wilmot James (executive director), Warren Krafchick (human resources manager), Rhoda Kadalie (Board of Trustees) and Dave Screen (director of finance and fundraising), who spent two weeks in various cities on the eastern seaboard.

The visit to Washington, Atlanta, New York and Chicago was organised by Charles Muller of the Friends of Idasa board. It was an opportunity to inform those we saw of the establishment of the

Public Information Centre (PIC) in January 1995.

Meetings were held with the World Bank, the congressional budget office, accounting firms and other organisations related to policy and fiscal analysis.

Great interest was expressed in Idasa's work and a number of joint programmes will be initiated with, for example, the National Democratic Institute, the Carter Centre in Atlanta and, possibly, Freedom House in New York.

In Washington we met a number of public representatives, including Senator Nancy Kassebaum. The group also met Congressman Kweisi Mfume, leader of the Congressional Black Caucus.

David Screen
Director, Finance and Fundraising

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IDASA IN ACTION

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PE seeks answer on service non-payment

CONFLICTS over delivery and payment for services raise crucial questions about the budgeting and financial administration capabilities of local governments. In an attempt to assist the city of Port Elizabeth and other towns in the Eastern Cape region, Idasa held a seminar in Alice in November which drew participants from as far afield as Umtata, Stutterheim and Queenstown.

The chairperson of the budget and administration committee of Port Elizabeth, Rory Riordon, shared with delegates the problems and dilemmas of local government finances. He said the system of accounting employed by the Port Elizabeth municipality was not transparent or straightforward enough for councillors to interpret.

Riordon said that what councillors required was a simplified breakdown of monthly expenditure. The existing system, whereby the budget is evaluated nine months after approval, was inadequate if the council was to solve the present service delivery problem.

Although there are many problems facing Port Elizabeth and other emerging Transitional Local Councils, Riordon said the potential of these structures outweighed the problems.

The questions councillors needed to address were whether current spending was aimed at the long-term good of the town, if services were delivered in the most cost

effective and efficient manner and how they could best be delivered to very poor communities.

MEC for Local Government and Housing Max Mamase told the seminar that local authorities had the full support of provincial government in financing service delivery and housing construction if business proposals were professional and community-based. He advised inexperienced councillors to employ consultants to assist with this process.

This is the beginning of a process in which cities will need to examine the implications of stepped tariffs. As yet no solution has been found and Idasa will continue its education programme on this issue.

Idasa is also planning a tour of town clerks from Zimbabwe who will bring their experience on dealing with the service delivery dilemma when they visit the city in February.

The role of local authorities in the interim is to maintain and upgrade services and prepare for local government elections. Poverty presents a particularly complex set of challenges for local authorities in terms of service delivery to those who can barely afford to pay.

In large communities of poor people services have to be provided from a very small tax base. Furthermore it is difficult to distinguish between cases of genuine poverty and those jumping on the non-payment bandwagon.

According to an Urban Foundation study, at the end of September, almost R16 million was owed to the Port Elizabeth City Council in arrears – R8,7 million for water and R6,9 million for electricity. The arrears are causing a serious cash flow crisis and pose a threat to the Reconstruction and Development Programme. Non-payment for services is said to be as high as 60 percent in some areas and is not restricted to any specific area. While most poverty is found in the African areas, it is also significant among white and coloured people, of whom seven percent and six percent respectively live below the minimum living level (MLL).

Of the 50 000 households in Port Elizabeth existing on incomes below the MLL, about 20 percent live on quarter of the MLL or R230 per family per month. Thus about five percent of households cannot afford to pay anything towards municipal services.

Another 20 percent of Port Elizabeth households live under the MLL but can afford to make minimal contributions towards municipal services. Further research indicates that another 12 percent can make a limited contribution, leaving Port Elizabeth with 37 percent of households who can afford to contribute minimally to the costs of their municipal services.

The council anticipated problems but not on this scale. At present it can provide a limited subsidy: domestic ratepayers get a 36 percent discount on rates and poor pensioners qualify for further rebates.

Sandy Wren
Senior Co-ordinator, Port Elizabeth

Chiefs fear eroded status

LACK of consultation with traditional leaders about the establishment of rural local government has angered them and fuelled their fears that their power and status will be eroded.

This emerged in three Idasa-led capacity building workshops held for about 400 traditional leaders in the Northern Transvaal areas of Lebowa, Venda and Gazankulu at the beginning of November.

Project leader Joe Mavuso said that while participants knew that they needed to be part of the movement towards democracy,

they also wanted special status for traditional leaders to preserve and protect the culture and traditions of the community.

This emerged clearly in discussions around land. The tribal leader currently distributes land held in trust but under the new local government system this would become a function of the local authority.

Regarding the practice of traditional justice, there was agreement that traditional authorities should continue to settle disputes over land, possessions and between

people but that serious cases, such as murder, should be referred to the police and judicial system.

The mode of participation in rural local government evoked two schools of thought, although there was consensus that power rested with the chiefs. One proposal recommended a house of chiefs parallel to local government. Others felt that they should be part of local government and be elected into positions.

Alice Coetzee
Co-ordinator, Pretoria Office

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IDASA *IN ACTION*

Staff boom for local govt, policing projects

THE Pretoria office is once more full of new faces, with the recruitment of staff for the local government programme, the PWV community policing project and new policing projects in the Eastern Transvaal.

Joe Mavuso, local government training co-ordinator, brings both educational and electoral experience to Idasa. He worked closely with Idasa during the national elections as regional training co-ordinator for the Pretoria and Regions Independent Forum for Electoral Education. Before that he was Pretoria branch manager of Protech, a programme that prepared students for the field of technology and science. Joe will co-ordinate training workshops for communities and political parties in the PWV, Eastern Transvaal, Northern Transvaal and North West. He is also studying for a BA in communications through Unisa with the major focus on education



Mavuso

Koetz

and development of human resource management.

Former acting director of the Wits-Vaal Peace Secretariat Meverett Koetz has been appointed to manage the integration of the Eastern Transvaal's three police services. Koetz, who also headed the secretariat's community policing department, has an honours degree in international relations from the University of the Witwatersrand. He is writing two books on self defence and self protection units and on the violence in the East Rand.

Kiran Rama also brings conflict

New faces
abound in
Pretoria office

resolution skills to the organisation. He was a monitor for the Wits-Vaal Peace Secretariat before taking up the position of convenor of the Independent Forum for Electoral Education's monitoring/observing commission. Rama will be responsible for facilitating the formation of community police forums in the Eastern Transvaal. He is completing a BA law degree through the University of Durban-Westville.

The PWV community police forum project is now well underway. Six area co-ordinators for this project have been either appointed by Idasa or seconded from other NGOs. They are Siphon Platjje, Stacy White (seconded from Wilgerspruit Fellowship Centre), Themba Maphoso and Peace Action

seconded Thloki Mofokeng, Vanessa Barolsky and Jabu Dhlamini. The aim of the project is to have forums installed in all of the 180 police stations in the PWV by June next year. Three to five workshops are being conducted every weekend.

• New faces in other Idasa regions are Anstot Kimfley, the new regional co-ordinator in the Port Elizabeth office; and Sammy Frans, community policing co-ordinator in the Western Cape.

In the Bloemfontein office, Jackie Koning has taken over as administrative secretary and Nohayaze Mkweta has been appointed as a local government trainer.

Pat Hill has been appointed as a consultant in the National Office.

Joy Malan is the new production assistant in the radio project.

Alice Coetzee
Pretoria Office

Mr Figures closes the books

IDASA'S national accountant, Noel de Vries, is bowing out after holding the purse strings of the institute virtually since its inception in 1986.

Noel, an ardent UDF supporter at the time, was invited to join the fledgling institute in March 1987 when it had only one regional office, in Port Elizabeth. Over the years he has seen Idasa's budget (and his responsibilities!) grow as six more satellite offices were added country-wide.

If these independent-minded satellites produced challenges for a figures person of 40-odd years' experience, Noel is first to admit that his professional life was enriched by being part of a national organisation of Idasa's stature.

"It has been a great satisfaction to have been part of the development of Idasa," said Noel. "And the opportunity to indirectly participate in its mission has meant that it has been the most satisfying job of my life," he added.

Noel played no small part in keeping Idasa's hundreds of donors world-wide happy. In fact, he feels that Idasa's ability to maintain



Noel de Vries

satisfactory financial reports was a key element of the attraction it held for the funding community.

To celebrate the start of his retirement, Noel and his wife, Gwen, to whom he pays lavish tribute for her support, will take a leisurely - and well-earned - trip to Europe next year, after which he might start looking around for a "small part-time" occupation.

Noel's successor, in a restructured finance division, is Pam Lambie who has been with Idasa's



Pam Lambie

accounting department since 1990.

As financial manager, Pam will face the challenge of maintaining Idasa's good name with donors at a time when financial accountability is more important than ever before.

Pam is undaunted though. "Financial reporting is one of Idasa's strengths and the prospect of maintaining our reputation in a new era of funding accountability will be a very exciting challenge."

Ronel Scheffer

Media exit

AFTER more than six years with Idasa, Ronel Scheffer will be leaving the media department to help set up a newspaper project in Nyanga.

The gap she leaves will not be easily filled. Ronel joined Idasa in 1988 as a regional co-ordinator in the East London office after resigning from her position as parliamentary correspondent for the *Daily Dispatch*.

The following year she moved to the national office in Cape Town to head the media department. Under her direction, from 1989 to 1993, the department produced numerous books and occasional papers, and *Democracy in Action* grew from a 16-page newsletter to a 32-page journal.

Her professionalism, dedication and tireless service set a high precedent for fellow colleagues.

Beyond her Idasa commitments, she also made time to write poetry and has had several poems published over the years.

Sue Valentine

IDASA IN ACTION



DIARY

Highlights of forthcoming events organised by Idasa Offices

Pretoria

Idasa will host a high-powered delegation on a fact-finding visit to Australia in December to examine that country's constitution and constitution-writing process.

The tour will be led by Ivor Jenkins and executive director Wilmot James. It will include lead-

ing politicians like Roelf Meyer, Pravin Gordhan, Mathews Phosa, Murphy Morobe and Leon Wessels.

- On 19 and 20 January Idasa will host a workshop on constitutional affairs for members of the provincial legislature in the Eastern Transvaal.

- Participants in the Northern Ireland peace process will attend a

workshop arranged by Idasa from 6 to 10 February.

- A group of Swiss constitutional experts will lead two workshops for members of the Constitutional Assembly from 14 to 17 February.

- The region will host a conference on prison reform on 18 and 19 February.

Port Elizabeth

A community policing conference will be held on 25 January. All stakeholders in community policing are invited.

- A series of local government workshops will be run in all sub-regions of the Eastern Cape from 27 January to 16 February. They will focus on the delivery and payment of services.

This series will culminate in a seminar on 23 February. Town clerks from other African coun-

tries have been invited.

- As part of the twinning process between a London borough and the Port Elizabeth City Council a European delegation will visit the city from 30 January to 3 February.

- On 9 February youth in the Eastern Cape will get together to discuss the establishment of a Youth Council for the province. A similar workshop will be held on 21 February in the Border/Kei region.

Training Centre for Democracy

Idasa's Defence and Security Programme will host 15 parliamentarians serving on the joint standing committee on defence on a study tour in the United Kingdom and Germany towards the end of February.

Reaching for the rainbow

A "RAINBOW nation" youth interaction camp, held in October by Idasa's KwaZulu/Natal office, aimed at bridging the communication and understanding gap between different races.

The three-day camp at Ballito focused on nation building. It followed an extensive consultation process at grassroots level and schools from different communities were represented.

The programme was geared to break down suspicion and misperceptions and the students took part in a symposium which explored women's rights, racism, music, education, the RDP, drugs, child abuse and pre-marital sex. It was interesting to note the divergent viewpoints of students from different racial backgrounds. This revealed a range of aspirations among the delegates.

The students also used the theme of "bridging the gap" to create a collage for an art competition and to write skits.

Vimla Maistry
Project Co-ordinator

Youth take tips from Denmark

IDASA assisted representatives from 18 diverse South African youth organisations to visit Denmark in November to learn about the administration and running of the Danish Youth Council (DUF). The aim was to help local organisations form a similar council.

Idasa's partner in this project was DUF, whose project officer, Annette Jorgensen, and clerk, Iran Ahmed, were impeccable hosts from the moment the group landed at Copenhagen airport.

For the group, the most lasting impression of the Danes will be the modesty of these people who have achieved so much in building democracy. A serious business in Denmark, it is characterised by decentralisation of state power, which allows counties and communities to exercise considerable influence over their lives.

Denmark is remarkable for its law, *folke oplysningloven*. A difficult concept to unravel, even for the Danes themselves, it means something like a democratic law which encourages freedom of association. *Folke oplysningloven*, which seems to guide their

national life, goes a long way towards supporting associations, financially and otherwise. This is how DUF managed to finance our trip!

The programme in Denmark was intense and included an introduction to the work and structure of DUF and the role of the youth organisations that make up the council. For four days members of the delegation split up to visit these organisations all over Denmark.

One of our most interesting experiences was a visit to the Danish parliament where we met young parliamentarians. To be elected to parliament is an achievable goal for any young, ambitious person in Denmark.

The South African delegation behaved well in all respects. We were relatively competent in adhering to time schedules (a very important component of Danish life) and in attending meetings. And we were also very careful about spending our per diems or "rolling the krone", as we called it.

Pat Mlambo
Youth Co-ordinator, Durban

Truth workshop on healing

ABOUT 80 representatives from community organisations and political parties attended a workshop hosted by Idasa's Bloemfontein office in October on the proposed Truth and Reconciliation Commission.

The speakers included former Civil Co-operation Bureau operative Dirk Coetzee and Professor André du Toit of the University of Cape Town. The discussion was emotional at times, with some delegates expressing the fear of the private regrouping of ex-security service members.

Delegates agreed that civil society's most important contribution might lie in helping people to forgive, accept and continue with their lives. Du Toit said the proposed commission would be a way of dealing with the past before tackling the future.

Acknowledging the truth helped to heal, while amnesty, instead of prosecution, might prevent unnecessary fear and unrest.

Teboho Loate
Regional Manager, Bloemfontein



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MY VIEW

Softly, softly approach to crime



By Daniel Nina

MORE than a million Puerto Ricans participated in a national referendum in November to amend the Constitution of this Caribbean island. The government wanted to eliminate the right to bail, which has been guaranteed since the Constitution was introduced in 1952.

As in South Africa, the country also has serious crime problems. The situation is so bad, mostly due to drug-related crime, that most of the areas where underprivileged people live are constantly patrolled by members of the National Guard.

But the right to bail in Puerto Rico is something precious. It is a Right – with a capital “R” – which the government, under the disguise of fighting crime, has been trying to eliminate since 1974. After many years of political canvassing by the government, the people finally said “no”. *Que viva Puerto Rico!*

Crime, whether you are in Puerto Rico or South Africa, is real. It is a human experience that many people suffer. And when it happens crime is not an easy thing to handle. As someone who makes a living out of fighting against crime, I know that you cannot take on the issue of crime in a liberal way. Liberal thinking, despite its relevance for advancing a democratic society, can be a recipe for disaster. You have to tackle crime in a serious and radical way, using a combination of means and resources.

In South Africa these days crime has become the “Public Enemy No 1”. The solutions proposed by many members of the South African Police Service (SAPS), state prosecutors and community figures is to get “tough on crime”. In particular, the demand is to eliminate South Africa’s (now) constitutional right to bail, and many other ideas are being discussed about how to incarcerate, incapacitate – and many other “ins” – to exclude the criminal person.

As a Puerto Rican living in South Africa with a definite Caribbean identity and an emerging African one, I know that no matter how many “ins” you use to fight this social problem, crime will always continue to rise. In fact, the United States has been tough on crime for almost 30 years. They are fighting what amounts to a war on crime. Yet today they have one of the highest incarceration rates in the world (of which the majority of prison inmates is black or Hispanic), they compete with South Africa for one of the highest crime rates and have the largest market in drug-related commodities. It is a real “war”, but I really do not know who is winning.

Terry O’Connell, an Australian friend and a senior sergeant in the New South Wales police, has a useful angle on the question of crime. According to him, it is not important to know why people commit

crime, but why people like you and me do not commit it. He argues that it is because of a combination of self-discipline and shame. Probably there is some individual/community solidarity in operation by which we learn to restrict ourselves so that we can be part of the collective.

In many of the underprivileged communities in which I work in South Africa, people really do not talk about crime in the same terms as the SAPS or the media. They talk about rape, murder and house-breaking, but they also talk about social problems such as alcoholism, domestic violence and child abuse. What they have done at the local level is to redefine the nature of crime, as distinct from violent crime, in relation to social problems.

Another feature of these communities is their capacity to handle those problems they perceive to be of a social nature. Through neighbourhood watches (in particular in coloured communities) or street and yard committees, many communities have learned to solve their social problems in a more efficient way than the state.

Incarceration and punishment is not the only solution to crime, and is definitely not the solution to social problems. These communities have redefined the nature of punishment: community social pressure and immediate rectification and apology for a wrongdoing is an accepted way of solving a dispute. In many communities, it is an appropriate and well known practice that the elders or respected members will provide counselling to children or youth who are misbehaving. Communities really want to reintegrate and resocialise an alleged culprit.

This is the fundamental factor that distinguishes the philosophy of many poor or underprivileged communities from the state or the better-off communities. This philosophy suggests that the most important aim is to keep the collective together and to try to give those who have done wrong a second chance. It recognises that these communities have already been victimised by many years of apartheid and that incarceration for “criminal activities” which have roots in structural socio-economic problems just extends the process of victimisation.

I am not arguing that we should destroy the state’s criminal justice system. Instead, I am suggesting that we should learn from what many communities are telling us today. After working in many communities in the PWV area, KwaZulu/Natal, the Eastern Cape and most recently in the Western Cape, I have found a consistent attitude: the state should carry on handling serious violent crime such as rape and murder. Other matters should be reclassified, decriminalised and jurisdiction over them should be handled by other institutions in civil society, in particular at the community level. ■

Daniel Nina is a research associate at the Institute of Criminology, University of Cape Town, and national consultant to NicrO.